benefits for the aged; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 8583. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

By Mr. WYATT:

H.R. 8584. A bill to provide for payment to the State of Oregon of amounts equal to the Federal taxes and customs duties which had been paid on certain alcoholic beverages destroyed on account of fire; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 647. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in religious services in public schools and buildings; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 648. Joint resolution providing for the designation of the 18th day of May 1971 as "Boston Invitational Special Olympics Day"; to the Committee on the Judiciary.

By Mr. PELLY:

H.J. Res. 649. Joint resolution to protect U.S. fishermen, their vessels, and gear from unlawful harassment on the high seas adjacent to the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of California:

H.J. Res. 650. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia (for himself, Mr. ABBITT, Mr. BROYHILL of Virginia, Mr. BUCHANAN, Mr. COLLINS of Texas, Mr. DUNCAN, Mr. FISHER, Mr. KUYKENDALL, Mr. MCCLURE, Mr. RARICK, Mr. SCHMITZ, Mr. SCOTT, and Mr. SIKES):

H.J. Res. 651. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. Con. Res. 309. Concurrent resolution to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA:

H. Con. Res. 310. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Con. Res. 311. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DEL CLAWSON:

H. Res. 448. Resolution commemorating the 50th anniversary of the incorporation of the city of Lynwood, Calif.; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

179. Mr. RYAN presented a concurrent resolution of the Senate and Assembly of the State of New York, memorializing the President of the United States to immediately halt the use of the island of Culebra and its surrounding waters as a gunnery range or for military maneuvers; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DOW:

H.R. 8585. A bill for the relief of Giovanni Rossi; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 8586. A bill for the relief of the Seneca Foods Corp.; to the Committee on the Judiciary.

SENATE—*Wednesday, May 19, 1971*

(Legislative day of Tuesday, May 18, 1971)

The Senate met at 8:30 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:

O God, our Father, help us this new day to work faithfully and to work well.

Grant that we may never be content to render any service which is less than our best. Make and keep us kind and honest and just. Help us to learn from both opponents and proponents of the issues before this Chamber. Lead us into the clear knowledge of Thy will for the Nation and the world. When the way is strenuous and the labor burdensome, may our lives still glow with grace and goodness, until evening comes and we hear Thee say, "Well done."

We pray in the name of the Master whose ceaseless toil and sacrificial service brought a new radiance to the work of man. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the Senate of May 18, 1971, the Secretary of the Senate, on May 18, 1971, received the following message from the House of Representatives:

That the House had passed without amendment the joint resolution (S.J. Res. 100) to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 100. A joint resolution to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute, and for other purposes.

Under authority of the order of the Senate of May 18, 1971, the President pro tempore signed the enrolled joint resolution (S.J. Res. 100).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 18, 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.

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

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business.

FEDERAL LOAN GUARANTEES

Mr. PROXMIRE. Mr. President, the proposal to guarantee $250 million to the ailing Lockheed Aircraft Corp. represents a grave threat to our system of free competitive enterprise. The proposed legislation sets a dangerous precedent for our economy. It gives a signal to the business community that they need not worry about waste or inefficiency—that Uncle Sam will bail them out if they get into financial trouble provided that they are big enough.

If Federal loan guarantees are extended to other business firms, the Federal Government will soon be dominating business decisionmaking. It is indeed ironic that such a measure has been proposed by a supposedly conservative administration. At a recent conference of the prestigious business counsel—of course, this consists of top business leaders of our country—"universal opposition" was expressed on the proposed Lockheed bailout.

Recently an article in the Wall Street

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Journal by Lindley H. Clark, analyzed the impact to our economy resulting from governmental intervention into business affairs. The article indicates that Federal intervention and regulation frequently creates more problems than it solves.

I hope that the Members of the Senate will give serious consideration to the long-term implications of the proposed Lockheed bailout. It could mark the beginning of a new era of governmental control over business.

Mr. President, I ask unanimous consent to have the Wall Street Journal article printed in the RECORD.

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

THE WORKADAY GOVERNMENT

At the moment Congressmen and others are debating moves to involve the government more deeply in the workaday world of business. The administration is urging Congress to help Lockheed Aircraft Corp. with $250 million of loan guarantees. The textile industry wants the lawmakers to protect their market with tighter quotas on imports. On its own the House voted this week to revive federal support for a supersonic transport plane.

Whatever the merits or demerits of the individual proposals, they appear to be ignoring a lot of national history. There may be advantages in trying to run government more like a business, but businesses run like a government seldom have functioned very well.

When government moves into business, it usually starts out cautiously. Private enterprise, after all, is still private enterprise, and government officials generally proclaim they intend to preserve it. But somehow or other, one little thing seems to lead to another.

The railroad industry provides a wretched example. In the late 19th century rail operators were really operating, chopping up each other when they could and often damaging the public in the process. So it was at least understandable that the government set up the Interstate Commerce Commission to police the industry's more dubious practices.

The ICC apparatus grew and extended itself to nearly every facet of rail operations. At the same time federal agencies took on an increasing role in settling labor disputes between the lines and their employes.

In recent years few disputes have been settled or even postponed without direct federal action, usually on some sort of improvised basis. The Brotherhood of Railroad Signalmen, sneering at a proposed 43% wage increase as inadequate, now threatens to shut down the railroads next Monday, and apparently only some sort of ad hoc federal law can stop them.

The federal involvement has grown enormously through years in which the reason for initial intervention has dwindled greatly. With trucks, buses, airlines and barges around, the railroads no longer have the monopoly power they once had, and the rigidity of federal regulation has made it ever more difficult for the rail lines to compete. In trying to run the railroads the government is in danger of ruining them.

Instead of learning from the experience the government is now well on its way toward doing much the same damage to airlines. With a usual governmental lack of logic, the airlines have been subjected to much the same regulation of rates, routes and labor relations as the railroads.

Always the rationale is the "public interest." The nation needs the products or services an industry produces, it needs the jobs it provides. But questions come up as to where the public's interest really lies.

There still are questions, for instance, in regard to those oil-import quotas that Congress enacted more than a decade ago. The nation needs a viable oil industry, the reasoning ran, and to remain viable the industry needs protection of its domestic market.

Whatever the validity of that contention, quotas surely involved the government in a messy operation. During most of the period imports have been cheaper than domestic oil, so the permits for imports have been tickets to coin money. The result has been a continuing squabble over quota allocations. And now, more than a decade later, you still hear talk of the nation's "energy crisis."

Predictably enough, numerous other industries have also asked quota protection for their domestic markets.

The textile industry already has quotas on cotton goods, and Japan has agreed to some restrictions on other items. The U.S. industry, though, wants much tighter curbs. As noted, one little thing always seems to lead to another, or at least a demand for another.

Restrictions on competition, foreign or domestic, always lead to upward pressure on prices, the kind of thing that hardly appears to serve the general public's interest. But how about all those jobs in oil, textiles and other industries, those jobs that the protectionists claim are in danger of being exported?

Neither a company nor a country can afford for very long to freeze its manpower and material resources in producing goods and services that can't meet the test of free competition. If an industry, or any part of it, is no longer competitive, it's time to start looking for more promising jobs for the workers employed in it, as well as for the other resources involved.

Lockheed Aircraft Corp. or any other private company needs more than government-guaranteed money; it needs, for one thing, skillful management. If Congress comes up with the cash, thus involving the public credit, and things still go sour, will the government feel compelled to intervene even more deeply?

The saga of the supersonic transport should give Lockheed pause. (Lockheed, you'll remember, tried hard to win the prime SST contract and was bitterly disappointed when the award went to Boeing; in Lockheed's inner councils there is thus one bit of recent history to be a little happy about.)

Congress this year voted emphatically to stop federal development of the SST, or at any rate everyone thought it did. On Wednesday, the House voted to pick up the project again. Once the government gets into business, it's difficult to get it out.

In these days of huge government and huge corporations, the two can hardly function entirely independently. But if the government actually is committed to private enterprise, it's going to have to start doing more to let private enterprise function—or fail, if it comes to that.

Some government regulation of business is necessary, if the public's interest is to be protected, but the existing system is badly in need of overhaul. Wise antitrust enforcement is needed to promote freer competition. And responsible government financial policies are certainly needed to curb the inflation that has hobbled businessmen, and everyone else, so much in recent years.

The government, in sum, should be spending less time planning new ways to get into business and more time planning graceful ways of getting out.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

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

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

EXTENSION OF THE SCHOOL BREAKFAST PROGRAM AND SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

A letter from the Under Secretary of Agriculture submitting proposed legislation to extend the school breakfast program and special food service program for children through the fiscal year 1972 (with accompanying papers); to the Committee on Agriculture and Forestry.

PROMOTION OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES

A letter from the General Counsel of the Department of Defense submitting proposed legislation relating to promotion of members of the uniformed services who are in a missing status (with accompanying papers); to the Committee on Armed Services.

INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

A letter from the Secretary of the Treasury submitting proposed legislation to provide for increased participation by the United States in the International Development Association (with accompanying papers); to the Committee on Foreign Relations.

PROCESS AND ENGINEERING DESIGN OF COAL TO GAS PROTOTYPE PILOT PLANT

A letter from the Secretary of the Interior transmitting, pursuant to law, a proposed contract with The Lummus Co., Bloomfield, N.J., for a research project entitled "Process and Engineering Design of Coal to Gas Prototype Pilot Plant (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMERICAN COUNCIL FOR PRIVATE INTERNATIONAL COMMUNICATIONS, INCORPORATED

A letter from the Assistant Secretary of State submitting proposed legislation to provide for the establishment of an American Council for Private International Communications, Incorporated, to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples (with accompanying papers); to the Committee on Foreign Relations.

LOAN TO DAIRYLAND POWER COOPERATIVE OF LA CROSSE, WISCONSIN

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, information to the effect that a loan had been approved to Dairyland Power Cooperative of La Crosse, Wis., in the amount of $8,442,000 for the financing of certain new transmission facilities (with accompanying papers); to the Committee on Appropriations.

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 West Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 1

"Ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

"Whereas, The Ninety-second Congress of the United States of America at its first session by a constitutional two-thirds vote in both Houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, which Joint Resolution is in the following words:

" 'JOINT RESOLUTION

" 'Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*,

" 'That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "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.' "

"Therefore, be it

"Resolved by the Legislature of West Virginia:

"That the Legislature of the State of West Virginia hereby ratifies this proposed amendment to the Constitution of the United States; and, be it

"Further Resolved, That the Secretary of State of West Virginia notify the Administrator of General Services, Washington, D.C., the President of the Senate of the United States and the Speaker of the House of Representatives of the United States of this action by forwarding to each of them a certified copy of this Joint Resolution adopted by the West Virginia Legislature."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 22

"Senate Joint Resolution No. 22—Relative to ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to lowering the voting age to 18 for all elections.

"Whereas, the 92nd Congress of the United States of America has adopted Senate Joint Resolution No. 7, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

" 'JOINT RESOLUTION

" 'Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "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.' "; and

"Whereas, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, A majority of all the members elected to each house of said Legislature voting in favor thereof, that the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

"Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Secretary of the State of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 441. A bill for the relief of Blandina Salvador (Rept. No. 92–112);

S. 559. A bill for the relief of Albina Lucio Z. Manlucu (Rept. No. 92–113);

S. 617. A bill for the relief of Siu-kei-Fong (Rept. No. 92–114);

S. 898. A bill for the relief of Angelo Di-Stefano (Rept. No. 92–115);

S. 997. A bill for the relief of Doctor Dionisio Teng Libi and Dr. Bernadette Libi Rept. No. 92–116);

S. 1155. A bill for the relief of Luana Gaja (Rept. No. 92–117);

S. 1269. A bill for the relief of Miriam Lazarowitz (Rept. No. 92–118); and

S. 1271. A bill for the relief of Wong Wah Sin (Rept. No. 92–119).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 255. A bill for the relief of Leonora Lopez (Rept. No. 92–120);

S. 306. A bill for the relief of Eddie Troy Jaynes and Rosa Elena Jaynes (Rept. No. 92–121); and

S. 442. A bill for the relief of Christina Bangeawayan (Rept. No. 92–122).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 29. A joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week", and for other purposes (Rept. No. 92–123); and

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week" (Rept. No. 92–124).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands (Rept. No. 92–125).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 1538. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (Rept. No. 92–126).

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 1810. A bill for the relief of Dorothy G. McCarty (Rept. No. 92–127).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 1811. A bill for the relief of Erma P. Curry (Rept. No. 92–128).

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

S. 1905. An original bill to clarify and extend the authority of the Small Business Administration, and for other purposes (Rept. No. 92–129).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 7. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes (Rept. No. 92–130).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 708. A bill for the relief of the village of Orleans, Vt. (Rept. No. 92–131).

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 92–111)

Mr. EASTLAND, from the Committee on the Judiciary, pursuant to Senate Resolution 339, 91st Congress, Second session, submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on Agriculture and Forestry:

Ernest G. Spivey, of Mississippi, and Earl S. Smittcamp, of California, to be members of the Federal Farm Credit Board, Farm Credit Administration.

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

Jack Herbert Keller, of Pennsylvania, to be assayer of the mint of the United States at Philadelphia, Pa.

By Mr. MAGNUSON, from the Committee on Commerce:

Pinkney Calvin Walker, of Missouri, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1972.

By Mr. EASTLAND, from the Committee on the Judiciary:

Murray I. Gurfein, of New York, to be a U.S. district judge for the southern district of New York;

William M. Byrne, Jr., of California, to be a U.S. district judge for the central district of California;

Leland C. Nielsen, of California, to be a U.S. district judge for the southern district of California;

Walter R. Mansfield, of New York, to be a U.S. circuit judge, second circuit;

William Hughes Mulligan, of New York, to be a U.S. circuit judge, second circuit;

Lawrence W. Pierce, of New York, to be a U.S. district judge for the southern district of New York;

Mark A. Costantino, of New York, to be a U.S. district judge for the eastern district of New York;

Jack T. Stuart, of Mississippi, to be a U.S. marshal for the southern district of Mississippi;

Carl B. Rubin, of Ohio, to be a U.S. district judge for the southern district of Ohio; and

James L. Oakes, of Vermont, to be a U.S. circuit judge, second circuit.

BILLS AND JOINT RESOLUTION 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. FULBRIGHT:

S. 1894. A bill to provide that no appropriations shall be made to the Department of State and the U.S. Information Agency unless Congress hereafter enacts legislation authorizing such appropriations. Referred to the Committee on Foreign Relations.

By Mr. MOSS:

S. 1895. A bill for the relief of Vincent D. Kelly. Referred to the Committee on the Judiciary.

By Mr. MOSS (by request):

S. 1896. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads. Referred to the Committee on Commerce.

By Mr. MILLER:

S. 1897. A bill to amend title 10, United States Code, to provide that officers appointed in the Medical Service Corps of the Navy from other commissioned status shall not lose rank or pay or allowances. Referred to the Committee on Armed Services.

By Mr. HANSEN:

S. 1898. A bill to amend the Social Security Act by adding a new title to provide for the establishment of a system of review of medical and other health services rendered under titles V, XVIII, XIX, and XX of the Social Security Act. Referred to the Committee on Finance.

By Mr. FONG:

S. 1899. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. TALMADGE):

S. 1900. A bill to extend the school breakfast program and special food service program for children through fiscal year 1972. Referred to the Committee on Agriculture and Forestry.

By Mr. BROCK:

S. 1901. A bill to amend the Defense Production Act of 1950, as amended. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GOLDWATER:

S. 1902. A bill to repeal the earnings limitation of the Social Security Act. Referred to the Committee on Finance.

By Mr. CURTIS (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. ERVIN, Mr. FANNIN, and Mr. TOWER):

S. 1903. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McGEE:

S. 1904. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. McINTYRE:

S. 1905. An original bill to clarify and extend the authority of the Small Business Administration, and for other purposes. (Ordered to be placed on the calendar.)

By Mr. HART:

S. 1906. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S.J. Res. 102. A joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as National Patriotic Education Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HANSEN:

S. 1898. A bill to amend the Social Security Act by adding a new title to provide for the establishment of a system of review of medical and other health services rendered under titles V, XVIII, XIX, and XX of the Social Security Act. Referred to the Committee on Finance.

PEER REVIEW ORGANIZATIONS

Mr. HANSEN. Mr. President, I am pleased to introduce, for proper referral, a bill providing for the establishment of peer review organizations.

It is my feeling that this measure will provide a plausible followup to legislation I introduced earlier, S. 987, referred to as the medicredit bill. That legislation will establish the Health Care Insurance Act of 1971 to provide a national health insurance program.

Peer review organizations propose separate agreements between State medical societies and the Secretary of Health, Education, and Welfare under which the State medical society will establish a program of peer review. Matters bearing on reasonableness of charges for, need for, and quality of services rendered by the provider of medical or other health services under medicare, medicaid, or other health-care programs, would be subjects for such review. Details of a PRO program are prescribed in the bill and are briefly stated below. A substitute plan could be employed, however, if agreed to by the State medical society and the Secretary.

The PRO agreement with the Secretary could be entered into, also, by an organization designated or established by the State medical society. The State medical society role under the bill would in such case be assigned to such other organization.

STATE PRO COMMISSION AND LOCAL REVIEW PANELS

The State medical society would appoint a State PRO commission, which in turn would appoint local review panels and designate a geographic area of local administration for each. The commission and panels would consist of doctors of medicine or osteopathy only—five on the commission and three on each of the panels. If the State medical society would not or could not establish a PRO, the Secretary would create the commission and carry out the PRO provisions within the terms of the act.

ADVISORY COUNCILS

Advisory councils would also be created: First, a nine-member council for the commission, appointed by the State medical society and headed by the chairman of the commission; and second, a seven-member council for each of the panels, appointed by the commission and headed by the chairman of the panel. Council members would be representative of consumers, providers of health care and carriers administering part B—or other Federal health programs.

REVIEW AND HEARINGS

The panel would consider and review information furnished by individuals, institutions, including hospitals, Government agencies, and any others; or through random selection under a program for such purpose instituted by the panel or by the commission. The carriers would be required to cooperate in furnishing information and data requested. The panel could also delegate its authority to a hospital medical staff committee with respect to medical services provided in the hospital.

After initial consideration and review of information, a panel could hold hearings against a provider. Before any hearing is ordered, however, the provider would have an opportunity to meet with the panel for an informal review and discussion. The provider would also have a right to be represented by counsel in any hearing. If the provider is a member of a specialty or allied health service, a person who is representative of such service would sit with the panel as a consultant. The panel could recommend, but not impose, censure, or disciplinary action.

The commission will act as a review tribunal if the panel recommends censure or discipline. It will review the record and accept, modify or reject the panel determinations.

FINAL DETERMINATIONS

If the commission makes a final determination against a provider of substantial violations within the provisions of this program, the commission shall have authority to terminate payments for services performed by the provider under medicare, medicaid, and other Federal health-care programs. Such termination would apply for a stated period of time not to exceed 6 months in case of a first proceeding against a provider. In any subsequent proceeding for further violations, the commission would have discretionary authority to impose termination for any period of time or permanently. It would also have authority to remove a termination of payments effective with respect to services rendered after such reinstatement of eligibility.

The provider would have a right to judicial review of a final determination or action by the commission.

EVIDENCE IN OTHER PROCEEDINGS

Evidence and information adduced under PRO and determinations made with respect thereto would not be admissible in any other action, civil or criminal.

NATIONAL COUNCIL

A National Peer Review Council consisting of 10 physicians reccommended to the Secretary by national organizations of physicians, together with the Assistant Secretary for Health of Health, Education, and Welfare, would be created to establish administrative guidelines for peer review and dissemination of information and data to the commission and panels. The National Council would also appoint an advisory council composed of health-care practitioners and representatives of hospitals and other health-care facilities to advise and assist the National Council.

REIMBURSEMENT OF EXPENSES

Expenses of PRO would be reimbursed from general revenues.

PROTECTED ACTION AND COMMUNICATION

Action of a member of a commission or panel, or the supplying of information by any person, in carrying out the purposes of the PRO program would not be a basis for legal liability.

TERMINATION OF AGREEMENT

The agreement to establish and operate PRO would be terminable by the Secretary if the State medical society failed to discharge its obligations and responsibilities thereunder; or by the medical society by giving reasonable notice.

By Mr. FONG:

S. 1899. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes. Referred to the Committee on the Judiciary.

NONVISA VISITORS ACT OF 1971

Mr. FONG. Mr. President, today I introduce a bill to carry out a far-reaching proposal "to enlarge upon our national tradition as an open nation and an open society" set forth in President Nixon's message of January 26, 1971, on unfinished business of the 91st Congress.

This bill is designed to carry out the need expressed in that message to Congress "to encourage travel and tourism in the United States."

This bill would amend the Immigration and Nationality Act so as to enable the Secretary of State, on the basis of reciprocity or on the basis of a determination that such designation would promote the foreign policy of the United States to designate foreign countries whose nationals could be permitted to enter the United States for a period of not more than 90 days as temporary visitors for business or pleasure without having to obtain visitors' visas.

We Americans and especially those of us from my Aloha State think of ourselves as friendly people, anxious to show our great country and its natural and technological wonders to the peoples of the world. In fact, we create quite a contrary impression.

Over 30 countries permit us to visit their country for specified lengths of time without the fuss of obtaining visitors' visas.

We only permit our Canadian neighbors to visit us without the need to obtain visas. From our Mexican neighbors, we require that they obtain a tourist card—not technically a visitor's visa, but closely akin to one. Visitors from all other countries, whether for business or pleasure, must obtain visitors' visas.

Monday last I spoke to a group of several hundred leading Chinese industrialists and businessmen gathered from all over the world who met in Los Angeles to discuss trade development—which would be beneficial to our country. The most welcome part of my remarks was the announcement that I contemplated introducing legislation to permit visitors from countries to be designated by the Secretary of State to come for business or pleasure without having to obtain a visitor's visa. It was only then that they felt free to express to me their delight at learning we Americans do welcome visitors to our shores. Up until then, they confessed to a feeling that visitors were accepted, but not welcomed.

The effect of this, I believe, is being felt in our economy. In the calendar year 1970, there was a deficit of $1.6 billion in our tourism balance. There was a trade surplus in calendar year 1970 of $2.1 billion. The deficit in the tourism account wiped out three-fourths of the trade surplus.

An increase in tourism would tend to shrink this deficit with a resultant beneficial effect on our balance of payments.

Of course, at this stage, while the administration can make an educated guess as to the increase in tourism to be expected from this proposal, no firm figures can be projected.

The increase in deficit in the tourism account is clearly shown by the fact that the number of Americans coming back from abroad has increased in greater proportion in recent years than that of alien entries.

The Immigration and Naturalization Service keeps figures showing arrivals at ports of entry of aliens and American citizens. No figures are kept as to American citizens going abroad. The category "aliens" includes all immigrants, visitors for business or pleasure, students, workers, diplomats, and so forth, but excludes entries from our neighboring countries.

In fiscal year 1967, there was a total of 2,553,472 alien entries. There were 4,073,538 American citizens who returned from abroad that year.

In fiscal year 1968, there were 2,904,447 alien entries. And 4,645,045 American citizens reentered from abroad.

In fiscal year 1969, there were 3,342,881 alien entries. And 5,457,266 American citizens returned from abroad.

In fiscal year 1970, there were 3,831,200 alien entries. And 6,208,226 American citizens returned.

In this period from 1967 to 1970, there was an increase of alien entries from 2,553,472 to 3,831,200 or approximately a 50-percent increase. The increase of American citizens returning from abroad was from 4,073,538 in 1967 to 6,208,226 in 1970, a 52.4-percent increase.

Not only did the total number of American citizens returning from abroad increase from a differential of 1,520,066 over aliens entering in 1967 to a differential in 1970 of 2,377,026 more Americans returning from abroad over aliens entering the United States, but the rate of increase in American citizens returning from abroad was higher than the rate of increase of aliens entering our country.

The effect on our balance of payments is clear. Despite all the prosperity in many of the countries of the world, the deficit in our balance of payments in our tourist account is increasing in rate annually.

But, even more than money is involved.

As I pointed out, our image abroad is not being enhanced. Nor, are we giving people from other parts of the world an opportunity to see for themselves that much of the anti-American propaganda to which they are subjected, is just not true.

I want to stress that this legislation would in no way jeopardize our security nor serve as an avenue of evading our immigration laws.

Under section 3 of the bill, first, persons whose activities would be prejudicial to the public interest, welfare, safety or security of the United States, anarchists, Communists, subversives of any kind, violators of our narcotic laws, criminals, those afflicted with any dangerious contagious disease and the insane would continue to be barred from entry.

Second, a visitor would still require a valid passport good for a period of at least 6 months beyond the term of the visit—that is beyond the 90 days of his visit. The temporary visit would be for 90 days only and could not be extended or renewed, nor could the status of the visitor be adjusted to that of an immigrant during such visit as is permissible under the law if the visitor is in the United States on a visitor's visa.

Third, should a nonvisa visitor overstay his 90 days or engage in employment during the 90-day visit, a 2-year additional period is added to any priority date he would otherwise be eligible for as an applicant for an immigrant visa.

Section 4 of the bill amends the Immigration and Nationality Act to extend the powers of the Attorney General to enter into contracts with transportation lines to assure the departure from the United States of these nonvisa visitors. The possibility should be explored by the Immigration and Naturalization Service that this contract provide for such procedures as feasible to enable immigration inspectors at the port of entry to precheck passenger lists prior to the arrival of the passenger. While this would in no way inconvenience the traveler, who would be unaware of the transportation line's furnishing necessary information, it would afford the United States all the security precautions now taken by consular offices prior to the issuance of a visitor's visa.

Since we seek to show visitors they are welcome, section 5 would give the Secretary of State and Attorney General discretion so that the fingerprinting and alien registration requirements are not applicable to these 90-day nonvisa visitors.

Sections 6 and 7 of the bill are designed to further discourage employment of aliens ineligible to work.

Since this bill would benefit our country in so many ways—economically, by encouraging visitors from abroad; politically, by giving the world a greater chance to see that the anti-American propaganda disseminated abroad is not true; and socially and morally, by showing the peoples of the world that we are indeed a free country and an open society which welcomes visitors to come and see for themselves; and even potentially diplomatic value, should the State Department be able to negotiate our way into a better relationship with the other countries of the world, I urge the distinguished chairman of the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary to schedule hearings on this far-reaching proposal at the earliest possible date.

By Mr. MILLER (for himself and Mr. TALMADGE):

S. 1900. A bill to extend the school breakfast program and special food service program for children through fiscal year 1972. Referred to the Committee on Agiculture and Forestry.

Mr. MILLER. Mr. President, I am introducing today on behalf of myself and the Senator from Georgia (Mr. TALMADGE) a bill to extend the school breakfast program and the special food service program for children for 1 year, through the 1972 fiscal year.

The authority for both of these programs expires on June 30, 1971. The authority for the school breakfast program is contained in the Child Nutrition Act, Public Law 89–642, enacted October 11, 1966, and the authority for the special food service program is contained in Public Law 90–302, enacted May 8, 1968, which amended the National School Lunch Act, to include the special food service program for children.

At present, the school breakfast program is in operation in 6,565 schools supplying nutritious morning meals to approximately 900,000 children. Of the total breakfasts served, 78.6 percent are served free of cost or at a reduced price since the program is largely oriented toward needy children. The 1972 fiscal year budget request for this program is $12 million—the same as for the current fiscal year.

The special food service program is designed to reach children in service institutions. These include children of working mothers in day-care centers and school-age children in summer recreational programs. Currently there are 3,749 service institutions participating on a year-round basis, serving over 180,000 children. Last summer there were about 500,000 school-age children participating in summer recreational programs mainly concentrated in the larger cities. This summer the participants are estimated at about 800,000. The budget request for this program for the 1972 fiscal year is $20,775,000 compared to $12 million for the current fiscal year.

The administration is seeking a 1-year extension for both of these programs, pending a more complete evaluation of their future role in the field of child nutrition.

I urge favorable action on this bill.

By Mr. BROCK:

S. 1901. A bill to amend the Defense Production Act of 1950, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. BROCK. Mr. President, I am pleased to introduce today, at the request of the President, a bill to amend the Defense Production Act of 1950 to place the Cost Accounting Standards Board in the executive branch of the Government. I ask unanimous consent that at the conclusion of my remarks, there be printed in the RECORD, the full text of the bill and the Office of Management and Budget's letter of transmittal.

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

(See exhibits 1 and 2.)

Mr. BROCK. Mr. President, last year, in extending the Defense Production Act, Congress established a Cost Accounting Standards Board responsible for establishing cost accounting standards, rules, and regulations for use by defense contractors and subcontractors. The Board was placed under the authority of the legislative branch. The President has no objection to the establishment of cost-accounting standards, but felt that placing the Board under the legislative branch violated the fundamental principle of the separation of powers, because the standards would affect the negotiation and administration of Government contracts which are the responsibilities of the President. The Comptroller General, who is a member of the Board, has stated that it should be placed within the executive branch. The bill that I introduce today will overcome the President's objections.

EXHIBIT 1

S. 1901

A bill to amend the Defense Production Act of 1950, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 719 of the Defense Production Act of 1950 (P.L. 91–379) is amended (a) by striking the first sentence of subsection (a) and substituting in lieu thereof:

"There is established an independent board in the executive branch of the Government, a Cost Accounting Standards Board, which shall consist of a Chairman and four members to be appointed by the President by and with the advice and consent of the Senate. In addition, the Comptroller General of the United States shall serve as an *ex officio,* nonvoting member of the Board."

and (b) by striking paragraph (3) of subsection (h), and substituting in lieu thereof:

"(3) Cost accounting standards promulgated under subsection (g) and rules and regulations prescribed under this subsection shall take effect not earlier than the expiration of the first period of thirty calendar days of continuous session of the Congress following the date on which a copy of the proposed standards, rules, or regulations is transmitted to the Congress. For the purposes of this subparagraph, in the computation of the thirty-day period, there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress *sine die.* The provisions of this paragraph do not apply to modifications of cost accounting standards, rules, or regulations which have become effective in conformity with those provisions."

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 21, 1971.

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

DEAR MR. PRESIDENT: We are again transmitting the draft of a bill, "To amend the Defense Production Act of 1950, as amended."

When the President signed the most recent extension of the Defense Production Act (P.L. 91–379), he stated that he was convinced that certain provisions of the bill would unavoidably violate the fundamental principle of the separation of powers between the legislative and executive branches. He was referring primarily to the composition and method of appointment provided for the Cost Accounting Standards Board which was established by Public Law 91–379. The enclosed draft bill is designed to overcome the problems cited by the President.

The Cost Accounting Standards Board is to be responsible for promulgating cost accounting standards and rules and regulations that will be binding on Federal agencies and on contractors and subcontractors in connection with the pricing, administration, and settlement of negotiated national defense procurement contracts in excess of $100,000. These standards and rules and regulations will necessarily affect the negotiation and administration of Government contracts. We believe these functions are inherently the responsibility of the executive branch.

The Board as established by Public Law 91–379, however, consists of the Comptroller General and four persons appointed by him. The draft bill we are submitting would make the Comptroller General an *ex officio* nonvoting member of the Board, and provide that the Chairman and four members be appointed by the President by and with the advice and consent of the Senate. It would also change the current 60-day waiting period before the taking effect of Board standards, rules and regulations to a 30-day waiting period, and remove the provisions that would allow the Congress to disapprove proposed standards and rules and regulations by concurrent resolution, these changes, we believe, would not diminish the appropriate role of the Congress in exercising oversight in this area. The Congress would have the opportunity to pass on the suitability of individuals appointed to the Board. Because he would not be a voting member of the Board, the Comptroller General would be in a better position to make subsequent evaluations of the Board, its actions, and the soundness of the cost accounting standards it promulgates. And Congress would retain its right to disapprove proposed standards and rules and regulations by passing preventive legislation.

The Comptroller General himself has questioned whether he should become deeply involved in the administration of Government contracts, and he has said that he believes the Cost Accounting Standards Board ought to be placed within the executive branch.

We respectfully request that this bill be introduced in order that it may be considered for enactment.

Sincerely,

GEORGE P. SHULTZ,
Director.

By Mr. GOLDWATER:

S. 1902. A bill to repeal the earnings limitation of the Social Security Act. Referred to the Committee on Finance.

REPEAL THE EARNINGS LIMITATION

Mr. GOLDWATER. Mr. President, consistent with the position I have taken ever since my first term in the Senate some 18 years ago, I am reintroducing today a proposal to repeal the arbitrary earnings limitation of the Social Security Act.

By "earnings limitation," I mean the outrageous penalty which the law imposes on the person otherwise eligible for social security who earns more than $1,680 per year.

Think of it, Mr. President. As the law now stands, an individual receiving social security will be denied $1 for every $2 he earns in excess of $1,680 per year. Then, if his earnings should go above $2,880 a year, his benefits will be cut off completely—dollar for dollar. The only exemption is for persons 72 and older.

Mr. President, this is wrong. It is wrong logically, and it is wrong morally. It is an outrage being perpetrated against millions of citizens who have

made good faith contributions out of their hard-earned salaries. It is an abuse committed against the working man who has faithfully lived according to all the rules of the American system.

These citizens have not been a drag on the welfare rolls. They have gone to work, daily and regularly. They have not been tearing up the flag, blocking traffic, shouting obscenities in the streets, or wearing foul-smelling rebel uniforms. In other words, if there are any individuals in our society who deserve our top priority attention in the Congress, it is these law-abiding, hard-working persons.

Mr. President, let me explain what I mean when I charge that the present earnings limitation is morally wrong. It is wrong because social security should not be a contract to quit work. And it is wrong, because it penalizes a person who is able and willing to work after reaching the age of 62 in the case of a woman, and 65 in the case of a man.

Mr. President, this is where many people have a false impression. Contrary to what the liberals tell us, social security payments are not gratuities from a benevolent central government. These funds are not supplied by Uncle Sam. They are simply a repayment of our own earnings which we have deposited in trust as a regular contribution which has been deducted from our salaries. They are payments which we have contributed along with our employers. And I might point out these are deductions which are being made in ever higher amounts.

Mr. President, the earning ceiling is wrong logically because the person who is being penalized is often the one with the greatest need for more income than his social security benefits can provide. Also, as strange as it seems, income from investments, stocks, bonds, copyrights, patents, rentals, dividends, and other pensions is not counted in determining whether social security benefits can continue. It is only individuals who continue to work who are penalized.

This means we have the utterly illogical situation where a really wealthy person might draw a hundred thousand dollars a year from his investments and still receive his full social security check. At the same time, the man who has worked for a salary all of his life and who might need to continue working as a matter of economic survival cannot do so without a penalty. And I should add the dollar in social security benefits which the Government takes away from him is really of greater value than a dollar of his earnings because there is no tax and work expense drain on his social security benefit payments.

Mr. President, there are at least 2 million Americans who are injured by the earnings ceiling. In all there are over 8 million persons who are technically subject to the limitation, but about 6 million of them have little or no earnings.

Of the 2 million or so who are directly affected, almost half are earning enough over $1,680 so that they receive no benefits at all. Another 700,000 are earning more than $1,680 and are getting some, but not all of their benefits. Finally, there are about 300,000 social security recipients who are earning sums which are only $100 or $200 below the ceiling of $1,680. It is true they are getting their full social security benefits, but nearly every one of them is intentionally holding his earnings down, because of the earnings limitation.

Mr. President, it is time this statutory inequity was removed from the law. In my opinion, workers who have contributed from their earnings into the system are entitled, as a matter of right, to receive benefits when they reach the preestablished statutory age. Further, it is my belief as a conservative that each worker should be able to earn an income without unfair restrictions, to the full limit of his ability and initiative.

Mr. President, it is very interesting for me to observe where the major opposition to this change is coming from. Curiously enough, the battle against repeal of the earnings ceiling is being led by none other than the AFL–CIO.

Here is the self-proclaimed champion of the workingman actually denying him of his right to his personal hard-won benefits. What is the reason? Well, it is hard to believe, but the AFL–CIO claims the group of citizens who would benefit by the change in law is small. In writing to the House Ways and Means Committee on November 19, 1969, Mr. Andrew Biemiller, director of the labor organization's department of legislation, protested that the removal of this test would "help a small minority of the aged who earn substantial income after retirement—many of them well-to-do."

Now, it is nice to know the AFL–CIO thinks anyone who earns over $1,680 is "well-to-do." But what really amazes me is how the labor chiefs brush aside 2 million senior citizens as "a small minority." Can it be the AFL–CIO has no interest in true equities or human needs? Does this organization only take up the cause of minorities which are large enough to pack a sizable political clout?

Mr. President, I must add the AFL–CIO also says it opposes making this correction because, in its view, the money could be better spent on other "social needs." But here, too, I must challenge big labor's concept. For it is exactly this attitude which reveals a contempt for the average American social security recipient. It stems from a philosophy which holds that people are always served best by a paternalistic treatment. Give this money to more socially needy pensioners, is what the AFL–CIO tells us.

But, Mr. President, the beneficiaries of our social security program are not wards of the Government. They are not relief recipients. They are not objects of charity. And they are not the inmates of a poorhouse. They are self-respecting Americans who, in substantial part, have paid for the benefits which they will receive when they retire or reach a certain age.

Mr. President, I want to correct this false impression about the social security system right here and now. For contrary to the beliefs of the AFL–CIO, it is generally agreed by experts that the employees' contribution was originally designed to guarantee for each worker that his benefits would be paid as a matter of right.

For example, in January 1959, the Advisory Council on Social Security Financing reported:

> The fact that the worker pays a substantial share of the cost of the benefit provided, in a way visible to all, is his assurance that he and his dependents will receive the scheduled benefits and that they will be paid as a matter of right without the necessity of establishing need. The contribution sets the tone of the program and its administration by making clear that this is not a program of governmental aid given to the individual . . . (p. 62).

Six years later a second official body made a similar conclusion. In its January 1965 report, the Advisory Council on Social Security stated:

> Under the social security program the right to benefits grows out of work; the individual earns protection as he earns his living, and up to the maximum amount of earnings covered under the program, the more he earns the greater is his protection. . . .
>
> The fact that the program is contributory—that employees and self-employed workers make contributions in the form of earmarked social security taxes to help finance the benefits—protects the rights and dignity of the recipient . . . The covered worker can expect because he has made social security contributions out of his earnings during his working lifetime, that social security benefits will be paid in the spirit of an earned right, without undue restrictions, and in a manner which safeguards his freedom of action and his privacy. (p. 2)

Thus, Mr. President, there is no question but that it would be in keeping with the best traditions of basic social security philosophy if we should allow a worker to receive his full benefits automatically at the minimum statutory age.

What will such a proposal cost? The best estimates I have seen calculate about $2.5 billion a year.

Where is this amount going to come from? Let me say I am willing to take the bull by the horn and suggest that all the increased benefits of persons who have already reached retirement age should be financed by an automatic, annual appropriation out of general revenues. As for workers who are still under the retirement age, I suggest the pragmatic approach of leaving the tax rate at its current level until the taxes on the average worker are no longer adequate for what his own benefits will be when he retires.

Mr. President, I realize the concept of general revenue financing might sound unusual, but actually it was anticipated by the original Committee on Economic Security whose recommendations formed the basis of the first Social Security Act.

Furthermore, it is not generally known, but there was a provision of the Social Security Act in effect from 1944 to 1950 which authorized the use of general revenues. What is more, this method has been used by Congress at least twice before in the last decade—once in 1965 to finance benefits to certain persons given extended hospital insurance and once again in 1966 to finance payments to certain persons over age 72.

In this manner, Mr. President, I believe we could avoid adding immediately to the already high payroll tax of current American workers and their employers. The present contributions of persons now working will more than pay for their own personal future benefits if we finance the improvements for persons who are already retired out of general funds.

Mr. President, I hope a sizable number of my colleagues will support this measure as an honest way to strengthen the social security system.

By Mr. CURTIS (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. ERVIN, Mr. FANNIN, and Mr. TOWER):

S. 1903. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes. Referred to the Committee on Labor and Public Welfare.

EMPLOYEE STRIKE VOTE ACT OF 1971

Mr. CURTIS. Mr. President, on March 1, I introduced for myself and five colleagues S. 1055, a bill to assure the working men and women of America the right to vote in a secret ballot election to decide whether or not they want to be represented by a union in dealing with their employers. Today I introduce another bill which will assure the same working men and women the same secret ballot on another issue equally critical to their employment status. This bill, Mr. President, will require that employees be given the right to vote in a secret ballot to decide whether they want to strike against their employer—or, if they are already on strike, to vote by secret ballot to determine if they want to stay on strike.

In my judgment, Mr. President, this bill will cure a major defect in our present labor-management laws. There is no assurance today that the working men and women of America have any effective voice in the decision of their union officers to call a strike against their employer. Some unions provide in their constitutions and bylaws that there will be an employee vote before a strike. However, as a practical matter, this vote means very little, because it is all too often a show of hands by those who attend a meeting in the union hall—where the opportunity for thoughtful reflection and rational discussion is normally very limited.

The nearest thing we have in present law to a strike vote is the provision of section 203 of the Taft-Hartley Law. That provides that the Federal mediation and Conciliation Service will try to persuade the parties to settle their dispute by some means other than work stoppages. The statute says this will include "submission to the employees in the bargaining unit of the employee's last offer of settlement for approval or rejection in a secret ballot." This, of course, is a purely voluntary undertaking and there is no requirement in the statute that a vote be held. Also, the statutory language indicates that any vote, if one is taken at all, shall be prior to the occurrence of a strike. In these circumstances there is no true opportunity to assess the "last offer" proposed by the employer. What we have is a vote of general confidence, or solidarity, or broad approval of a union's efforts at that particular stage—and I have no intention of intruding on that. I want only to provide a more effective and continuing voice for all employees.

The amendment I offer here today, Mr. President, has several significant provisions that improve upon anything now available. First and foremost is the provision permitting a vote 30 days after a strike has started, with authority to repeat that vote at succeeding 30-day intervals. Obviously, it would be necessary that a majority of those voting control whatever action would be taken pursuant to my amendment. However, the vote itself—either prior to the strike, or at the appropriate times provided during the strike—could be called on the petition of the union, the employer, or 10 percent of the employees in the bargaining unit.

The vote would be conducted by the National Labor Relations Board, following its normal secret balloting procedures. It would be an unfair labor practice for a union to call a strike or continue a strike after a majority of the employees had voted against it in this election. Further, any employee would lose his status as an employee under the law if he took part in a strike after the majority of his fellow employees voting in such an election had rejected that strike.

Finally, Mr. President, to make the amendment effective, I would also amend section 10(1) of the National Labor Relations Act. This would authorize petitions by appropriate parties for injunctive relief in Federal courts. It would be necessary to show reasonable cause to believe a strike is being carried on in violation of this secret ballot decision of the employees.

Mr. President, this bill will introduce a much needed measure of responsibility in the calling or continuing of strikes. It in no way impairs or infringes upon the right of employees to strike. But it will make certain that when such strikes do occur, the working men and women who have the most at stake will be given a real voice in the decisions.

By Mr. BROCK:

S.J. Res. 102. A joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as National Patriotic Education Week.

NATIONAL PATRIOTIC EDUCATION WEEK

Mr. BROCK. Mr. President, I am today introducing a joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as National Patriotic Education Week.

The purpose of this resolution is to establish 1 week in the year when all citizens can reflect upon and discuss the patriotic and democratic ideals upon which our country was founded. During the week patriotic, service, and civic organizations would plan and sponsor community parades and pageants; patriotic rallies and ceremonies; school presentations; speeches; radio and television programs; newspaper feature articles; historical landmark restorations and dedications; education heritage tours; church programs; town meetings with local officials; seminars on Government operations and democratic processes; and displays of Americana in merchants' windows, banks, and public buildings. This work would be done throughout the week, October 12 through 19, in hundreds of localities across the country, and the celebrations would involve entire communities of all ages and stations.

The week of October 12 has a special significance for these activities as it begins on Columbus Day, marking the discovery of our Western Hemisphere and the beginning of European colonization; and ends on Yorktown Day, commemorating the decisive American victory in the last great battle of our War for Independence. During this historic week, all Americans, regardless of their viewpoint, could study our democratic processes and express their appreciation for the freedoms we so highly cherish.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD at this point.

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

S.J. RES. 102

Joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as National Patriotic Education Week

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that to demonstrate the concern and pride of all Americans in the worthy concepts and principles upon which our Republic was founded and to provide for the participation of all citizens, especially the young, in our democratic processes, the President is hereby authorized to issue annually a proclamation designating the period from October 12 through October 19 of each year as "National Patriotic Education Week," as a time of reflection and discussion on the American system and a time of study and education concerning the patriots and ideals which have created and sustained our great Nation.

ADDITIONAL COSPONSORS OF BILLS

S. 975

At the request of Mr. BAYH, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 975, the Citizens Privacy Act.

S. 1116

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at its next printing, the names of the Senator from Kansas (Mr. DOLE) and the Senator from New Hampshire (Mr. MCINTYRE) be added as cosponsors of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1245

At the request of Mr. MOSS, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1245, relating to the preservation of historical and archeological data.

S. 1410

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government.

S. 1437

At the request of Mr. CANNON, the Senator from Nebraska (Mr. CURTIS) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

S. 1442, S. 1443, S. 1444, S. 1445

At the request of Mr. Moss, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1442, to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 1443, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes; S. 1444, to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1461

At the request of Mr. Moss, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1461, a bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services.

S. 1580, S. 1586, S. 1587, AND S. 1589

At the request of Mr. PERCY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1580—a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; S. 1586—a bill to provide for the development of more uniform standards for determining eligibility for the assistance authorized to be provided, under various Federal programs, to facilities for long-term health care—or to the patients thereof; S. 1587—a bill to provide for the conduct of a study and investigation of the provision, under State programs approved under title XIX of the Social Security Act, of care to individuals in long-term health care facilities will be required to comply with appropriate licensing standards; S. 1589—a bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care.

S. 1611

At the request of Mr. PEARSON, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 1611, a bill to amend the Interstate Commerce Act for the purpose of insuring that regulations governing the operation of farm vehicles will be based on commonsense and on an understanding of the normal operations of our Nation's farms.

S. 1623

At the request of Mr. GRIFFIN, for Mr. BENNETT, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1623, the Family Health Insurance Program.

S. 1807

At the request of Mr. CANNON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1807, a bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act.

S. 1808

At the request of Mr. Moss, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1808, a bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older.

S. 1846

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at its next printing, the name of my distinguished colleague from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 1846, a bill to establish a Coal Gasification Development Corporation.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1856

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1856, the Occupational Education Act of 1971.

SENATE RESOLUTION 125—SUBMISSION OF A RESOLUTION RELATING TO S. 1884

Mr. GURNEY submitted the following resolution, which was referred to the Committee on the Judiciary:

SENATE RESOLUTION 125

Resolution to refer the bill (S. 1884) entitled "A bill for the relief of Paul M. Burkett and his wife, Ruth A. Burkett" to the chief commissioner of the United States Court of Claims for a report thereon.

Resolved, That the bill (S. 1884) entitled "A bill for the relief of Paul M. Burkett and his wife, Ruth A. Burkett", now pending in the Senate, together with all accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 93

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. TUNNEY), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of amendment No. 93, to increase to $157,428,359 the supplemental appropriation to be made available for the Neighborhood Youth Corps programs for this summer, intended to be proposed to H.R. 8190, the second supplemental appropriations bill.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

S. 1316

Mr. ALLEN. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation will hold hearings on S. 1316, a bill to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State, on Wednesday, May 26, 1971, at 10:15 a.m., in room 324, Old Senate Office Building.

Anyone wishing to testify should contact the committee clerk as soon as possible.

H.R. 5257 AND S. 1900

Mr. President, I also wish to announce that the subcommittee will hold hearings on H.R. 5257 and S. 1900, and such other child-feeding bills as are before the committee at that time, on Tuesday and Wednesday, June 8 and 9, 1971, at 10 a.m., in room 324, Old Senate Office Building. And anyone wishing to testify on those matters should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

MRS. HARRIETT CREIGHTON, OF BUSTLETON, PA.

Mr. SCOTT. Mr. President, Harriet Creighton of Bustleton, Pa., is a remarkable woman. Mrs. Creighton is a licensed ham radio operator who relays free messages to and from servicemen stationed at Guantanamo Naval Base in Cuba. Twice a week she communicates with the hospital ship HOPE; she handles USO messages during all the busy holiday periods and she is the area contact for eye banks. All this activity occurs over station WA3ATQ, Mrs. Creighton's ham station call letters.

For this outstanding service, "Operation Free Radio Gram," as it is called, Mrs. Creighton has been awarded the Valley Forge Freedom Foundation citation. The Freedom Foundation seeks to honor those individuals who work for a better understanding of the American way of life. In Mrs. Harriet Creighton, the foundation has surely found such an individual whose dedicated work and unselfishness should be an inspiration to all of us.

POSTPONEMENT OF FOOD STAMP REGULATIONS

Mr. HUMPHREY. Mr. President, it is crucially important that the Congress make itself heard on the administration's proposed regulations to the Food Stamp Act of 1964. These new regulations, according to testimony before the Senate Select Committee on Nutrition and Human Needs, would eliminate at least 340,000 people from the food assistance

program and reduce food benefit levels to another 1.75 million people.

The Congress has progressively improved the food stamp program since I first sponsored a version of it 20 years ago. The clear intent of Congress has been to expand, not contract the program; to increase, not decrease participation; to make it easier, not more difficult for the poor to receive stamps, and to insure that all Americans have an adequate, nutritious diet.

Apparently, at White House direction, the U.S. Department of Agriculture is pursuing a calculated policy of penalizing recipients, because of their residency. Before the new regulations, if a family of four on AFDC lived in New York, this family could receive $312 in food stamp bonuses. Under this new regulation, this same family would be eligible for a $156 coupon bonus. In Pennsylvania, before the regulations, a family received $312 in bonus money; under the new regulations, the same family will get only $228 in bonus stamps. In my home State of Minnesota, the new regulations mean that the food stamp bonus for a family of four now receiving the full current payment level would be reduced from $360 to $300.

Without fail, in every State that pays an adequate public assistance benefit level, the administration would cut the total food stamp supplement. The Department's new schedules could conceivably phaseout the food stamp program in these States.

Furthermore, these regulations were announced at the same time the Census Bureau published new figures on the poverty population of the United States. This data reported that the number of poor increased from a 1969 figure of 24.3 million to a 1970 figure of 25.5 million 1 calendar year—a growth of some 5 percent a year.

Surely, an increase in the poverty numbers should make the administration want to augment the food stamp program. And, one would think the new regulations would reflect that desire. Sadly, these regulations do not.

The administration has pledged to end hunger. It has established within the Department of Agriculture a bureau devoted to food and nutrition. It has sponsored a White House Conference on Food, Nutrition, and Health to underscore the seriousness of the hunger problem. And, now it proposes regulations that will in effect perpetuate the hunger problem.

I endorse the resolution sponsored by the chairman of the Select Committee on Nutrition and Human Needs, and, I urge the Senate to approve the resolution.

Let me clearly and unequivocally say: Hunger in the United States is intolerable. And, hunger by Government policy is even more intolerable.

THE MANSFIELD AMENDMENT

Mrs. SMITH. Mr. President, it is my privilege to serve as the chairman of the Board of Trustees of Freedom House. One of my predecessors was the distinguished former Senator Paul Douglas of Illinois.

Yesterday the Executive Committee of Freedom House issued a statement on the Mansfield amendment. I am proud to have been a signer of that statement.

Yesterday I made a speech in this Chamber in which I adopted a considerable portion of that statement in the expression of my individual views on the Mansfield amendment.

I ask unanimous consent that the statement of the Executive Committee of Freedom House be placed in the RECORD at this point.

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

THE MANSFIELD AMENDMENT

We strongly urge and counsel the Congress of the United States:

Do not unilaterally cut the American armed commitment to Europe!

Do not betray our responsibility to the organization we formed 22 years ago—it has kept the peace in Europe longer than the interval between the two World Wars.

Do not require the weakening of the Mediterranean forces—reinforced from Europe—just as the possibility of Middle Eastern settlement is emerging.

Do not offer a dangerous incentive to those in Europe who, in fear of their jeopardy, would explore separate arrangements with the USSR.

Do not vindicate deGaulle's conviction that the United States could not be relied on in a joint defense against aggression.

Do not snuff out the possibility of a joint US-USSR reduction of forces in Central Europe just when Brezhnev indicates a willingness to discuss it.

Do not reawaken the ghosts of European disunity—they twice before brought catastrophe to the world.

Do not require those who have depended on our fidelity to seek safety in the development of *their own* nuclear arms.

Do not raise into question the reliability of *every* American commitment just as we are speeding our departure from Vietnam.

Do not open a chasm which can only be welcomed by the remnants of national militarism in Germany and Japan after a generation of commitment to peace and democracy by the vast majority in these nations.

* * * * *

Freedom House was formed in 1941 as America's democratic response to Hitler's Braunhaus. Armageddon had begun—it was sweeping across the face of Europe and the land and island mass of Asia. A collective willingness to stand against Nazi aggression could have averted that ghastly tragedy.

Distinguished and liberal members of the U.S. Senate thought an isolationist America would be a safe America—Borah, Wheeler, Nye, Clark, were sincere and able men.

We in Freedom House have long respected Senator Mansfield.We believe he is making the dangerous mistake of his gifted predecessors whose Neutrality Act helped speed the progress of European fascism.

* * * * *

We in Freedom House ask of the Congress: Indeed we strongly urge and counsel . . .

Do not destroy the security mechanisms it has taken a generation to build.

Executive Committee of Freedom House: Margaret Chase Smith, Chairman, Board of Trustees; Leo Cherne, Chairman, Executive Committee; Harry D. Gideonse, President; Roscoe Drummond, Vice Chairman; Philip Van Slyck, Secretary; Rex Stout, Treasurer; Mrs. Andrew Jackson, Assistant Treasurer; Whitney North Seymour, Honorary Chairman; George Backer; Dwayne Orton; Francis E. Rivers. Leonard R. Sussman, Executive Director.

SENATOR HUGHES' LAW DAY ADDRESS TO WASHINGTON COUNCIL OF LAWYERS

Mr. HART. Mr. President, on April 27, Senator HUGHES delivered a Law Day speech to the Washington Council of Lawyers, an organization of young men and women committed to using their professional skills in the public interest. I commend his thoughtful and eloquent remarks to my colleagues.

I ask unanimous consent that his speech be printed in the RECORD.

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

HUGHES' LAW DAY ADDRESS TO WASHINGTON COUNCIL OF LAWYERS

At a time when the ramparts of freedom, justice, and equality in our democratic society urgently need to be manned by people who care, Law Day assumes a special significance.

I am proud to share the occasion with you lawyers who do care and who are willing to put your effort where your concern is.

First I want to say thanks to you men and women of the legal profession who are dedicating part or all of your time to developing a new view of the law—a view that due process is more than just a course in constitutional law casebooks, and a view that justice and the public interest are worth fighting for.

Thanks also for the creative ideas, the professional help and the encouragement you have given me personally.

Let me give you a couple of concrete examples of the latter.

In the summer of 1968, it was my privilege to chair an *Ad Hoc* Commission of the Democratic party on political party reform. My colleagues on the Commission included distinguished scholars, civic leaders, and public officials with whom I was honored to be associated.

But the real work, the creative initiative and the inspiration of the undertaking were supplied largely by young lawyers such as Tom Alder, Geoff Cowan, Phil Moore, Si Lazarus, and Eli Segal, who believed that the political parties, corroded through years of neglect and misuse, were still institutions worth savings.

As you know, the work of this *Ad Hoc* group resulted in the adoption of a minority report by the Democratic National Convention, the formation of the McGovern and O'Hara Commissions, and the adoption by the DNC, earlier this year, of the first meaningful political party reform in generations.

Again, last year when I was involved in appealing to the FCC for network time to present, in answer to the Administration propaganda, the case for ending the war, several young Washington lawyers of exceptional skill and dedication volunteered to carry the load of the legal work involved. For this, I feel a deep debt of gratitude to Al Kramer, Michael Schneiderman, and Tom Asher.

You of this audience, along with civil rights lawyers, poverty lawyers, and those attorneys both in foundation-funded and private law firms who are advocates of the public interest, constitute a new frontier against those governmental and corporate institutions that have grown, in the intoxication of power, unresponsive to public needs and citizen rights.

I personally applaud you—from Ralph Nader to beginning law students just getting into the act—for having the courage to take on the Goliaths with your sling-shots and for doing such an effective job.

You won't get rich, but I am convinced you have an historic role in saving this country from repression and bureaucratic dictatorship.

I do not want to spend my time on this platform paying tribute to our legal heritage, rich though that heritage unquestionably is, and much as I, who am not a lawyer, esteem it.

It seems more useful to honor the law by addressing ourselves to its present needs and problems, by considering ways by which we can reinvigorate the legal processes, and by relating the role of the jurist to the general context of our nation's future.

Like millions of other Americans, including you people here today, I am sure, I have been deeply worried about the direction in which our domestic society has been drifting in the past couple of years while so many of us have centered our attention on trying to bring an end to the war in Indochina.

I have been concerned about the continuing neglect of our critical domestic problems—as if we could not see the folly in trying to dictate the political destinies of peoples 10,000 miles from our shores while we let our own society disintegrate from within.

As if we could not see the irony in forcing our idea of self-determination on 17 million South Vietnamese who wish we would go home while we allow 23 million blacks to remain semi-citizens in this country where all citizens are created equal.

I have been concerned about what has been happening to our constitutional system, the separation of powers, the checks and balances, as I see the rise of executive power at the expense of the legislative and judicial branches.

I have been concerned about the trend toward repression—the relentlessly increasing emphasis on wire-tapping, bugging, no-knock entry, subpoenaing of private notebooks and tapes from news reporters, increased surveillance by the government of dissident political groups, and the attempts by the government to intimidate the communications media.

I have been concerned about the centralization of power in the federal bureaucracy, the favoritism and ineptitude of federal regulatory agencies and the consequent growth of corporate crimes and consumer-shafting, and the foot-dragging by the federal government in the administration of civil rights and equal opportunity laws.

I have been depressed by the breakdown of our system of criminal justice amidst all the law and order talk, the stubborn emphasis on punishment for those suffering from the disease of addiction and on public revenge, rather than rehabilitation, for those who break the law.

I am concerned, in short, about the overall climate of this Administration, the direction in which it is taking all of its far-flung departments, bureaus and agencies.

It is like a giant glacier moving across the face of the land, diminishing individual rights, eroding established programs that benefit and protect the minorities and underprivileged, and passing out favors to corporate giants that flaunt the law and short-change the consumer.

It is the pervasiveness of it all that frightens you. In fairness, it should be admitted that not all of these abuses originated in the present Administration. But never have they found a happier home.

Wherever you turn you find some evidence of the over-all trend.

Recently political hacks without qualifications of specialized nature were placed in sensitive posts of mine safety regulation.

During hearings of our subcommittee on drug abuse, I learned that in physical examinations of men called up in the draft, if an individual rejected was thought to have a drug-abuse history, this information was turned over to the Bureau of Narcotics and Dangerous Drugs. As a result of our objections, I am assured that this procedure has now been stopped.

In a pervasive climate wherein official spying is the name of the game, it wouldn't seem to prove much one way or the other whether a Congressman's phone is bugged or not. Surveillance is a many-splendored thing. If they don't succeed in invading your privacy in one way, they can find another.

Attorney General Mitchell recently tried to allay our fears about government surveillance of members of Congress and ordinary, peaceful citizens.

Meantime, one of his own deputies, Assistant Attorney General Rehnquist, told Congress that the current Administration would oppose any legislation that might impair its ability to gather information on Americans.

Mr. Rehnquist explained that abuses of this power would be prevented by "self discipline on the part of the executive branch."

It would appear that there might be some cracks in that self-discipline.

Consider what was discovered in the files stolen from the FBI in Media, Pennsylvania.

Copies of letters between the Soviet Embassy and a Boy Scout in Idaho who wanted to take a camping trip in Russia.

Reports by college switchboard operators on calls made by a professor.

An office newsletter urging interviews with dissidents because "it will enhance the paranoia endemic in these circles and will further serve to get the point across that there is an FBI agent behind every mailbox."

It is reassuring to add these lofty security objectives to our national priorities.

As you all know, the power of the Congress and the Judiciary has been eroded in direct proportion to the increasing power of the Executive Branch of government. In any situation, the Administration in power can summon up tremendous resources to research and deal with any particular problem.

On the other hand, the resources available to the Congress and the Judiciary are miniscule by comparison. At times, the Executive branch has treated both the Congress and the Judiciary in ways that are little short of contemptuous.

In recent years, we have seen ample evidence of the utter disregard by the Executive of the constitutional powers of the Congress relating to wars. Only last week, the Administration misused the Judiciary by insisting that a demand for an injunction be carried all the way to the Supreme Court—and then, having gained the injunction, failing to enforce it.

It is no secret that I was happy the Vietnam Veterans Against the War were allowed to camp on the mall; I had petitioned the President to that effect. But this could have been accomplished by a simple order from the Interior Department. The point I am making is that the callous procedure followed made a mockery of the federal judiciary and makes hollow the Administration's posture as the last best hope for law and order.

The truth is that our system of checks and balances on which our form of government was erected is falling down.

Every day we learn of some new aspect of the government making illegal incursions into the private rights of its citizens, of the government undertaking new adventures in foreign intervention without the consent of Congress, of the government failing to take dangerous and non-effective drugs off the market, of the government in a time of recession and high unemployment refusing to spend funds voted by the Congress for the benefit of the American people, of the government violating constitutional and statutory rights of millions of people by the maladministration or non-administration of existing laws.

These are only a few fragments of the overall picture. What it all adds up to is by its action and inaction, the government has surrendered its legitimacy as the instrumentality to effect the safety and happiness of our people. At the same time, the people have lost faith in their ability to influence the course of their government and in the ability or willingness of the government to fairly deliver the services promised and expected.

I paint this bleak picture as a challenge to each and every one of you. The Executive branch dominates our lives, but it has not yet blown us down.

We in the Congress have our responsibilities to the public interest—to educate, to popularize, to legislate.

We must take the leadership in making the major reforms in our tax and public welfare systems to provide for a more equitable distribution of wealth. We must make the long-needed, massive reforms of our system of justice that will restore public confidence in the rule of law.

But we can't do it alone.

We need to build a powerful alliance between the lawyers committed to the public interest and the members of Congress and other public leaders who have the courage to move boldly ahead.

It is not enough, for example, for the Congress to set standards for auto safety and a timetable for auto pollution control. This is not enough—not nearly enough—until the auto industry is made to understand that it has responsibilities beyond registering profits.

This is why I am supporting Campaign GM—Round 2. This well-conceived effort—to do for General Motors what the Commission I chaired sought to do for the Democratic party—is one of the most encouraging reminders that peaceful reform of large institutions controlled by exclusive cliques is still possible.

The rule of law has suffered some setbacks in recent years, but the day has not yet arrived when the law cannot be used to right wrongs, to equalize citizen influence, and to give confidence in our democratic institutions to a confused and frustrated people.

In the vast America that lies west of the Adirondacks, we will find support for rebuilding our society in its intended image of justice and equality.

The Midwest, from which I come, for example, is Middle America, not backward America. It is the region that produced such men as George Norris and the La Follettes. It was the cradle of Populism. It will provide its share of the yeast for the creative period that lies ahead.

REMARKS OF CHIEF JUSTICE BURGER BEFORE THE AMERICAN LAW INSTITUTE

Mr. BUCKLEY. Mr. President, I recommend to the thoughtful attention of the Senate an address which was delivered yesterday by Chief Justice Burger before the American Law Institute, and I ask unanimous consent to have the text of the address printed in the RECORD.

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

THE NECESSITY FOR CIVILITY

(Remarks of Warren E. Burger, Chief Justice of the United States)

Apart from the pleasure of seeing old friends there is a special satisfaction for me in the annual spring gathering of the American Law Institute. It is a reassuring event. It is reassuring because the very regularity of its pattern has a stabilizing effect in a period when patterns of human conduct are being cast aside by some people as though they were last year's styles of ladies' dresses. While the young ladies vacillate between miniskirts and maxiskirts, American Law Institute holds firmly to course and meets in May.

In the midst of tumult and strife, and particularly in a city where serious and

sober debate often seems to give way to invective, the Institute brings to Washington each year, and especially in 1971, a much needed quality of quiet, orderly, thoughtful and civil discourse. Others including the news media could, with profit, emulate your example.

Over the years we have all heard vigorous, robust debate in these meetings on difficult and sensitive issues but it has always been in the tradition of the Founding Fathers at Philadelphia. There even the dust and grime and the heat of that Philadelphia summer of 1787—and it was one of the worst if the journals are believed—did not often shake the underlying calm of those remarkable men. They performed their difficult and monumental task within the bounds of civil and civilized discourse. This is all the more notable because they were, as we know, passionate men, revolutionists, not stoics. They had deep feelings and strong convictions. To measure the quality of their restraint we need only recall they lived and worked in an era when—not too long after Philadelphia—one great American, Aaron Burr, shot and killed another great American, Alexander Hamilton, in a duel that had its roots in the political passions of the times.

To speak of the necessity for civility to a body noted for the civility of its debate may seem like speaking to The College of Cardinals on faith and morals. Yet we know that Cardinals and ministers of all faiths do indeed speak to each other about religion and behavior.

Were we engaged in a trial, or even a conventional legislative exercise here today, my observations might seem to be open to objection as not germane to the purpose of the meeting.

Let me see if I can meet that objection without undue strain on your tolerance or at least in relaxation of a "strict constructionist" view of your agenda.

With passing time I am developing a deep conviction as to the necessity for civility if we are to keep the jungle from closing in on us and taking over all that the hand and brain of Man has created in thousands of years, by way of rational discourse and in deliberative processes, including the trial of cases in the courts.

Whether in private negotiation or public discourse, in the legislative process or the exchanges among leaders, in the debate of parties, or the relatively simple matter of a trial in the courts, the necessity for civility is imperative. Without civility no private discussion, no public debate, no legislative process, no political campaign, no trial of any case, can serve its purpose or achieve its objective. When men shout and shriek or call names, we witness the end of rational thought process if not the beginning of blows and combat. I hardly dare take the risk of adding that this may also be relevant to the news media.

I have not had time to research the source but from the pockets of memory I recall a statement—probably something I read in the memoirs of a diplomat—that if the secret files of all nations could be opened we would find that the politeness, the good manners, the civility of diplomats and statesmen avoided more wars than all the generals ever won. Unprovable or not, I am prepared to believe that.

It is surely important for a gathering of lawyers, judges and law professors to focus our thoughts, for the few minutes I will detain you, on the conduct of members of our profession. Lawyers are granted monopoly to perform essential services for hire, and it has long been almost an article of faith to us that monopolies are subject to strict regulation and public accountability for adherence to standards. Today more and more new and vexing problems reach the courts and they call for the highest order of thoughtful exploration and careful study. Yet all too often, overzealous advocates seem to think the zeal and effectiveness of a lawyer depends on how thoroughly he can disrupt the proceedings or how loud he can shout or how close he can come to insulting all those he encounters—including the judges.

A large part of the new litigation involves the rights of the whole of society, or claims of so-called "new property," or new constitutional theories or what some advocates describe as "political cases." At the drop of a hat—or less—we find adrenalin-fueled lawyers cry out that theirs is a "political trial." This seems to mean in today's context—at least to some—that rules of evidence, canons of ethics and codes of professional conduct—the necessity for civility—all become irrelevant.

This is not a wholly new phenomenon. A century ago the courts of England, now a model of the disciplined, calm civility that is essential to a trial, were plagued by the misconduct and incivility of lawyers and judges alike. Judges improperly interposed their views on counsel and witnesses, lawyers bullied and baited each other and the adverse witnesses. A great 19th century Barrister, Odgers, writing at the end of that century, said this:

"Of all the mighty changes that have taken place in the nineteeth century, the greatest change has been in the tone of the administration of both the civil and the criminal law. The manners of our law courts have marvelously improved. Formerly judges browbeat the prisoners, jeered at their efforts to defend themselves, and censured juries who honestly did their duty. Formerly, too, counsel bullied the witnesses and perverted what they said.

"Now the attitude and temper of Her Majesty's judges towards parties, witnesses, and prisoners alike has wholly changed, and the Bar, too, behave like gentlemen. Of course if a witness is deliberately trying to conceal the truth, he must be severely cross-examined; but an honest and innocent witness is now always treated with courtesy by counsel on both sides. The moral tone of the Bar is wholly different . . . they no longer seek to obtain a temporary victory by unfair means; they remember that it is their duty to assist the Court in eliciting the truth. This is due partly to the improved education of the Bar; partly no doubt to the influence of an omnipresent press; but still more to Her Majesty's judges."

AS ODGERS SUGGESTED

The role of the press is a crucial one. Sometimes their highest service is to reflect precisely the conduct of the brash and swaggering lawyer of intemperate, blustering judge.

The atmosphere of incivility described by Odgers in 1900 pervaded the courts of England during most of the 19th Century. Conduct in their Parliament was much the same. In this country we were not immune and history records numerous episodes of physical attacks by members of Congress on their fellow members. Pistol whipping and caning escalated from verbal attacks. News media were intensely partisan and vicious and it was not uncommon for political leaders to horsewhip newspaper reporters.

Today, and increasingly in the past few years, we witness signs of a revival of some of this kind of incivility as well as violence. Speakers are shouted down or prevented from speaking. Editorials tend to become shrill with invective and political cartoons are savagely reminiscent of a century past.

A few weeks ago the distinguished former Solicitor General of the United States, Archibald Cox, tried to speak to his own students at Harvard and was met with this phenomenon. The *New York Times*, not noted for lurid or extravagant reporting, states—and I use the Times language—

"Mr. Cox faced a screaming chanting audience" that refused to hear him out. I suspect that Mr. Cox departed from his prepared lecture when, again, according to the *Times*, he said to his students: "If this meeting is disrupted then liberty will have died a little. Freedom of speech is indivisible. You cannot deny it to one man and save it for others." If Mr. Cox will let me plagerize him a little, civility is also indivisible; we cannot abandon it ourselves and expect it to be practiced by others.

Now, I am overlong in making my case for the relevance of all this to a gathering of the ALI.

I submit that with a gathering that includes some of the leading scholars, teachers, lawyers and judges in the land few subjects could be more relevant to discuss than the necessity for civility in the resolution of litigation in a civilized society.

I suggest this is relevant to law teachers because you have the first and best chance to inculcate in young students of the Law the realization that in a very hard sense the hackneyed phrase "order in the court" articulates something very basic to the mechanisms of justice. Someone must teach that good manners, disciplined behavior and civility—by whatever name—are the lubricants that prevent lawsuits from turning into combat. Many teachers of law have thought teaching these fundamentals was not the function of law schools and law teachers. Many good friends of mine in the law school over the past 20 years or so, have said to me, "We are teaching students to *think*—we are not running a trade school." But civility is to the courtroom and adversary process what antisepsis is to a hospital and operating room. The best medical brains cannot outwit soiled linen or dirty scalpels—and the best legal skills cannot either justify or offset bad manners.

With all deference, I submit that lawyers who know how to think but have not learned how to behave are a menace and a liability, not an asset, to the administration of justice. And without undue deference, I say in all frankness that when insolence and arrogance are confused with zealous advocacy, we are in the same trouble the courts of England suffered through more than a century ago. Today English Barristers are the most tightly regulated and disciplined in the world and nowhere is there more zealous advocacy.

I suggest the necessity for civility is relevant to lawyers because they are the living exemplars—and thus teachers—every day in every case, and in every court and their worst conduct will be emulated perhaps more readily than their best. When a lawyer flouts the standards of professional conduct once, his conduct will be echoed in multiples and for years to come and long after he leaves the scene.

Finally, civility is relevant to judges, and especially trial judges because they are under greater stress than other judges, and subject to the temptation to respond in kind to the insolence and bad manners of lawyers. Every judge must remember that no matter what the provocation, the judicial response must be judicious response and that no one more surely sets the tone and the pattern for courtroom conduct than the presider.

It may seem strange to some that such obvious truths as these should be uttered. But perhaps our failure to state them more often and practice them more faithfully has brought us to the need—the need as I see it at least—to discuss so simple and elementary a subject as the necessity for civility in all the affairs of men—and especially men of the law.

I hasten to add that these somewhat dismal recitals about our profession should not dismay us for long. We remember that more than a century ago and in a time of great

national crisis, this country survived the Know-Nothings and other political psychopaths of that day, and we Americans are resilient enough to survive our 20th Century version of Know-Nothingism.

The legal system that waits to train its ministers how to act and behave professionally until they are chronologically mature, is in much the same situation as parents who wait to try to teach their offspring table manners and other habits until after they reach voting age—even the new voting age! It can't be done at that point in life because the tree has grown in whatever way the winds of chance and environment have "bent the twig."[1]

The early American experiences with the lack of civility in the legislative process led Thomas Jefferson as a young man to evolve a manual of decorum and you may find it of interest to recall some of what he provided for the legislative process:

[that] ". . . all public functionaries are essentially invested with the powers of self-preservation; that they have the inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided in them [including] . . . the right of punishing contempts . . . [as] every court does the same; that if we have it not, we sit at the mercy of every intruder who may enter . . . and by noise and tumult render proceeding in the business impracticable. . . ." *Id.*, 703.5 and again:

"No person is to disturb another in his speech by hissing, coughing, spitting, speaking or whispering to another or stand to interrupt him; nor to pass between the Speaker and the speaking member . . ." *Id.* 717.12

Jefferson, I might add can hardly be considered an enemy of free speech or assembly.

Jefferson's Manual drew heavily on centuries of accumulated experience of the English Parliament and the Colonial experience and in turn his manual became a basis for the Standing Rules of the Senate and Rules of the House. A brief sample from the Senate Rules will suffice to make the point:

"No Senator shall interrupt another Senator in debate without his consent . . ." *Id.*, 19.1.

"No Senator shall, directly or indirectly by any form or words impute to another Senator or other Senators any conduct or motive unworthy or unbecoming a Senator." *Id.*, 19.2.

There are other detailed and specific rules of conduct and violation of these rules carries the risk of censure and we have seen that power destroyed, Senators who broke the Rules.

Against this background it is curious that there has been no comparably definitive code of personal behavior to insure civility in courts. More serious perhaps is the lack of effective enforcement mechanisms of even basic standards of general acceptance. But a start has been made in standards adopted by the ABA in the past two years[2] and this is a good beginning. So we see that the profession itself, through the organized bar, has been in default. Judges have blamed bar associations and bar associations blamed judges and until recently law teachers have abstained. This area—the regulation of the legal profession—is one of the large pieces of unfinished business and the longer we wait to deal with it the more difficult the problem will become.

I submit that we must make some basic decisions in terms of allocating the responsibility for regulating what is inherently a contentious profession and then place rigorous powers of discipline wherever we place the responsibility—whether it be in the courts or in the profession. Lawyer judges and law professors must see that an undisciplined and unregulated profession will destroy itself, will fail in its mission, and will not restore public confidence in the profession.

I hope that preoccupation of the ALI with its other burdens will not prevent active pursuit of this unfinished business.

Having said this I should, in all fairness, say what we know to be true, that the overwhelming majority of lawyers and judges comply with basic standards of good manners and professional decorum—the civility that is the barrier between a courtroom and a bar room brawl. We know that only a tiny fragment of reckless, irresponsible lawyers are guilty. Some few of them seem bent on destroying the system and some are simply ill-mannered and undisciplined noisemakers. But here again we return to the concept so eloquently stated by Mr. Cox to the Harvard students and I paraphrase him again—We cannot tolerate incivility in a few without encouraging it in many.

So as the Institute proceeds with its important business, I urge that we never forget the necessity for civility as an indispensable part—the lubricant—that keeps our adversary system functioning. If we want to protect that system we must firmly insist on the lubricant.

[1] American Law Institute, American Bar Association, Association of American Law Schools.

[2] ABA Code of Professional Responsibility (1970); ABA Criminal Justice Project, Standards for Prosecution and Defense Functions, Am. Coll. Trial Lawyers, Report on Disruptive Trial.

ISLAND CENTER OF ST. CROIX—U.S. SPACE PROGRAM PRESENTATION

Mr. HANSEN. Mr. President, as a member of the Territories and Insular Affairs Subcommittee of the Senate Committee on Interior and Insular Affairs, I have been deeply interested in the Virgin Islands and its people. The United States and the Virgin Islands enjoy a very special relationship.

On April 1, 1971, an event took place at the Island Center of St. Croix which I believe will be of interest to all Members of the Congress. The Island Center of St. Croix devoted an evening to the U.S. space program. The presentation at the Island Center drew a capacity crowd and was, according to one resident, the most spectacular and exciting single program held at the Island Center of St. Croix.

The evening devoted to the U.S. space program was the inspiration of Mr. and Mrs. John A. Logan, of Washington, D.C., and the Virgin Islands. Mr. and Mrs. Logan were the guests of Astronaut Gene Cernan at the launching of Apollo XIV. Following the successful Apollo XIV mission, Mr. and Mrs. Logan determined that they would like to share what they had found to be a thrilling experience with the people of the Virgin Islands.

With the assistance of Astronaut Cernan, Mr. and Mrs. Logan obtained a film taken on the Apollo XIV moon mission from the National Aeronautics and Space Administration. Another film depicted the U.S. space program and the many and often unrecognized ways the program applies to the everyday lives of Americans and benefits people throughout the world. It was felt that the presence of an astronaut at the showing of the space films would make the presentation much more meaningful to the people of the Virgin Islands. Although it was impossible to arrange for Astronaut Cernan to attend the evening's festivities, Mr. and Mrs. Logan persevered in their efforts to provide the very finest program possible and former Astronaut William E. Anders, now Executive Secretary of the National Aeronautics and Space Council, agreed to attend and speak on the U.S. space program.

The program held at the Island Center of St. Croix was a huge success. It was attended by a capacity crowd representing all facets of the island community. In addition, Bill Anders made the best use of his time in the Virgin Islands by visiting schools and speaking to the students. I am informed that his visit was particularly inspirational to the young people with whom he met. I am confident that this program and the visit of Bill Anders will help inspire many of those young people who heard him speak to set their goals in life at a high level.

Mr. President, oftentimes we overlook the many benefits which our Nation's space program has brought to the American people, both in inspiration and in additional knowledge which has application to our every day lives. I have copies of three letters which indicate in a small way the great good which can and has been accomplished by the U.S. space program. I ask unanimous consent that these three letters be included in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. HANSEN. Mr. President, congratulations are in order to all of those who worked so hard to put together this successful program at the Island Center of St. Croix. The perseverance and dedication with which Mr. and Mrs. Logan followed through with their efforts to share their enthusiasm for the U.S. space program with the people of the Virgin Islands is admirable. The assistance lent to these efforts by Astronaut Gene Cernan and former Astronaut Bill Anders is a fine example of the personal dedication which these men have for the space program.

Mr. President, much good was accomplished in the Virgin Islands on the evening of April 21, 1971. I am certain that this successful evening devoted to the space program will be noted as a milestone in the success of the Island Center on St. Croix and will help bring the people of the United States and the Virgin Islands even closer together.

EXHIBIT 1

U.S. VIRGIN ISLANDS,
May 3, 1971.

The VICE PRESIDENT,
Executive Office of the President,
Washington, D.C.

MY DEAR MR. VICE PRESIDENT: In this instance this letter is written in your capacity as Chairman of the National Aeronautics and Space Council. You will, I believe, be interested in the extraordinary contribution which the Executive Secretary of the Council, Mr. William A. Anders, Apollo VIII astronaut, made to the people of the Virgin Islands as well as to the space program on his recent visit to the island. As a frequent visitor to St. Croix you understand the island people and their problems.

Mrs. Logan and I were invited to the Apollo XIV launching at Cape Kennedy by Captain Eugene Cernan, Apollo X astronaut and back-up commander of Apollo XIV. We were so thrilled by the briefing, the significance of the space program and the blast off that we decided then and there to try to do something to arouse the people of the Virgin Islands.

My wife, Polly, felt strongly that a visit by an astronaut in conjunction with the showing of space films would not only acquaint the people with the space program, but also would raise their sights on and enhance their appreciation of the government of the United States which sponsors it. The results exceeded our fondest dreams, in no small measure because of the effective presentation which Mr. Anders made.

The space program which was arranged at the Island Center of St. Croix on April 21 drew a capacity house, the largest and most representative audience of Island people we have ever seen in this community facility. Following Mr. Anders' talk and showing of an astronaut training film and the Apollo XIV film, Mr. Anders answered questions. The questions, from people of all ages, were intelligent and pertinent. His answers were frank and remarkably informative. During a reception on the stage, following the program, hundreds of adults and children met Mr. and Mrs. Anders, continued to ask questions, received autographs and expressed their appreciation of the knowledge gained and the privilege of participating in this exciting evening.

The following Friday morning Mr. Anders visited Central High School where about three hundred seniors and juniors from three high schools were briefed, permitted to ask questions and received replys which obviously stimulated their interest in space and, in the opinion of teachers present, may well encourage some to pursue higher education in mathematics and science.

Of course Mr. Anders has extraordinary knowledge of the space program in depth and breadth, but also his dedication, sincerity and personality inspired confidence and aroused interest among young people.

Comments from people with varying backgrounds, interests and ages in the days following the program clearly indicated not only their broader understanding of the space program and its benefits to mankind, but an awakening of interests and pride in the United States of America.

All of us who had the privilege of participating in this outstanding program at Island Center are indebted to the National Aeronautics and Space Council for permitting Mr. and Mrs. Anders to come to St. Croix. We also are indebted to Captain Cernan and to the good offices of Senator Anderson (D. N. Mex.) Senator Hansen (R. Wyo.) and Congressman James Fulton (R. Penna.) for their assistance in obtaining the services of Mr. Anders.

Sincerely yours,

JOHN A. LOGAN.

VIRGIN ISLANDS COUNCIL ON THE ARTS,
St. Croix, April 29, 1971.

Hon. WILLIAM A. ANDERS,
Executive Secretary, National Aeronautics and Space Council, Executive Office of the President, Washington, D.C.

DEAR MR. ANDERS: Your presentation at Island Center was superb. Your comments were very informative and stimulating and your handling of the question and answer session was unusually good. It was particularly gratifying that the attendance was so large and consisted of people of all ages and backgrounds. Many of those who attended remarked about the excellent questions asked by the children. There have been many outstanding attractions at Island Center but none evoked such favorable comments and continuing interest as your discussion.

The poor acoustics and the loss of power at the High School made it difficult for you to be heard. However, the playback from teachers and some parents indicates that your comments made a deep impression on many of the students. I thought that the quality of the student's questions and your excellent replies made this a very effective meeting.

It was very generous of you to leave the two films and to offer to supply others. They are now being shown to classes on St. Croix and will be taken to St. Thomas next Wednesday to be shown in the schools there. The films will be returned the following week. I am sure that your ideas relative to the possibility of rewarding a few outstanding science students with a trip to observe space activities will be given careful consideration.

All in all, your visit was a great event for the people of St. Croix. Many of us now have a much better appreciation of what the space program involves and the numerous collateral benefits that are being generated. We are very grateful to you for giving us this perspective. We are especially pleased that this opportunity was also made available to so many of the young people.

Most sincerely,

BYRON A. CASE, *Chairman.*

ST. CROIX,
May 5, 1971.

Mr. SPIRO AGNEW,
Vice President of the United States and Chairman, National Aeronautic and Space Council, The White House, Washington, D. C.

DEAR MR. AGNEW: Mrs. Noble and I, along with hundreds and hundreds of Virgin Islanders—young and old—were practically spellbound by the moonspace program presentation Bill Anders gave us here in St. Croix on April 21st!

Many of us feel that this event was and is the most spectacular and exciting single program we have had at our Island Center on St. Croix. We are deeply grateful to you and the others who made this possible—and also to our Mr. and Mrs. John A. Logan of Washington, D.C. and St. Croix.

Mr. Anders did a superb job of presentation and endeared himself especially to the youngsters during the question period. We are very proud of him!

We hope it will be possible to make this type of program an annual event here and elsewhere. It can contribute greatly to a solid feeling of understanding and national purpose, especially for our young people.

Again, our profound thanks to you and your associates for this event.

Sincerely yours,

JOSEPH L. NOBLE.

CONSUMERISM—ADDRESS BY ROBERT J. KEITH, PRESIDENT OF THE PILLSBURY CO.

Mr. MONDALE. Mr. President, on February 9, 1971, Mr. Robert J. Keith, president of the Pillsbury Co., delivered an impressive address to the senior management meeting of the Dayton-Hudson Corp. in Minneapolis entitled "Consumerism."

The speech, I think, demonstrates a very high standard of business statesmanship which recognizes the need to respond to the challenge of the consumer movement. I think it is unique in that it does not regard consumerism as a threat or surveillance to free enterprise, but views it as basically a valid movement which raises valid questions and offers an opportunity for an improved and sounder economy.

Mr. Keith concludes his address with a statement which I wish all businessmen and Americans would heed:

However you may view consumerism, I think we can agree that it won't go away. I urge you to view the matter not as short-term expediency, not as a fad or a passing fancy, political chicanery, but as an opportunity. If we innovate and initiate before the Government regulates, then consumerism will have been an opportunity for us—when a tide is rolling as is consumerism today, opportunities abound provided we are willing to change and look at our business through the eyes of management. If we react and follow the leader after the Government regulates, then consumerism will have only posed more and more problems for business.

Basic to every achievement in business has been gaining the trust of people. For consumerism when stripped to its bare essentials is the habit of treating people as you would want to be treated. It is an ethical framework which, in the 1970's, deals with the public's growing and more demanding expectations of business. Our survival is keyed to those expectations.

Mr. President, I ask unanimous consent that the address of Mr. Keith be printed in the RECORD.

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

CONSUMERS

I premise the thoughts that follow on several beliefs:

We are right now moving into the post-industrial age.

New social values are starting to emerge.

The corporation must expect major challenges.

Managerial accountability is changing and will change more as our larger community responsibilities emerge.

Alvin Toffler says it well in his impressive new book, *Future Shock*; "We have not merely extended the scope and scale of change, we have radically altered its pace. We have in our time released a totally new social force—a stream of change so accelerated that it influences our sense of time, revolutionizes the tempo of daily life, and affects the very way we 'feel' the world around us. We no longer 'feel' life as men did in the past."

So, while I will refer this afternoon to subject matter about which I have strong feelings based on my own experience, I have no illusions about my credentials. Expertise is only temporary. There is no final authority.

Billy Graham said recently that "we have allowed the word 'patriotism' to get into the hands of some right-wingers."

That is an analogue for an introduction into the subject of "consumerism," a word which, like the words truth, justice, law and order, means different things to different people.

A recent issue of the publication *Journal of Consumer Affairs* contained the results of a study which illustrates the disagreement over the meaning of consumerism.

Professor Ralph Gaedeke of Sacramento State College asked consumers, businessmen and people in the federal government for their opinions about the nature of consumerism.

One question in the study was: Is consumerism political in nature? 67 per cent of the business-oriented responses said yes, 47 per cent of the federal government responses agreed, but only 29 per cent of the consumers thought so.

Another question caused 82 per cent of the consumers to agree that consumerism is an attempt to preserve the free enterprise economy by making the market work better, while only 12 per cent of the business-oriented individuals thought so.

What truly is the meaning of the word consumerism? I incline toward the definition submitted by two professors at the University of Tennessee business school: Consumerism is a social force within the environment designed to protect the consumer by exerting, legal, moral and economic pressure on business.

Consumerism is here. Its positives and negatives influence more and more purchases of goods and services . . . not to mention influencing legislation, academic curricula, religious sermons, union-management relations and negotiations, technical and scientific pursuits, and social conversations.

In the language of a with-it teen-ager, "consumerism is makin' the scene." In the language of the average consumer consumerism is "why do I always have trouble with a new car" . . . or "I had a reservation on the flight but they oversold and I missed my appointment" . . . or "manufacturers of women's hose ought to be able to do better."

In the language of my life style, "Consumerism is the opportunity to make the public interest and profitability something more meaningful than just another cliche in another corporate executive's speech."

Join me in taking a quick view of a cross section of our subject profile today. I have four examples of consumerism, or lack of it, which I think you will find familiar:

Example One—A major airline fired a captain with 30 years' service because he ordered kerosene drained into pails before takeoff, a procedure requiring less than five minutes, rather than dumping the kerosene on takeoff. *The New York Times* suggested editorially that the airline had its priorities mixed. Wrote the *Times*: "A pilot who can hear the quiet voice of his conscience over the roar of his engines at 2,000 feet deserves support, not censure."

Evidently the pilot's concern for the environment was shared by others, for the Federal Aviation Authority has proposed that draining of the kerosene become a standard operating procedure.

This same airline has, in the past, distinguished itself with sizable financial support for projects in the public interest. But, sadly, it has a dichotomy in policy and spirit which, as in simple algebra, produces a negative when a plus and a minus are multiplied.

Example Two—George Romney said several years ago when he was president of American Motors: "The concept of a capitalistic society has been replaced by the concept of a consumeristic society."

Several years later another president of American Motors at a preview of his 1971 models attacked a United States senator for proposing a ban on the internal combustion engine. Said the company's executive in a Detroit newspaper: "The senator has little or no knowledge of the facts of automotive design and manufacture, apparently hasn't taken the trouble to find out—a somewhat shocking situation in view of the fact that his state's economy is importantly dependent on the auto industry."

I would suggest that the capitalistic society views production and growth and a climbing Gross National Product as unconditional priorities. A "Consumeristic" society does not oppose an expanding economy, but its priorities today are emphatic: Clear air, clean water, corporate "straightness". . . . The consumer movement today regards economic growth at the expense of pollution as a criminal monstrosity.

Example Three—An advertising executive for a major oil company, commenting on a charge that his company is misleading the consumer by claiming anti-pollution virtues for its gasoline, was quoted in *The Wall Street Journal*: "We think the public understands no product is a cure-all for everything. Obviously, no one really thinks the guy using a certain advertised deodorant is going to get all those pretty girls because of the deodorant," said the ad man.

What about those deodorant commercials relating the product fragrance to immediate sexual success? What about a gasoline commercial which, in the space of 30 seconds, seizes upon the "medium of the message" to make a claim which even the advertising manager implies may be more emotional than rational? What about the detergent commercials which applaud the power of the very enzymes which government officials believe are polluting our lakes? What about an oil company which advertises "a tiger in the tank" gasoline while more and more families experience the human misery caused by highway accidents?

And a final example—A major drug company advertising its aspirin as "the best pain reliever you can buy," and adding: "It is the best pain reliever on earth." Asked by Ralph Nader to supply tests comparing non-prescription pain relievers as to duration, safety and degree of pain relief, the drug company replied: "All advertising copy released to all media is meticulously scrutinized by experienced and qualified physicians, scientists and lawyers to insure truthfulness in every respect."

I submit that the drug company's reply is the classic example of why the corporate society has lost the consumer's respect.

None of the examples are meant as a decoy. The food industry is not sacrosanct. It has some embarrassing consumer blemishes. One of the more recent was its reaction to fair packaging legislation. My industry fought the bill in Congress. The American people don't need or want fair packaging legislation, we said. We did not commission a study, although few industries can match the research capabilities of the food industry. We rested on the argument that an existing federal agency had the responsibility of regulating unfair packaging.

As you know, fair packaging legislation became law. And, as a result, a consumer now can make a legitimate comparison between the amount of contents in competing packages. The legislation forced no one out of business.

Involved in each of the four examples are some basic human values more prevalent today than ever before. Think about the airline pilot who saw air pollution as an opportunity. His actions were in the interest of consumerism. He was motivated by a desire for higher quality of life for himself and his fellow men. Within his own ethical framework he saw rightness and correctness.

Up to this time consumerism has been most heavily leveled at the manufacturing sector of business—isn't it possible that the retailing sector will feel the consumerism movement more actively in the weeks and months ahead?

What has happened to the old, comfortable, docile consumer world with its traditional concepts? After all, was it not that world which gave the consumer wide ownership of telephones, automobiles, radios, television followed by color television, and, soon to come, electronic ovens followed by computer ordering of food from the housewife's kitchen and perhaps even telephones with screens?

Charles Reich, in his book *The Greening of America*, asserts that modern large-scale organizations in association with the modern state impose their own truths and disciplines on people and persuade them that this is happiness.

The absolutism of Reich's position might have been a tenable position five years ago, but not today. Automatic acceptance of a corporate imprimatur is fading. Consumers of all backgrounds are complaining as never before. The New York City's Commissioner of Consumer Affairs reports complaints rose from 45,000 in 1968 to 82,000 in 1970. And an Opinion Research Corporation study in 1969 said 68 percent of Americans felt that new consumer protection laws were vitally needed. Two years previous a similar study showed only 55 per cent felt that way. A great many outstanding college graduates no longer knock on business' door.

Our house may be a bit out of order. But we . . . those of us who have the power and control . . . can use it to do something about it. Because the problem starts with us.

Reich, in *The Greening of American*, says, "we tell ourselves that social failure comes down to an individual moral failure; we must have the will to act; we must first find concern and compassion in our hearts. But this diagnosis is not good enough," Reich believes. "It is contradicted by the experience of the powerlessness that is encountered by so many people today. In 1968 a majority of the people wanted peace, but they could not turn their individual wills into action by society."

So I propose we focus on ourselves and our position in the business world, consider our span of control and dispense with the defensive. To borrow a slogan, let's get back to the basics.

It is my belief that the manufacturers and retailers who spend millions upon millions of dollars on advertising are getting some just criticism from the consumerist who points to advertising as being a phony.

Of course, not all advertising is phony, but there's enough of it out there to give this point of view credence. The equating of Marlboro cigarettes with the big sky country is a typical example of phoniness—what could be further from the truth? But advertising agency people and the tobacco companies have pushed this data in front of our eyes for many, many months. It is my firm belief that we who manage the manufacturing and retailing enterprises of this country can eliminate this kind of aberration provided we move our advertising messages from the psychological to the informative—or, to put it another way, all advertising must persuade, instead of persuading in the psychological emotional manner, let's persuade in the informative manner. Advertising done in the informative manner is not likely, in my opinion, to run into the charges of phoniness that presently stem from the consumerist.

If consumerism is to become a dominant value in our system . . . and it must or our system will disintegrate . . . the motivation must come from the management. It is the duty of management to police ambivalence, anachronism and dichotomy in the company's policies and actions—to put it a bit more bluntly, the conscience of a corporation must be spelled out by the leaders.

Humanization starts at the top. The smile of the clerk and the salesman and the attendant are reflections of the countenance of the people in charge. Give me a ruthless, tense, king kind of boss, and I'll show you a sales force generated by fear. Give me a single-minded, narrow, egomaniac executive and I'll show you a group of subordinates who advance by parroting the boss' opinion on everything from family life to what he eats and drinks.

Each of us has seen the results . . . the airline stewardess who is abrupt because she has to accept working colleagues based on a computer printout rather than personal preference . . . the furniture salesman who gives you a disbelieving look when you complain about a scratch on a new table because the salesman's boss told him: "That's the way it is today and it's up to you to sell the merchandise."

From the top executive level to the operating level to those who meet the public, the attitude of business must reflect the most positive nature of consumerism. The president of a leading American chemical company said recently: "Where once we looked at industrial research solely as the quest for new and better products, today a new, additional dimension is taking shape in our management responsibility. To put it in a nutshell, 15 years ago we would have been

happy to develop a plastic container that could be profitably marketed because it provided a safe and more convenient package for food and beverage. Today, we must inquire into the plastic's disposability. And if the answer is unsatisfactory, we had better go back to the test tubes, for if industry fails to screen its products for pollution control, the government and the public will."

Consumerism has demanded a change in how this chemical company operates, and the illustration of the new thinking at the top executive level will truly be far-reaching if it is repeated in implementation of policy at the operating level, in interchange with the public at the service level, and, in the efficacy of those who operate the back-up services.

To achieve this positiveness, business must consider training in a new dimension—perhaps this new dimension could be considered an employee-consumer partnership wherein the employe demonstrates consumer concern in all outward manifestations. It can no longer teach the individual just the company's products and services, the company's procedures. Today training should be intertwined with a sensitive feeling for the consumer's expectations, the product's capabilities and side effects, the possible foibles of the company's services and most relative and important, the sincerity of the company and its people to treat the consumer right in every aspect of the relationship . . . from the consumer's reaction to an advertisement or inquiry of a clerk to the ultimate usage of the product.

Training has for too long been associated solely with a procedural book and orientation tours. Today we need creativity and innovation in training as never before. Training is the bone structure of business; if it is strengthened with corporate support and given equal status to complementary disciplines, then the consumer ultimately will feel the strength of reason and character which distinguishes lasting, prosperous companies from those that come and go.

A winner profits by constantly looking inward to challenge itself. We did that in Pillsbury several years ago when our quality control system seemed to be emphasizing *control* rather then *enhancing quality*. Our quality control operation really was an after-the-fact fragment of a mechanistic process. We needed an incline in quality and, so, quality control became *quality assurance in name* and, in fact, became a *basic part of the manufacturing process*.

A new point of view was imperative to success. Whether consumerism today can become a reality also depends upon its image and a new point of view. The consumer says again and again in public opinion polls that he and she are skeptical of what they read and hear and buy. He reads an ad which states in large-sized letters, "free pies," and then has to follow the small type to learn he must buy a sandwich between certain hours to get the free pie. She wonders whether the automobile company is truly concerned about the capabilities of the vehicle when the television commercial not so subtly points out the curvature of the model dancing around the sedan rather than the configuration of the car.

There's a place for imagery in consumerism. It's the imagery of sales people who believe management cares; it's the imagery of advertising that relates to product virtues rather than the consumer's emotions; it's the imagery of a company that spends as much time and energy in handling a consumer's complaint as a consumer's purchase.

Granted, to achieve this new point of view requires new programs and emphasis. I propose that business begin by examining its relationships with publics other than its consumers.

The vendor is a key man. The vendor's consumer is the business upon whom he or she calls. And if the business doesn't behave like a consumer, then who can blame the vendor if merchandise and service is sloppy? But business' obligation to the vendor goes beyond returning merchandise. Business must communicate its standards more effectively to its vendors.

I've carped about advertising, yet I'm the first to admit that the issue centers upon the client. First, we accept the fact that the account executive is the individual who is personally acceptable to the client regardless of the person's creativity or intelligence or resourcefulness. We in business foster a climate in which advertising agency executives feel they have an obligation to defend business without hesitation from any consumer or governmental complaint. They listen to us blow wind and then watch in which direction it goes. I recall the very able national advertising executive who told the Twin Cities advertising industry last winter that business "has to map out a massive educational program to tell the public what free enterprise and our system are all about so they can make an intelligent judgment."

The way to convince the public that the system is beautiful is to let them know by deed that business cares. And, as I've said before, we start by convincing *our* people.

If only we could convince our people that they are the consumer's purchasing agents. I am reminded of the cartoon picturing a sales person completing a transaction and saying to the consumer: "In addition to the regular warranty, I also give my word." When the sales person tells me: "*I* don't have that item, but *I* can show you something like it," the use of the personal pronoun suggests to me that the sales person feels a deep sense of responsibility to give me personal attention, as well as indicating a sincere sense of responsibility for the employer's best interest. Even more significant, the sales person is identifying with the company which would indicate the employer is treating the sales person on a personal basis.

That is the purchasing agent concept in its very essence. This is the unique concept of a sales person aligning himself with the consumer (Herb DeGenere). But today that theory and practice wherein the sales person protects and looks out for the consumer is jeopardized by a new and disquieting numbers game that all big business plays to some extent. Big cities are bigger and their consumer audiences have grown to the point where some of us may be guilty of saying in our sub-conscious: "Some people may not like our prices or our product or our sales people but there are others who won't mind."

The numbers game comes in two distinct varieties. In one, and I speak from personal experience, there is a high quality product which is appreciated and purchased repeatedly by those who are fond of it. Unfortunately, there are not enough consumers who have that particular fondness to make it economically worth while to make it available in our numbers economy. So we discontinue the product and a relatively few consumers think we have gone out of our minds.

The second variety of the numbers game is the merchandising of stock sizes, regular colors, basic items, all based on what the computer tells us will move off the shelves sufficient to meet our sales and profit goals. If you, as a consumer, have off-beat needs, wear an odd size, or appreciate something other than what sells in the largest quantities, then you face hours of frustration in your shopping adventures.

However you may view consumerism, I think we can agree that it won't go away. I urge you to view the matter not as short term expediency, not as a fad or a passing fancy, not as a threat, not as a sinister influence, not as mischievous political chicanery, but as an opportunity. If we innovate and initiate *before* the government regulates, then consumerism will have been an opportunity for us—when a tide is rolling as is consumerism today, opportunities abound provided we are willing to change and look at our business through the eyes of management. If we react and follow the leader *after* the government regulates, then consumerism will have only posed more and more problems for business.

Basic to every achievement in business has been gaining the trust of people. For consumerism when stripped to its bare essentials is the habit of treating people as you would want to be treated. It is an ethical framework which, in the 1970s, deals with the public's growing and more demanding expectations of business. Our survival is keyed to those expectations.

THE SST

Mr. BENNETT. Mr. President, in an effort to interject a few calm reasoned thoughts on the practicality of the SST before the waves of hysteria and emotion descend upon us, I would like to bring to the attention of the Senate an editorial which recently appeared in the Salt Lake Tribune.

The editorial makes several observations concerning the possibility of continued funding for the SST. While the entire editorial is good, there are two noteworthy items I would like to mention.

The first is that President Nixon has "renewed the administration's pledge that the SST will not be committed to production until all environmental concerns have been thoroughly satisfied."

The editorial goes on to note that in addition to the precautions being taken to protect the environment, the economic circumstances are such that it would be less than wise to not approve the necessary funds.

Troubles of the dollar in European money markets has underlined the folly of the U.S. abandoning its SST and giving up dominance of the world aircraft industry by which it earns substantial foreign exchange.

This is in addition to the costs involved in terminating the contracts, money for which the Government will have nothing to show.

Our colleagues in the House have faced up to the challenge of the situation, and I believe that in good conscience we in the Senate can do no less.

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

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

[From the Salt Lake Tribune, May 14, 1971]

SENATE APPROVAL OF SST NOW CRUCIAL IN LIGHT OF RECENT DEVELOPMENTS

What caused the House of Representatives to recover its senses and vote to revive the controversial supersonic transport (SST) only seven weeks after it had helped kill it?

Are the same forces at work in the Senate which must also change its mind if the SST, like Lazarus, is to return from the dead? The Senate Appropriations Committee Thursday approved the House action.

The House reversal came on an amendment to convert $85.3 million in close-down costs into funds for continuing production of two prototypes.

No radically new arguments were put for-

ward in behalf of the SST. But supporters made much of the contention that it will cost some $155 million to close down the program while the two prototypes could be completed for that amount plus $300 million. This arithmetic, in addition to the fact that $864 million already has been spent, apparently swayed enough members to reverse the original stand.

The pending loan to financially troubled Lockheed Aircraft Corp. was also a factor since some congressmen who favor the Lockheed loan had opposed the SST. Help of SST supporters may be needed to gain approval of the Lockheed loan.

Also resorting to arithmetic, SST opponents say that it will cost an additional $3 to $4 billion to turn out the first commercial SST, after the prototypes fly. But that is far in the future and the House was dealing with whether to appropriate $85.3 million now as part of the $155 million total close-down costs.

The Senate killed the SST by a vote of 51–46. Since then, thousands of workers have been dismissed by the prime contractors and subcontractors. France and Britain have announced they would go ahead with their supersonic Concorde, Russia is ready to begin commercial service with its SST. Troubles of the dollar in European money markets has underlined the folly of the U.S. abandoning its SST and giving up dominance of the world aircraft industry by which it earns substantial foreign exchange. And the Lockheed affair is also before the Senate.

A spokesman for Boeing Co. which was building the plane, said it may cost up to $1 billion for his firm to restart work on the SST. If true this would be more than has already been spent.

The Boeing official also said a new start and a new contract should consider not only completion of the prototypes but construction of production aircraft as well. We think not. The time to worry about production models is after the prototypes are built and proven out. We trust the Boeing official was thinking of production models when he mentioned the $1 billion startup figure. Start-up costs for the prototype alone should be much less.

In commenting on the House vote, President Nixon renewed the administration's pledge that the SST will not be committed to production until all environmental concerns have been thoroughly satisfied. Having the prototype is a crucial factor in solving those environmental problems.

The House has faced up and corrected an earlier mistake. In view of developments since cancellation of the SST in March, the Senate cannot, in good conscience, do less.

IMPORTANT AMERICAN BAR ASSOCIATION EXPERTS FAVOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday I spoke of the factors that one should consider when weighing the official opposition to the Genocide Convention by the American Bar Association. It should be recognized that the ABA's opposition is far from unanimous. In fact, the ABA's Standing Committee on World Order Under Law, and its sections on Individual Rights and Responsibilities, Criminal Law, and International and Comparative Law, in short, the experts in the fields of law most relevant to the Genocide Convention, all strongly favored ratification, and their recommendations failed to carry the ABA's House of Delegates by only four votes.

Section IV of the report to the House of Delegates of the section of Individual Rights and Responsibilities is entitled "The Genocide Convention Is in All Respects Consistent with the Constitution, the Laws, and the Ideals of the United States." Mr. President, I ask unanimous consent that this section of the report be placed in the RECORD at this point.

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

IV. THE GENOCIDE CONVENTION IS IN ALL RESPECTS CONSISTENT WITH THE CONSTITUTION, THE LAWS, AND THE IDEALS OF THE UNITED STATES

A. THE GENERAL OBJECTIONS TO THE GENOCIDE CONVENTION MADE IN 1949–50 ARE WHOLLY OBSOLETE TODAY

The opposition to the Genocide treaty at the Senate hearings twenty years ago centered around three main points.[36] First, a general opposition to the "new concept" of government action by treaties. During the next two decades, the United States has entered into some 4,000 international agreements, without any noticeable diminution of its sovereign independence, nor any noticeable debasement of its standards to an international average. That treaties are the modern means of developing international law, just as statutes are the modern means of developing state and federal law, has been noted earlier, and hardly requires demonstration. If some felt nervous or cautious in 1949 about stepping on the new ground of multilateral treaties, including treaties affecting individuals, that fear is no longer justified. On the contrary, the only concern a United States citizen should have is that his country not be left out as the documents and issues of the new international law are drafted, debated, interpreted and applied.[37]

Second, the opposition expressed the fear that by treaties in general, and by the Genocide Convention in particular, Article 2(7) of the United Nations Charter, dealing with matters "essentially within the domestic jurisdiction of states" was being undercut. In the words of the ABA Special Committee[38] "Shall we be governed in internal affairs by treaty law or by laws passed by Congress with a constitutional basis?" Again the answer has already been given. Article 2(7) is in no way undercut by the Genocide Convention. Domestic matters are as out of bounds for the United Nations as ever. The only effect of the Genocide Convention is to say that the issues specified in Articles II and III cover not merely one country, but all countries. If the United States wants (1) to take a complete hands-off attitude if genocide should occur somewhere in the world; or (2) to foster, shield, or protect the commission of genocide within the nation's borders, then it should certainly not join the Convention. If neither of these attitudes is real, then the argument has no appeal whatever.

Third, the opposition, focusing on certain enigmatic language of Justice Holmes in *Missouri v. Holland*,[39] considered that the Genocide Convention might be the opening wedge in a drive to exceed the legislative powers of the Congress vis-a-vis the states through use of the treaty power. Whatever theoretical merit there might have been with respect to this point, discussed for nearly ten years in the context of the proposed Bricker Amendment,[40] it has no relevance to the Genocide Convention. No one could have any doubt about the right of the Congress to prohibit genocide. Quite apart from the treaty power, the Constitution expressly grants to the Congress the power "to define and punish Piracies and Felonies committed on the high seas and Offences against the Law of Nations." [41] And if anyone suspected that the Genocide Convention might be used to justify federal legislation in the field of civil rights, the events since 1949 have shown that the United States Constitution as currently understood is quite adequate to sustain any civil rights legislation likely to be proposed and passed, and certainly far more ample to coverage than any authority possibly derived from the Genocide Convention.

It is conceivable that a claim could have been made that depriving a racial group—say Negroes or American Indians—of the right to vote or the right to enjoy public accommodations is comprehended within Article II (b) of the Genocide Convention related to "mental harm". But this thought is hardly more than conceivable: as we have seen, the whole thrust of the convention and its origin suggest quite different goals; moreover, Article II (b) like all of the definitions of the crime of genocide is governed by the phrase "with intent to destroy", which would not seem to apply to even the most extreme segregationist measures which may be tolerated by statute law in the United States.[42] At all events the barring of school segregation, which was accomplished without any statute,[43] the passage of the Civil Rights Acts of 1957 [44] and 1964 [45] and the Voting Rights Act of 1965 [46] all sustained by the Supreme Court, show that blocking the Genocide Convention has given and will give no comfort to opponents of federal enforcement of rights of minorities, while ratification of the Convention will add no powers to those the Federal Government already possesses.

Unconnected to the state-federal relation in the United States, the objection was also made in 1949–50 that the Convention undertakes to define a crime for which there would be punishment under federal law, without concurrence by the House of Representatives. This is simply a misunderstanding, resulting from a confusion about what is and what is not a "self-executing" treaty. In fact, ratification of the Convention would obligate the United States internationally to pass the necessary implementing legislation, making the crimes specified punishable under United States law. Failure by the Congress to enact the implementing legislation would leave the United States in breach of an international obligation, but in such eventuality no one could be tried in the United States for a crime not specified in the Criminal Code. It is certain that no one can be accused of or tried for the crime of genocide in the United States until legislation making genocide a crime has been adopted in accordance with our domestic procedure for passage of a law.

To give an idea of what implementing legislation for the Genocide Convention might look like, a draft has been prepared and appears at Appendix C.[47] It may be noted that the draft follows the Convention closely, but not verbatim. Thus, for example, the words "aiding and abetting" have been substituted for the Convention's "complicity in", and a number of comparable small changes have been made. Needless to say, no international convention can adopt a form of words in every respect suitable for eighty or a hundred different legal systems. One of the objects of implementing legislation is to tailor a universal agreement to various local conditions. The draft in Appendix C, or some variation on that draft, could fully serve the twin purposes of adapting a general treaty to United States conditions and of preserving the principle that no one shall be punished by the United States for a crime, but upon conviction of an act prohibited by a law duly enacted by the Congress.[49] Any prosecution in the United States would be subject to all the safeguards provided in the Constitution, including the substantive guarantees in the First Amendment and the

Footnotes at end of article.

procedural guarantees in the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments.

B. THE SPECIFIC OBJECTIONS RAISED TO THE GENOCIDE CONVENTION ARE NOT MERITORIOUS

In addition to the general objections to the Genocide Convention discussed above, a number of particular criticisms relating to the text of the Convention were made by opponents in 1949–50.[49] These are not of a dimension sufficient, singly or together, to warrant non-ratification.

"As such"

Why, it was asked, did Article II refer to the destruction of a national, ethnical, racial, or religious group *as such?* Does this not create an ambiguity? The answer is perhaps it does, but so would the phrase without these words. Conceivably, an edict to kill all restaurant owners might be a subterfuge to kill, say, all Chinese within a country. In such an event, the words "as such" would give a possible technical defense to the authors of the deed. But that possibility seems very remote. In the past, genocide has not usually been disguised. It has been part of a deliberate, public, and political or religious campaign. Rome set out to destroy the Carthaginians; Islam set out to destroy Christians; Hitler set out to destroy the Jews, *as such.*

"In whole or in part"

What did the addition of the words "in whole or in part" signify for the crime of genocide? Did it mean, in the words of one opponent, "driving five Chinamen out of town"? [50] The answer, again, is quite simple, and indeed, appears in the drafting history of the Convention itself.[51] The object of adding the words "in part" was to preclude an argument that international destruction, say, of half or two thirds of the Jews of Rumania was not comprehended in the crime of genocide.

In the context of this Convention, there can be no doubt about the distinction between intent to destroy a national, ethnical or racial or religious group and intent to destroy some individuals belonging to that group. Nothing in the history of the United States since the early Indian wars quite adds up to the genocide within the meaning of this convention. If any race riot, lynching, or comparable event ever grew to the scale approaching genocide as defined in the Convention, the international obligation would surely add nothing to the determination of our own state and federal authorities to bring the perpetrators to full justice.

"Mental harm"

The thrust of the objection to this phrase, apparently, was that the critics did not understand it. As more facts of tortures both in Asia and in Eastern Europe during World War II have come out, as we have come to know about brain-washing in North Korea and of our own soldiers, and in Eastern Europe of various political and religious leaders including for instance Cardinal Mindszenty, the objection to including mental harm along with bodily harm would seem to disappear.

"The place of trial"

One criticism of the Convention arose out of the possibility that, under Article VI, a person accused of genocide could be tried by an international penal tribunal, possibly without trial by jury and other safeguards to which a United States citizen is entitled under the Constitution. Again, the answer is simple. No such tribunal has been established.[52] If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote.

"Direct and public incitement . . ."

The question is raised whether Article III(c) of the Convention, in prohibiting "direct and public incitement" to commit genocide is contrary to the First Amendment's guarantee of free speech. The scope of the free speech protection in the United States Constitution has been subject to various interpretations through the years, particularly as it conflicts with public order.[53] Thus it is not possible to state categorically that any given statement is or is not protected free speech, as against prescribed criminal activity. Our best judgment, for reasons spelled out below, is that any activity sufficient to support conviction for violation of Article III(c) of the Convention would fall outside of the First Amendment's protection. But the case need not rest there.

Assuming the above judgment were wrong and an activity prohibited by the Convention were held to be protected by the First Amendment, the conviction would simply be reversed. Nothing in the development of the treaty power suggests any other result. Indeed, in *Missouri v. Holland,*[54] the case most often cited as pointing the way toward expanded use of the treaty power, Justice Holmes specifically limited his speculation to "some invisible radiation from the general terms of the Tenth Amendment," [relating to reserved powers of the states] and not to "prohibitory words to be found in the Constitution," such as the First Amendment. Thus reversal of a conviction on free speech grounds would be perfectly within the powers of the Supreme Court (or indeed a lower court), notwithstanding anything in the Convention. Indeed, the Convention itself only requires (in Article V) that states undertake to enact, "in accordance with their respective Constitution" the necessary legislation to give effect to the Convention. If a portion of the implementing legislation were declared unconstitutional, generally or as applied to a given defendant, there would be no breach of the obligation under the treaty.

If the above possibility were very strong (and if incitement to genocide were the major provision of the Convention), there might be some cause for hesitation about the Convention.[55] In fact, it appears that Article III (c) is drawn precisely to satisfy the prevailing interpretations of the First Amendment to the United States Constitution.

Mr. Justice Holmes stated the argument in favor of the constitutionality of a provision such as Article III (c) in speaking for the Supreme Court in *Frohwerk v. United States,*[56] decided just after World War I.

"We think it necessary to add to what has been said in Schenk v. United States * * *[57] that the first amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity for every possible use of language. We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of murder within the jurisdiction of Congress would be an unconstitutional interference with free speech."

The same thought was expressed thirty years later in a case involving an injunction against peaceful picketing to induce violation of a state law concerning trade.[58]

"It has rarely been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now."

It is worth pointing out that the author of that opinion, for a unanimous court, was Mr. Justice Black, surely a justice sensitive to violations of the First Amendment.

It is, of course, not easy to distinguish in all cases between permissible and impermissible expression, or between condemnation of a racial, religious, or ethnic group and intent to destroy such a group. The distinctions drawn by the Supreme Court in this area—for example, between *Chaplinsky v. New Hampshire,*[59] *Terminiello v. City of Chicago* [60] and *Feiner v. New York* [61] are not easy. If a person were arrested and prosecuted for inciting to genocide, doubtless the factual issues would be scrutinized with great care. The dividing line was expressed best, perhaps, by Mr. Justice Brandeis in his famous concurrence in *Whitney v. California.*[62]

"* * * even advocacy of violation, however reprehensible morally, is not justification for denying free speech *where advocacy falls short of incitement* and there is nothing to indicate the advocacy would be immediately acted on. The wide divergence between advocacy and incitement, between preparational attempt, between assembling and conspiracy, must be borne in mind." (Emphasis supplied.)

In its most recent decision in the free speech area, the Supreme Court, while discrediting *Whitney v. California,* appears to have reaffirmed the distinction drawn by Justice Brandeis in his concurrence. Reversing the conviction of a Ku Klux Klan member who staged a "rally" for television reporters, the Court said: [63]

"* * * the constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except *where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.*" (Emphasis supplied.)

However hard it is in practice to draw the distinctions between advocacy and incitement, it is clear that in the definition of the crime, the Genocide Convention has drawn them correctly by these standards.

In short, the particular criticisms of the text of the Convention are the sort of objections that can be made to the text of many documents. Singly or together, they do not provide reason to reject the Convention.

FOOTNOTES

[36] *See Senate Hearings* (1950) 154–230.

[37] This point, in the context of the growth of international law in the post-war period, is developed by Bernard G. Segal, President of the ABA, in a recent address to the World Peace Through Law Conference, Bangkok, Thailand, September 1969.

[38] 74 A.B.A. Rep. 320 (1949), *Senate Hearings* (1950) 160.

[39] 252 U.S. 416, 433–434 (1920).

[40] There were several versions of the Amendment. For the principal one, see S.J. Res. 1 as amended and reported favorably by the Senate Judiciary Comm. S. Rep. No. 412, 83d Cong., 1st Sess. (1953).

[41] U.S. Constitution Art. I, sec. 8, cl. 10.

[42] There have been, of course, deliberate lynchings or murders with racist aims. But such acts have always been unlawful.

[43] *Brown* v. *Board of Education,* 347 U.S. 483 (1954). See also *Cooper* v. *Aaron,* 358 U.S. 1 (1958), *Griffin* v. *Prince Edward School Board,* 377 U.S. 218 (1964).

[44] 71 Stat. 637 (1957), 42 U.S.C. 1971 (1964), sustained in *United States* v. *Mississippi,* 380 U.S. 128 (1965).

[45] 78 Stat. 243 (1964), 42 U.S.C. § 2000a-h, sustained in *Heart of Atlanta Motel, Inc.* v. *United States,* 379 U.S. 241 (1964), and *Katzenbach v. McClung,* 379 U.S. 294 (1964).

[46] 79 Stat. 437 (1965), 42 U.S.C. § 1973 (Supp. 1965), sustained in *South Carolina v. Katzenbach,* 383 U.S. 301 (1966).

[47] While the Departments of State and Justice informally discussed implementing legislation for the Genocide Convention, no government draft has been published. The draft has been prepared for this Report, for illustration only, and has no official standing.

[48] It seems no longer necessary to address the possible overlap between the new federal

crime and a state crime, such as homicide. Such overlap is by now accepted without question, in areas as disparate as civil rights legislation, kidnapping, bank robbery, possession of narcotics, and as many more. For an early authoritative statement on this point, see *United States v. Arjona*, 120 U.S. 479 (1887).

[49] See *Senate Hearings* (1950) 154–221.

[50] See *Senate Hearings* (1950) 154, 199, 201, 203.

[51] The amendment containing these words was proposed by Norway in the debates of the Sixth (Legal) Committee of the General Assembly in its debates on the draft prepared by the Economic and Social Council. U.N. Doc. E/794 (May 24, 1948). The debates appear at 3 U.N. GAOR 6th Comm. 61, 92–97, Oct. 7, Oct. 13, 1948.

[52] The last time the proposal was seriously discussed appears to have been in the Sixth (Legal) Committee of the General Assembly in 1957. 12 U.N. GAOR 6th Comm. 155 (Dec. 5, 1957).

[53] For a thorough presentation of cases and scholarly discussion, see Emerson, Haber and Dorsen, *Political and Civil Rights in the United States* 512–601 (1967).

[54] 252 U.S. 416, 433–34 (1920).

[55] It would, of course, be possible to ratify the convention but omit the language corresponding to Article III(c) from the implementing legislation. That course is expressly permitted by Article V. For the reasons stated in the text, however, this course is not here advocated.

[56] 249 U.S. 204, 206 (1919).

[57] 249 U.S. 47 (1919).

[58] *Giboney v. Empire Storage Co.*, 336 U.S. 490, 498 (1949).

[59] 315 U.S. 568 (1942—Conviction of a Jehovah's Witness for addressing the police officer as "a damned Fascist" upheld.

[60] 337 U.S. 1 (1948)—Conviction of a speaker adressing a crowd and attacking "Communistic Zionistic Jews" reversed.

[61] 340 U.S. 315 (1951)—Conviction of a speaker for "endeavoring to arouse the Negro people against the Whites" and refusing to stop when requested by a police officer upheld. Justice Douglas, dissenting in *Feiner*, wrote "A speaker may not, of course, incite a riot any more than he may incite a breach of the peace by the use of 'fighting words'." 340 U.S. 329, 341.

[62] 274 U.S. 357, 376 (1927).

[63] *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).

RECENT INTERNATIONAL MONETARY DEVELOPMENTS

Mr. BROCK. Mr. President, recent international monetary developments have been cited as one justification for compulsory troop-cut legislation at this time. Acceptance of this position would mean that U.S. policy on our national security and on carrying out our treaty obligations is determined by international speculators and treasurers of multinational corporations. We must not be misled by such a charge.

Let us consider the facts. The press reported statements by academic and research institutions which in the United States favored "benign neglect" of the U.S. balance-of-payments deficit and in Germany either the floating of the deutsche mark or its outright reevaluation.

Speculators and corporate treasurers took these statements as a tip to get into deutsche marks and out of other freely convertible currencies. The result was that in a few days there was an inflow of dollars into Germany which in 2 days equaled almost two-thirds of the total inflow in the previous 4 months.

Buying marks was a fool-proof speculation. Even if the mark did not go up, it was inconceivable that it would go down. A speculator could not lose. In addition he had the possibility of earning a higher rate of interest on his marks than on several other currencies including U.S. dollars. Since the dollar is the world's chief transaction currency, it will be some time before people can tell how many of the dollars flowing into Germany came from the United States and how many were switches from third currencies into marks.

Confronted with this situation, the Germans closed their exchange markets until they could work out plans to deal with the inflow and hold the necessary consultations with their Common Market partners. The action taken was to allow the mark to float, that is have its price determined by supply and demand, with the announced intention of eventually returning to the old fixed parity value. Payment of interest on foreign deposits and purchase of domestic securities by foreigners was also banned. This series of actions is aimed at removing the certainty of speculative profits. The German exchange market was reopened on May 10 and so far the new arrangements seem to be working well. After selling at a premium of 3 percent above the old ceiling on May 10, the mark premium has ranged between 2 and 2⅝ percent.

When the German exchange market closed, speculators switched their activities to the Netherlands, Belgium, and Switzerland, which then closed their exchange markets. The Netherlands, which does not have a balance-of-payments surplus on current account, decided to follow the German pattern and float the guilder. Since the market reopened on May 10, the trend has followed the mark but with a lower premium of 1½ percent at last report.

Belgium which has for many years had a free market for capital outflows, expanded it effective May 11 when its market reopened, to include capital inflows also. The price for the Belgian franc in that free market has been around 1 percent above the official ceiling Belgium has made no change in its exchange rate for trade and other current account transactions.

Switzerland, officially stating that its franc had long been undervalued, increased the value of the Swiss franc by about 7 percent. The Swiss Government had only recently been given the power to change the franc's value without advance legislative approval and took advantage of the German and Dutch action to exercise its new power.

These are the facts about recent happenings in major foreign exchange markets. Clearly they all stemmed from hot money speculative inflows in view of the difference in the basic balance-of-payments positions of the countries concerned.

These deficits are a matter of grave concern, a concern shared by many of us over the past several years. They reflect an urgent need to have a more responsible Federal fiscal policy and to allow American business to compete on a more even basis with international competition. Such fundamental questions must not be hidden by short-term palliatives which do not solve the basic problem.

Additionally, it is now generally realized that these massive speculative flows require the leading financial countries to cooperate in developing new arrangements for dealing with such flows. The emergence and growth of the Eurocurrency markets and the multinational corporation in the last decade has greatly facilitated and expanded the possibilities for huge capital flow induced by interest rate differentials and the chance of speculative profits on exchange rate adjustments.

The recent massive capital flows which temporarily closed some exchange markets did not reflect any change in the size of the deficit in the U.S. basic balance of payments. This deficit has been running at about the same $3 billion size as it ran last year and as it has averaged in recent years. The basic balance, of course, includes the balance-of-payments cost of maintaining U.S. troops abroad.

So far as the future effect of the new rate arrangements on the U.S. balance-of-payments deficit is concerned, this is likely to be mixed. It may cost the U.S. Government and U.S. military personnel somewhat more in dollars for local currency expenditures in Germany and the Netherlands. How much will depend on the size of the premiums over the old parity rates and how long they last. There will be no change in the cost of local currency expenditures in Belgium.

On the other hand there are likely to be benefits to the U.S. balance of payments. More tourists may visit the U.S. now that our prices will be cheaper in their money. The competitive position of many U.S. exports may improve for the same reason. Moreover, if foreign exporters in countries with floating or revalued rates raise their dollar sales prices, U.S. imports of these products might be reduced or at least increase at a slower rate than would otherwise be the case. Any of these developments would have a favorable effect on the U.S. basic balance-of-payments position and together they may be expected to more than offset any increase in U.S. troop costs in Germany and the Netherlands.

Against this background, there does not seem to be any logical basis for arguing that recent monetary developments justify legislation for mandatory troop cuts abroad as a substitute for the policy which the United States has been following with its NATO partners of negotiating to reduce the balance-of-payments cost of maintaining our troops abroad and of seeking to negotiate with the U.S.S.R. on mutual cuts in troop strength.

We should continue our present policy of negotiations with our NATO partners and jointly with them seeking negotiations with the U.S.S.R. We should not legislate troop cuts. However, we should also make it clear that this decision does not stem from a policy of "benign neglect" of our balance-of-payments deficit.

The United States has been and continues to be concerned about its balance-

of-payments position. Our basic deficit must be reduced. A major effort in this respect must be aimed at increasing our exports and making them more competitive in price by increased efficiency in production and plant modernization. Control of our domestic inflation is crucial to this goal.

We must recognize, however, that even if we achieve a surplus in our basic balance of payments, this will not assure that exchange markets will necessarily operate smoothly and without incidents like those of recent weeks. The cure for such incidents is development of new monetary techniques to regulate the operations of the Eurocurrency markets which have so greatly facilitated massive capital flows for relatively quick short run profits.

It has recently become rather generally known that the practice of various foreign central banks of placing funds in the Eurocurrency, especially the Eurodollar, market had the estimated effect of increasing world liquidity last year by over $3 billion quite apart from any increase in liquidity traceable to the U.S. payments deficit on the official settlements basis.

It is too soon to tell what new monetary mechanisms will be worked out to solve these "hot money" flows. Clearly they will have to be developed on a cooperative basis with other leading financial countries and the International Monetary Fund.

In this framework, a cut in our troop strength in Germany and the Netherlands cannot assure an end to exchange market disturbances. The solution of the troop strength problem and the solution of the "hot money" problem will have to be negotiated not only separately but in different institutional contexts. It cannot convincingly be argued, therefore, that recent exchange market events are in any real sense a basis for troop cut legislation of a type not before proposed.

Let us consider the troop cut question on the basis of the relevant issues and not divert attention from them by dragging in extraneous matters like the closure of some exchange markets which happen to have recently received big front page headlines.

INTERNATIONAL TRADE

Mr. TALMADGE. Mr. President, yesterday the Subcommittee on International Trade of the Senate Committee on Finance received the testimony of Mr. Ely R. Callaway, Jr., president of Burlington Industries, Inc.

Mr. Callaway very candidly and perceptively presented his views on our Nation's trade policy. I believe his statement merits the close attention of every Member of this body, and I ask unanimous consent that the text of Mr. Callaway's statement and related material be printed in the RECORD.

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

TESTIMONY OF ELY R. CALLAWAY, JR., PRESIDENT, BURLINGTON INDUSTRIES, INC.

Mr. Chairman Ribicoff, distinguished Senators, I am honored to be here today. Thank you for inviting me. May I commend this Committee for this attempt to have a meaningful and objective dialogue on this immensely important subject—International Trade and the problems the United States is having, and is likely to have, in its dealings in this area.

I have prepared a statement, and you have it. A portion of that statement includes a summary of one clear and very meaningful example of the problem American industry has long had, and still has, in competing in international trade.

This one example is the nation's textile and Apparel Industry—an employer of 2,400,000 Americans. Later in my presentation, I will cite some of the specifics of the textile-apparel import problem. I will refer to our proposed remedy for this problem.

The U.S. economy as a whole is now threatened. What has happened in textiles and apparel is spreading rapidly to other industries—many industries which are basic to the welfare of America, just as is the textile and apparel business. Our textile-apparel problem is no longer ours alone. We have "company"—unfortunately.

Many industries—particularly those which we have always considered to be invulnerable to excessive imports because they are characterized as being of "high technology"—are now losing their business in America to excessive imports. There is solid evidence—if one will only look—that within the 1970's the U.S. economy as a whole faces a major threat to its well being.

This threat is from *excessive* imports disrupting our markets. These are excesses which result *not* from free trade among nations, but from *unfair* trade practices. Free trade simply does not exist.

Many predict that a *trade war* is coming. I say that a trade war is *here*—we are in it, and we are losing it.

Many predict that if we try to protect ourselves in this trade war our competitor nations will *Retaliate* against us. I say that they don't need to retaliate—the current *attack* in their current trade practices is all they need for victory now and in the future.

Because of the unfair trade practices of some of our strongest foreign competitors, many leading American businessmen are now saying openly that they cannot compete. Of our foreign competitors the Japanese are singled out most often. Evidence of this is found in *Time* Magazine, May 10 issue—the cover story. If you have not done so, please read this article—and the summary of the all-day symposium in which they describe the experiences of eleven businessmen in their dealings with Japan. *Time* entitled its cover story "Japan, Inc.—Winning the Most Important Battle".

Time Magazine, and most of the business leaders participating in the symposium, did accurately describe the symptoms of the illness. I participated in that symposium. But, *Time* prescribed a medicine which, if administered, will kill the patient—in my opinion. In effect they advocated additional "Japans".

Forbes Magazine, on May 1, ran a feature story depicting the difficulties American business is having in competing with Japanese firms—here and abroad. Again the picture came through clearly—"yes" we *do* have a problem. Some parts of the problem were described by the heads of two of the best managed companies in the world—the DuPont Company and Zenith Radio Corporation.

Some of the big international bankers in the United States are now beginning to be worried about some of their U.S. customers and are speaking out clearly against the unfair trade practices of the EEC and of Japan.

The current *Business Week* Magazine highlights the problems the Steel Industry is having in competing in international trade.

And so, the subject we are discussing here is very timely and very vital. Those of us who have struggled with the import problem for years are now encouraged that more and more of the leaders in American industry recognize that the United States economy is in trouble, and that something is wrong with our trade policy. American industry and American agriculture still produce the world's best products; we are still the most productive nation on earth; we spend tons of money on new plant and equipment; we are still the world's best managers of business; and we are good salesmen. But we are losing ground—fast—in our *own* U.S. markets and in the markets of the world. Why? I'll attempt to answer at least a part of this question. If we find out *Why* we are losing, will we be intelligent enough and courageous enough to find the solution to the problem—soon enough? As we go along in the months ahead, I think you'll find that an agreement—even among business leaders—as to proper solution to the problem is the biggest bone of contention.

Before going further, I think that you should have some knowledge about me, my selfish interest, and my company's interest. This will at least give you some chance to know the degree to which you should discount the points I'll try to make. A few weeks ago at the all-day symposium on problems in international trade sponsored by *Time* Magazine, I proposed that we eleven participants first identify our own self interests. I must not have spoken loud enough in making that suggestion—in any event what I suggested wasn't done. But I do feel that some meaningful identity of the speakers is essential to the kind of constructive dialogue which you obviously are attempting here.

So—if I may take a moment—I'll describe my own interests.

1. As President of Burlington Industries, I am interested in the jobs of our 86,000 employees—and my own job.

If we can reasonably contain our own problem with imports in our field, Burlington has an especially bright future. If we cannot contain it, Burlington will *not* go "broke", although many may lose their jobs and the future of our Company will be more difficult than it reasonably need be.

We in Burlington are manufacturers and merchants of nearly all types of textiles and of furniture. Except for hosiery, we do not make apparel. The apparel manufacturer buys our fabrics, and so he is our customer. We are interested in his welfare.

In Burlington, we are probably as complex, as modern, and as efficient as is any manufacturer of any product of any type anywhere in the world. We have 120 manufacturing plants in the U.S. and 35 abroad—in Canada, Mexico, and South America and with heaviest concentration in seven countries in Europe. We very recently have entered into a joint venture in Japan—for tufted carpets—with Mitsubishi Rayon Company. We admire and respect our Japanese partners.

And so, we are *not* traders operating in an atmosphere of isolation. We are *not* a one-product company which is sliding backward due to inefficiency and failure to keep up with the competitive world. Almost *none* of the textiles we produce in our plants abroad are shipped back into the U.S., and so we do *not* export jobs from America. We export fabrics to the rest of the world, but despite our best efforts, our export business is small—only about $30 million out of our own total sales of $1.8 billion in 1970.

2. My personal interests are (not necessarily in this order):

(a) I want to see my Company grow and prosper—here and abroad.

(b) I want to see my industry grow and prosper.

(c) I want peace to come to the world—*today*.

(d) I believe that one of the best and most realistic ways to achieve peace and to keep peace in the world is through trade—among

all nations. But trade must be carried on with fairness and equity among *all* trading partners.

(e) I am in favor of Protection—to a reasonable degree for all nations. I favor Protection to the extent that it is needed to prevent excessive penetration (of any market of any country) by an exporting nation whose political and/or economic arrangements enable that exporting nation to engage in unfair trade practices. I favor Protection for any nation to the extent that it is needed to keep any market in any country from being the victim of undue selfishness of businesses and/or governments—wherever they may be located.

It has been my experience that many of our trading competitors around the world have gone much too far in continuing to insist on holding on to the trading advantages we gave them at the end of World War II, and in now developing even new and greater advantages for themselves. It has been my experience that most of the men whom I know in business and government among our major foreign competitor nations do feel that they have a right to continue to have and to hold their trading advantages. "America is rich, its natural resources are boundless, its towns and its cities have never been destroyed by war—we deserve to have whatever advantages we have in our trade practices."

Like it or not—believe it or not—this is the way our foreign competitors' thinking goes and here is the root cause of the gross inequities we know exist when we compare our trade practices with those of our major competitors in world trade today.

Retaliate? They don't need to retaliate. They only need to keep on doing what they're doing in their trade practices—and to scare us to death by saying in effect, "We'll *Retaliate*—if you don't allow us to continue to take advantage of you." Is the U.S. a "pitiful, helpless giant"? No—but in international trade we've acted like one—up to now. Let's change. For I believe that they—our competitors—will *not* change—soon enough. They *like* it as it is.

You gentlemen know about these inequities in trade practices. I don't need to give you the details. Some of them were described accurately and fully by your own staff in its analysis of "certain issued" raised by the GATT—report dated December 19, 1970. Further, Senator Ribicoff's March 4, 1971 report to the Committee on Finance entitled, "Trade Policies in the 1970's" gives an excellent picture of some of the major problems the U.S. faces in carrying on international trade.

In summary, Europe has found very effective ways, by "hook or by crook", to keep our products from excessive penetration of their markets; they have found ways to effectively limit the Japanese penetration of their markets; they (particularly the EEC) have thus forced the Japanese to try even harder to capture the U.S. market; and all the while they have threatened us if we do to them what they are doing to us. They have bought from us only those things that are in their self interest to buy, and this will continue, I predict.

And what have the Japanese been doing? They have been doing *everything right*—for themselves! The Japanese are extremely able people and they have developed a system of domestic and international trade which, in my opinion, is unbeatable. The heart of the system—and its main strength—is that the entire Japanese nation is the equivalent of one company—bigger and stronger and more aggressive than any one company the world has ever known (or even thought of). This is the ultimate of all the monopolies ever dreamed of. Every segment of the Japanese nation—from the workers, through the business executive, the banker, the trading company—all are in partnership with their government—working diligently for one common purpose—to become the world's #1 economic power.

The American people and American businesses are protected by our laws from being harmed by American monopolies. For this reason, our anti-trust laws are good (although, in practice, I think most businessmen in the U.S. feel strongly that our anti-trust laws are often enforced and/or interpreted by our government to a silly and very harmful extreme). Even so, the fundamental purpose of these laws is to protect Americans from the ravages of monopolies.

Where are the laws which protect Americans from the ravages of the most powerful—and the most aggressive—monopoly ever devised? Do we really believe that the location of this monopoly—10,000 miles away—makes it any less harmful to America than if it were located in Georgia or Connecticut? Do we really believe that the Japanese monopoly was developed for any purpose except to capture any portion of any major market that might be desirable for them in America or elsewhere? Of course, it was developed for that purpose—and it's working! Beautifully! For the Japanese.

Do I resent the Japanese for having devised this brilliant monopoly? No, I do not. Although I feel that they are short-sighted to have pushed their advantage in America as far as they have, I hold absolutely no animosity toward them. But I do deplore the fact that our own government has—under these particular circumstances—failed to give adequate protection to American businesses and to the American people who have to date been a victim of this monopoly, Japan, Inc.

What is this monopoly—how can I describe it? I cannot do it justice, even if I took my entire allotted time to do so. Therefore, as a picture for those who may not be aware, I'll use an event of only a few days ago—May 13, in Detroit. I'm going to take the liberty of using Mr. Henry Ford 2nd to show you how powerful the Japan, Inc. monopoly is, and to show you that many—too many—very smart and very able business leaders, (and Mr. Ford surely is one of those), do not yet really know what they are up against when Japan, Inc. decides to compete with them in a major way. But this is beginning to change—additional business leaders nearly every week are beginning to see that Japan, Inc. really is, or soon can be, a real problem for them.

On Friday, May 14, The New York Times report on the annual meeting of The Ford Company stated in part:

"Henry Ford II warned today that the assault on the American market by imported cars was just beginning and said, 'I frankly don't see how we're going to meet the foreign competition—. We've only seen the beginning. Wait till those Japanese get a hold of the central part of the United States—. We may be a service nation some day!—because American manufacturers could not compete with foreigners."

Knowing how difficult it is to be quoted accurately under such circumstances, I suspect that Mr. Ford really meant that American automobile manufacturers cannot compete with the Japanese. For instance, the Germans, Mr. Ford's biggest and best foreign competitor in the U.S. market to date, are a bit easier to compete against than are the Japanese since German manufacturers have a profit motive more nearly like ours, their workers earn much more than do the Japanese, and the German "system" as it affects their exports—while far more effective than America's system—is not nearly so complete and effective a monopoly as is the Japanese monopoly.

Let me give you one illustration as to why Ford Motor Company (long recognized as one of the world's greatest in mass production of the highest technology products) cannot compete profitably against the Japanese if the Japanese make up their minds to capture a big portion of Ford's business. I think most knowledgeable men in industry will agree that if Ford cannot compete with Japan—no one can.

I'll illustrate by taking a purely hypothetical case. Suppose that the anti-trust laws of the U.S. were suddenly suspended for only one day, and that a merger of a number of our biggest and best companies were allowed. Assume that only this one giant merger were permissible and that the next day all other companies in the U.S. would again be subject to our normal anti-trust laws. Assume now that a new corporation is formed—let's call it "American Monopoly, Inc."—and that it is a result of a merger of the following companies which had banded together during that one day moratorium I mentioned—General Motors, Chrysler Corporation, Standard Oil of New Jersey, Atlantic-Richfield, The Chase Bank, Bank of America, U.S. Steel, Kennecott Copper (and Peabody Coal), IBM, RCA, Sears, Roebuck, J. C. Penney, and Burlington Industries!

And—let's assume that this new giant goes to the U.S. Government and says "We would like to capture a big part of Ford Motor Company's business. Will you help us? Will you let us "fix" prices—will you give us total protection against imports into our own markets while we are doing whatever we need to do in capturing Ford's business?"

Assume Uncle Sam says to American Monopoly, Inc.—"Yes, we will help you, we will cooperate, in fact we'll be your financial partner in case you run into difficulty in the process—go ahead!"

Now—under all of these assumptions—how long would the Ford Motor Company last? As long as ten years? Let's ask Mr. Ford.

Of course we are fortunate that in America our anti-trust laws won't allow an "American Monopoly, Inc." to exist. American business could not compete with such a monopoly, and the American people would lose much in the process.

But—we do have such a monopoly—in fact an even stronger one than my hypothetical one—competing against American industry right here in our own market! And that monopoly—Japan, Inc.—has as its number one purpose the desire to capture a very substantial portion of the richest market in the World—the U.S. market. Our laws and our trade policies are not adequate to counter the obvious competitive advantages in "Japan, Inc."

The Japanese have developed for themselves laws and rules and regulations, which when combined with their political economic and social structure, and their domestic and international trade practices, enables them to accomplish their purpose.

On the other hand, *our* laws and rules and regulations, *our* domestic and international trade policy and practices, and our political, economic and social structure and our standard of living—all of these factors combined and separately tend to make the U.S. *unable* to compete with "Japan, Inc.," or with any other nation which might develop as an equally effective system.

So—here's the problem. How do we solve it?

Do we develop a total system of monopoly the same as Japan's? Of course not. America is too far down the road—taking a completely different route.

Do we abandon our anti-trust laws so that our companies can band together and withstand the power and trading tactics of Japan, Inc.? No—for the anti-trust basic philosophy is good for American business in solving its own domestic economic problems and it is good for the American people.

Can we persuade the Japanese to change their system to any substantial degree? I feel sure that we *cannot*—there's not a realis-

tic chance of doing this—within the next 10 years.

Should we then let Japan—and other nations which adopt a similar system—take the best part of our U.S. markets for industrial products? Should America become a nation of farmers, retailers, and services? Certainly not. To whom would we sell our services—how would anyone pay the bills? Mass *consumption* depends on *jobs*—millions of them. And this means mass production. If we *do* want to drop to the bottom of the ladder economically, then we should let some other nation(s) take away our industrial business. Let's not do that.

Should we, as a general practice, embargo or very severely limit imports from Japan or other nations? No. Japan and all nations should have a fair chance to obtain and to hold a reasonable share of the American market—based on the merit of the product and its fair (*not* subsidized) price. A reasonable flow of imports into the U.S. is healthy for business, and good for our consumers.

So, having rejected all of these alternatives, I suggest that we do the following things.

A. We should tell the American people the facts about the inequities we face in carrying on international trade under current trade policy.

We should inform our people:

1. That serious trade problems have been caused by the development and expansion of the Common Market.

2. That there are gross inequities in the GATT rules.

3. That Western Europe systematically excludes imports from Japan and from the less developed countries.

4. That Japan is the most highly protected market in the world. As a consequence, Japan often sells products to its own people at considerably higher prices than they sell the same or similar product to Americans. Americans lose by this practice—because we lose our jobs as a result.

5. That U.S. companies cannot own more than 50% of a company in Japan.

6. That the great disparity between wage rates and working conditions throughout the world tends to make the U.S. the "dumping ground" for goods which are produced abroad under conditions that are illegal in the U.S.

7. That the remedies that are available to U.S. industries injured by excessive imports resulting from unfair trade practices are not adequate to compensate for our competitive disadvantages.

Just last week the Bureau of Customs announced that it is beginning an investigation of a complaint filed by my company charging that certain Japanese worsted fabrics are being "dumped" in the U.S. We have an excellent case, we gathered our own evidence over a period of many months, and I'm confident the proceeding will end in an assessment of additional duties as provided by U.S. law. Most companies in America do not have the resources to gather the necessary evidence for such a proceeding—and neither is the U.S. government in a position to do the preliminary fact finding in this type of case.

In any case, let me make it clear that a positive finding of dumping and injury in the Burlington case will apply only to the limited and specific worsted fabrics involved. It will not affect imports of *apparel* made of the same type of fabric.

8. Let us inform our people that the major economic threat to the U.S. is from the Far East.

Although I share the concern and frustration now broadly developing over the extension of Common Market membership which tends to make the Common Market even more protectionist and although the Common Market represents a fundamental contradiction of the free trade doctrine and GATT principle, I do not share the view that the next major trade effort of the U.S. should be another "Round" with the Common Market. I assume that the proponents of such a round would plan to persuade the Common Market to dismantle or re-structure its organizations and/or its plans.

9. We should tell Americans that the U.S. no longer has a monopoly on scientific development ability, on productivity, on management skills, and on salesmanship. It has been at least 20 years since we did have such a monopoly—if, indeed, we ever did have. Unfortunately, our current trade policy assumes we still have such a great advantage in these areas. This is unreal and the height of egotism.

10. We should advise our people that the Most Favored Nation principle has been a great handicap—that the principle is obsolete, and is probably already dead. There is no incentive for developed nations to trade tariff reductions if Japan, with its low costs and its brilliant monopolistic system, reaps the benefit of the deal through the application of the MFN principle.

11. And let's tell our people that there are serious limitations in *Adjustment Assistance*. We should fairly and honestly view Adjustment Assistance for what it is and not claim for it values that it cannot produce. Adjustment Assistance, as a solution to American industry and workers which may be seriously affected by low-cost monopolistic import competition, is useless on any large scale. I would suggest some trial determinations be made as to how Adjustment Assistance could operate as an effective instrument to restore large scale business enterprises and their workers to industry viability. Many of us strongly feel that Adjustment Assistance, claimed by some to be an effective method of dealing with excessive import competition should now be shown for what it is—a temporary expedient, useful only in isolated, short-term cases. It is merely another form of temporary public welfare—and only an effective form of "burial insurance" for individual companies.

12. And finally, let us talk to them realistically about the chances for removal of non-tariff barriers which are so prevalent in other nations. We must recognize that it will take years and years to remove some of these and that others will never disappear, because they are so deeply rooted in the self interest and in the social and legislative life of the nations involved. Many propose that the United States, as its next major trade effort, should undertake the initiative to discuss the removal of non-tariff barriers. Meanwhile, so far as I know, nothing is proposed to be done to deal soon enough with the worsening impact of excessive imports upon our domestic industries and workers. Even then some blandly admit that it might, perhaps, take as long as 25 years before any substantial progress would be made towards removal of non-tariff barriers.

If this be the solution to the American problem in international trade, few of us would agree that we have the resources to wait that long. In any imperfect world of nations, peoples and ideals, the perfect world of attitude and practice requisite to the smooth functioning of doctrinaire free trade will continue to be illusive. In the process of waiting for that day, the United States must have the courage and resolution to solve its own problems.

B. Having informed our people on these 12 points, we should ask the Congress to enact new trade legislation which will recognize the trade advantages which we have either given to our foreign competitors or have allowed them to gain. This new trade legislation should establish procedures under which the U.S. will be able to solve its own economic problems if our foreign competitors do not give us reasonable and meaningful cooperation. This legislation should permit the United States to deal with excessive levels of imports through the establishment of quotas, tariffs, or any such other devices appropriate to meet the particular threat. The legislation proposed would not be materially different from the Trade Bill which passed the House last year.

When such legislation is enacted, the United States should undertake to convene the GATT nations for the purpose of modernizing and updating its rules so that the inequities and unfairness of the present arrangement will be removed. (Let us then call that agreement, The General Agreement on Fair Trade—the GAFT.)

To this point I have talked about the international trade problem and the U.S. import situation in terms of the U.S. economy, the U.S. industry at large. I did so because I thought it was important that the broad view of potential damage to all American industry and its workers should first be portrayed. Coming as I do from the textile industry which has been particularly affected by excessive imports primarily from the Far East, I would now like to make a brief presentation of the specifics of the import situation applicable to the textile and apparel industries of the U.S. In so doing, I will make reference to some large charts here. I have also distributed some smaller black and white versions of these charts to each member of the Committee which I hope will assist in following my chart presentation.

Starting in 1958, U.S. textile imports have steadily increased with a particularly strong surge developing since 1967. As U.S. textile exports remain relatively stable during that period the textile import/export trade of the U.S. as of the end of 1970 (chart 1) was in deficit by $1.6 billion.

These imports, yarn through apparel, are shown by fiber delineation on chart 2. Cotton textile imports (which have been under international control since 1961 pursuant to the Short-Term Cotton Textile Agreement and its successor, the Long-Term Cotton Textile Arrangement, LTA) have approximately doubled since 1961. In recent years the rate of increase of U.S. wool textile imports has slowed although imports of wool textiles continue at an extremely high level, 26% of domestic consumption of wool fiber. Man-made fibers textiles and apparel, which entered the U.S. in relatively small quantities in 1961 have mounted steadily, particularly so during the past three years. As the chart entitled "Imports of Man-Mades Exceed Cotton" shows, imports are now substantially larger both in volume and dollar value than the quota-controlled cotton textile imports. Considering market acceptance, based on superior performance of certain fabrics made either of 100% man-made fibers or of blends of man-made and natural fibers, imports of those fabrics are certain to continue to increase dramatically unless regulated.

As against the claim that the American textile industry is inefficient, the chart "Labor Productivity in 1967" shows that productivity in the American textile industry is far superior to that of any other textile producing nation. This is particularly so in the case of Japan and Hong Kong.

The chart entitled "World Textile Wages" shows how the productivity edge of the American industry is overcome by the wage advantages of our major foreign competitors. For example, U.S. textile industry average hourly wages are more than five times higher than those of Japan, eight times higher than those of Hong Kong and twenty-two times more than paid in Korea.

The chart "U.S.-Japan Wage Gap Widening" unhappily shows the gap between U.S. and Japan wages is widening to the disadvantage of the American producers. Whereas this gap gave an advantage to Japan in 1962 of $1.44 per hour, in 1970 that advantage had now increased to $1.98 per hour.

The chart "Textile Wage and Price Index"

shows that despite substantial wage increases in the domestic textile industry the wholesale price index of the industry's products has remained at the 1957–59 level. This very convincingly refutes the argument that textile import controls are or will be inflationary to the disadvantage of the American consumer. The record is just the opposite; dramatically so in the case of cotton textiles products which have not increased since 1961 despite the LTA controls. The chart "1970 Wholesale Prices" describes the performance of domestic textile prices as against those for all U.S. Manufactured commodities during the same period. Textile prices have been less inflationary than those of any other industry; in an industry (textiles and apparel) with a combined GNP in excess of $36 billion. The chart "Industry Profit Rate" shows the meager return on sales and equity of textile mill establishments as against those of all U.S. Manufacturing.

The next chart shows the overall importance of the textile/apparel industry to the national economy. These industries account for 2.4 Million American jobs, have an annual payroll of $10.8 Billion and pay federal, state and local taxes of $2.5 Billion. One in eight of all U.S. manufacturing jobs is in textiles and apparel.

The performance of the textile industry as a minority employer as shown by the next chart is also outstanding, both in trend and when compared with all manufacturing industry. The textile industry is also an important employer of female labor.

The textile industry with approximately 60% of its manufacturing establishments located in small town and rural areas relieves the large urban areas from the heavy burden of social and welfare costs which are compounded when unemployed workers and families move from rural areas and small towns to big urban areas. On the other hand, approximately 80% of all manufacturing jobs in industries (other than textiles) are located in urban metropolitan areas where the problems of rising costs for education, welfare and governmental services pose almost insoluable problems.

The textile and apparel industry is a large purchaser and user of goods and services supplied by other American industries. It annually purchases fibers having a value of $4 Billion, invests in plants and equipment at a cost of $570 Million, purchases packaging materials at a cost of $240 Million, chemicals and dye stuffs at a cost of $600 Million, power and fuel at a cost of $420 Million and trucking services at a cost of approximately $100 Million. So it cannot be denied that the textile industry is an important, we believe, essential segment of our national economy. If the nation were to lose these industries or if they were to be seriously crippled the national cost would be extremely high and the dislocations of people and the resulting social and political problems would be immense. Curiously, advocates of Adjustment Assistance as a panacea which will heal the wounds of injured industries would logically regard the textile and apparel industries as precisely the type of industries into which capital and labor troubled by import competition might move after collapse of their initial business enterprises. If we did not have a domestic textile and apparel industry it would be smart to invent one.

Early in March the Japan Textile Federation announced that the Japanese textile industry was undertaking a unilateral program to limit future exports of certain textile and apparel products to the U.S. The details of that arrangement are set forth in the attached text of the Japanese Federation's declaration. As the announced plan fell far short of the requirements of a workable arrangement to deal with the import problem of the American textile and apparel industries it was promptly rejected by the industry leadership. It was also rejected by President Nixon in his statement of March 11, 1971. The president rejected this unilateral program of the Japan Textile Federation as falling "short of the terms essential to the U.S. in the following significant respects:

"Only one overall ceiling for all cotton, wool and man-made fibre fabric and apparel textiles is provided, with only a general undertaking by the Japanese industry 'to prevent undue distortions of the present pattern of trade. This allows concentration on specific categories which could result in these categories growing many times faster than the overall limits.

"The overall ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. *During the two years* that we have been negotiating with the government of Japan, imports of manmade fiber textile products have greatly increased, and in January 1971 they entered this country at a record-breaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including in the base, exports of cotton products which are already limited by agreement and which have been declining."

I think the President's reasons why the Japanese textile industry arrangement is inadequate and unacceptable are clear and correct. I could not improve upon the President's judgment as to the unacceptability of the voluntary Japanese industry proposals.

In closing I join with others in this industry in an appeal to the President and the Congress for the development of enforceable government-to-government arrangements keyed to global coverage with suitable category delineation of specific textile and apparel products. All of this should be done in the context of a fair and reasonable base period and an equitable sharing in the increased demand in the domestic market between domestic production and imports. Anything short of that will not work.

I thank you for your courtesy and attention. I will be pleased to answer any questions you may have.

TEXT OF JAPANESE FEDERATION DECLARATION

The Japan Textile Federation will follow legal procedures required by Japanese law to control exports to the United States of all textile products. In making this declaration, the Textile Federation emphasizes that these restraints are not to be construed as an admission that its exports of textile products to the United States are causing serious injury or market disruption.

If the pending textile issue between the United States and Japan is left unsolved, trade protectionism in the United States will be encouraged which will cause a worldwide chain reaction resulting in an unfortunate situation for both countries. This will pose a serious threat to free trade throughout the world.

In order to prevent this situation and to solve the textile issue which has become a political problem and also to maintain and promote the political and economic relationships between the United States and Japan, the textile industry of Japan has decided to take this action from an overall viewpoint. The textile issue has been negotiated between the Governments of the United States and Japan for a prolonged period but the Textile Federation trusts that by this declaration such negotiations need not be continued. The Textile Federation further wishes to make it clear that this restraint is not to be construed as a precedent for similar action with regard to any other market for Japanese textile product exports, and trusts that these actions will not be understood as a precedent for other products being exported from Japan.

The restrictions will be applied as follows:

1. Coverage. Restrictions will be applied to the aggregate total, excluding raw materials, of the cotton textile products restrained pursuant to the present bilateral agreement between the United States and Japan, as amended, man-made fiber textile products and wool textile products. The restrictions shall not at this time include any yarns. This exclusion of yarn may be reconsidered if there is a change in circumstances.

2. Base. The base for calculating restraints shall be the aggregate total of exports from Japan for the first 12-month period in the 15-month period immediately preceding the commencement of the restraints, as set forth in Paragraph 3 below, the cotton textile products, man-made fiber textile products and wool textile products to be at this time covered in Paragraph 1.

3. Duration. Restrictions will be enforced from the first calendar month following a three month preparation period after the date of this declaration and will continue for 36 months. In the event that other nations, accounting for a substantial proportion of exports of textile products to the United States, do not enforce similar restrictions (taking into account differing circumstances in such nations). Enforcement by Japan will be from the first calendar month after the date such countries put in force such restrictions.

4. Quota quantities (Measured on a physical basis).

(A) The quota for the first 12 month period of restraint will be the base as set forth above in Paragraph 2, increased by 5 per cent.

(B) The quota for the second 12 month period shall be the quota for the first 12 month period increased by 6 per cent.

(C) The quota for the third 12 month period shall be the quota for the second 12 month period increased by 6 per cent.

5. Surveillance. In order to prevent undue distortions of the present pattern of trade, the Federation will exercise strict surveillance and take remedial action if necessary.

6. Reservations. The Federation reserves the right to modify or terminate the above voluntary restrictions in the following circumstances:

(A) In the event that the United States imposes any general quota on textile product imports by legislation or administrative action or imposes new or higher duties on textile product imports generally or takes any other action generally restricting the import of textile products into the United States, except that in the event the United States imposes higher rates of duty or other import restrictions on particular textile products by legislation or administrative action subject to Article XIX, or other appropriate provisions of the General Agreement on Tariffs and trade, the Federation reserves the right only to modify (but not to terminate) the above voluntary restrictions;

(B) In the event that there is a major change of circumstances affecting international economic conditions and foreign trade generally or textile trade in particular; and

(C) In the event that Japan finds itself in an extremely disadvantageous position if nations not enforcing similar export controls substantially increase textile exports to the United States and do not adopt similar export restrictions.

7. This declaration will be enforced in such a way as not to infringe the domestic laws of the United States and Japan.

8. Nothing in this declaration shall affect the operation of the present bilateral agreement on cotton between the United States and Japan, as amended.

TEXTILE-APPAREL INDUSTRY: A MAJOR FACTOR IN U.S. ECONOMY

PURCHASES ANNUALLY

Fibers—$4.0 billion.
Plant and equipment—$570 million.
Packaging products—$240 million.
Chemicals and dyestuffs—$600 million.
Power and fuel—$420 million.
Trucking services—$100 million.

STATEMENT BY THE PRESIDENT

For two years, this administration has attempted to negotiate a voluntary agreement with the Government of Japan curtailing the excessive wool and manmade fiber textile imports from Japan. The United States has sought to be as flexible as possible concerning the details of an agreement while consistently adhering to certain basic principles which we consider essential to any agreement designed to curb these excessive imports. These principles are reflected in the following terms which have been presented to the Japanese Ambassador by the U.S. negotiator in meetings through January of this year:

A limited number of categories of particularly sensitive products, covering about one-half of those imports, would be assigned specific import ceilings. The ceilings would be based upon imports from Japan in 1969 plus a reasonable growth factor. Shifting of imports among these categories would be permitted so as to reflect changing conditions in the U.S. market, subject to limitations to avoid excessive concentration in any of these sensitive categories.

If imports from Japan of any other category exceed the 1970 import level plus a more liberal growth factor, the United States could request consultation with Japan, and impose specific limitations if a mutually satisfactory solution was not reached.

On Monday, following discussions between its Washington representative and the Chairman of the House Ways and Means Committee, the Japan Textile Federation announced that the Japanese textile industry is undertaking a unilateral program to limit future exports of textile products to the United States. At the same time, the Government of Japan issued a public statement endorsing this unorthodox action by a private Japanese group and terminating its negotiations with the United States Government. On its face, this unilateral program falls short of the terms essential to the U.S. in the following significant respects:

Only one overall ceiling for all cotton, wool and manmade fiber fabric and apparel textiles is provided, with only a general undertaking by the Japanese industry "to prevent undue distortions of the present pattern of trade." This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits.

The overall ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. During the two years that we have been negotiating with the Government of Japan, imports of manmade fiber textile products have greatly increased, and in January 1971 they entered this country at a record-breaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including the base exports of cotton products which are already limited by agreement and which have been declining.

The deficiencies in the Japanese industry program make it clear that it will not result in an acceptable solution. It is well known that I would prefer a negotiated agreement to solve this problem. The maneuver of the Japanese industry, now apparently ratified by the Government of Japan, has effectively precluded further meaningful government to government negotiations, the resumption of which this country would welcome.

Consequently, I will strongly support the textile quota provisions of the legislation now pending before the Congress, H.R. 20, a bill passed by the House of Representatives last year and reintroduced this year by Chairman Mills and Congressman Byrnes of the Ways and Means Committee.

At the same time I am directing the Secretary of Commerce to monitor imports of wool and manmade fiber textile products from Japan on a monthly basis. I am instructing that this monitoring begin immediately, with the results, including an analysis of any differences from what would have been the results under the terms we presented, to be made available to the entire Congress.

Under the circumstances and in order to provide the relief necessary for United States textile workers and businesses this Government must now give the fullest consideration to the other alternative solutions to the textile problem.

PRIVATE PENSION AND PROFIT-SHARING PLANS

Mr. BENNETT. Mr. President, over the last several years, a widening interest has been exhibited by the Congress, the executive branch, the press, and the general public in the development and operations of the Nation's private retirement system. Private pension and profit-sharing plans now cover an estimated 34 million American workers and their families, and are paying benefits to some 4 million persons to supplement social security pensions and private savings.

The discussion of private pension and profit-sharing plans, particularly in the press, has frequently reflected sensationalized conclusions drawn from isolated examples of alleged wrongdoing or weaknesses in the private system. Indeed, as is often the case, the rhetoric has tended to obscure the factual situation. For this reason, I was particularly pleased to come across an article on private pensions that I believe offers badly needed perspective and helps present the issues and the facts in an evenhanded fashion.

The article actually is in the form of an interview by the editors of U.S. News & World Report with Mr. Frank L. Griffin, Jr., who is an actuary and a consultant to the Treasury Department. Mr. Griffin has just completed a term as president of the Conference of Actuaries in Public Practice and recently retired as head of the Wyatt Co. in Chicago. He is generally recognized as a leading authority on private pension plans, and brings to this field objectivity and understanding which are rooted in many years of practical experience.

Mr. Griffin is well-known as one of the authors of what is generally acknowledged to be the most definitive study to date regarding the funding of private pension plans. Entitled "Status of Funding Under Private Pension Plans," the book was written for the Pension Research Council at the Wharton School of Finance and Commerce, University of Pennsylvania. The study was financed in part by the Federal Government and was written by Mr. Griffin and Charles L. Trowbridge, who has subsequently become the Chief Actuary of the Social Security Administration.

As Mr. Griffin explained in the interview, one of the most significant findings of the pension research study "was that private pension plans in the United States were exceedingly well funded as of 1966, the central date of the study." He went on to say that—

Over 90 percent of all plans in the study were ahead of any reasonable bench mark of funding progress. So this indicates that the vast majority of pension plans are soundly based and adequately financed.

Mr. Griffin added—

Another significant finding was that vesting, adopted voluntarily, was already quite liberal insofar as a majority of the covered employees was concerned. Further liberalization may be expected as more urgent benefit priorities are satisfied.

The Department of Labor's own studies seem to bear out Mr. Griffin's comment that further liberalization of vesting can be expected. His study was based on 1966 data, but the Department reported last year that—

In 1969, plans with either vesting, early retirement, or both, covered 91 percent of all active workers participating in private pension plans reporting to the Labor Department.

Plans with vesting provisions covered 76 percent of all participating workers in 1969, compared to 63 percent in 1967 and 59 percent in 1962, the Department said.

I should like to add that as a member of the Senate Committee on Finance, I am looking forward to receiving the results of governmental studies that should bear significantly on the issues posed by private pension plans. It will be recalled that when the Finance Committee was putting the finishing touches on the Tax Reform Act of 1969, we asked the Joint Committee on Internal Revenue Taxation and the Treasury Department to study the vast range of pension plans and other forms of deferred compensation, and to report their conclusions and legislative recommendations. I understand that this work has been moving along, and as soon as our heavy workload permits, I know the Finance Committee will want to look into the results of these studies.

Meanwhile, I suspect I would agree with the conclusion drawn by Mr. Griffin from his long years of dealing with many kinds of pension plans. The major problem associated with private pension plans, he said, is the fact that too few people in the United States are covered by any private pension plan. I am sure that as Congress seeks to curb isolated examples of abuse with existing plans, we will want to be careful not to do anything which would discourage the adoption of new plans at companies whose employees now receive no private retirement benefits.

Mr. President, I ask unanimous consent that the article entitled, "Changes Ahead in Pension Plans," from the April 5 issue of U.S. News, be printed at this point in the RECORD.

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

CHANGES AHEAD IN PENSION PLANS

AN EXPERT REPORTS ON RISING BENEFITS, OTHER TRENDS

As Social Security payments go up, private pensions are changing, too. More plans are becoming "portable" if you shift jobs. Retirementment before age 65 is offered more often. "Vesting"—giving the employe a share in a pension system—starts earlier. In this interview, an authority on pensions tells about benefits, safety of pension funds, other trends affecting retirement dreams of millions of people.

Q. Mr. Griffin, are important changes coming in the private pension system?

A. Yes, there is no question about that. You need only read the newspapers to see the trends.

Sooner or later there is going to be additional federal legislation on the subject of private pensions, for one thing.

Q. How many Americans are covered by private pension plans?

A. About 34 million individuals. That's as good an estimate as exists. There might be a million more or less than that.

Q. Does the 34 million include both workers and their families?

A. Not dependents—just individual workers or exworkers drawing pensions, in the private-employment sector only.

Q. About how many people are already retired on private pensions?

A. The best estimate I have is something over 4 million.

Q. On the average, how much money do they get?

A. Long service employes currently retiring under private plans probably average $150 to $200 a month—though many amounts are higher.

The average for all pensioners who retired at any time in the past is of course lower—perhaps $110 a month. That is because private-pension benefits have constantly undergone improvement over the years and are still improving.

Q. What kinds of changes in pension plans lie ahead?

A. One is a trend toward earlier retirement. Some unions are pressing for that—for making benefits available before the traditional retirement age of 65. Many employers are favoring the earlier-retirement idea, too, particularly in industries where automation tends to make the help of certain older workers less necessary.

Q. Who pays for pensions—employers or workers?

A. Noncontributory pension plans, where the employer takes over the entire burden of payments into a retirement fund, continue to predominate. There has been a push in this direction for many years, and most plans adopted in recent times have been noncontributory.

If I were to make a prediction about this, though, I would say there is a possibility that new legislation might lead to a resurgence of contributory plans [where workers make payments into the pension fund] in the near future.

Q. Why do you think contributory plans will increase?

A. One possibility—and it is still in the discussion stage—is that an employe's contribution to his pension plan, in the future, might be made tax-deductible to the employe.

Undoubtedly there are many small employers who have held off setting up pension plans simply because they can't afford the whole cost. But if such an employer could have a plan to which his workers contributed, he might decide he could adopt it. And certainly employes would have less resistance to a contributory plan if they could get an income tax deduction for their pension-fund contributions each year.

Q. What other changes do you expect?

A. An important provision being written into more and more private plans concerns what we refer to as "survivor benefits." That is just a euphemism for death benefits in one form or another—pension payments to dependents, or lump-sum payments to family members or other survivors.

Q. Are pensions and related benefits increasing in amount?

A. Yes, there is a clear pattern in that direction. The goal in years past was to provide a retired person with somewhere between 40 per cent and 60 per cent of the annual income he had when he was working, counting the employer-financed portion of Social Security.

But benefits keep going upward with inflation. There has been a change in the type of benefit formula used in many private plans to relate pensions directly to pay levels near retirement age rather than to the average pay over a worker's entire career.

Union plans which follow the pattern of a flat benefit per year of service also tend to be updated periodically in negotiations.

Q. Do you notice more cost-of-living "escalators" applying to pensions of people already retired?

A. There is a wider use of such escalators, but I don't see any tremendous surge in that direction in terms of writing such escalators into plans that are now being set up.

Employers have in many instances voluntarily improved the pensions they are paying their retired workers, and in some cases this has been agreed to through union negotiations. It might be a one-time adjustment, however, rather than any periodic increase tied to the consumer price index.

I have clients who have done this. They have said, "We recognize that the pension checks sent to our retired workers are being clipped by inflation, so we will take the number of years since each worker retired and figure that he has been nicked by a 2 per cent annual inflation. To compensate for that we'll jack up his payment 2 per cent multiplied by the number of years since he retired."

Another, far broader trend is a swing toward earlier vesting of pension benefits. It's a severance benefit, if you want to look at it that way. Most of the pension plans that have been approved lately have leaned toward more liberal vesting as well as toward the introduction of survivor benefits.

Q. What is meant by "vesting?"

A. As applied to pension plans the word "vesting" means, in effect, that at some point in time—in terms of years of service with a company or in terms of age—an employee becomes entitled to a pension payable later on whether he leaves the service of the employer or not.

Private pension plans have quite a fair degree of vesting today, but of course the exact degree varies all over the lot. Some plans have vesting that begins as soon as the employee has completed 10 years of service, or even earlier. Other plans combine years of service with age. Such a formula might provide vesting, say, after 15 years of service and after age 45. That is a fairly common provision.

Now, it is a fact—and many people don't realize this—that every pension plan approved by the Treasury Department has some vesting if it contains a provision for early retirement. Most plans do contain such a provision.

The Internal Revenue Service insists that there be vesting not later than the first age at which early retirement can be applied.

MOST PLANS REQUIRE IRS APPROVAL

Q. Why does the IRS have to approve a company's pension plan?

A. The tax people get involved if a plan is funded in advance—that is, if the employer sets aside some money each year to be paid into a pension reserve. Such payments, up to a certain amount, qualify for federal income tax deduction as part of the employer's expense of doing business. That is why we often refer to "qualified plans." So the IRS looks over these plans to make sure they conform to the tax rules.

Of course, there are some plans that are not funded in advance. Those don't require Government approval. The employer just pays the pensions as a disbursement out of income. But the number of people covered solely by informal pension arrangements like this is relatively small—perhaps half a million employees.

Q. There's been considerable talk lately about "portability" of pensions—the idea that a worker, when he changes jobs, ought to be able to carry his pension rights with him—

A. He doesn't actually have any rights to carry until he has fulfilled the vesting requirements of the plan. Once he has, there can be portability. This already exists under most plans today.

But there has been some talk of setting up a central pension fund into which all employers would funnel amounts to cover vested benefits of terminating employes. This particular approach has been a red flag to a lot of people who fear all private-pension assets might gradually be siphoned off into the federal Social Security fund, if that should become the vehicle.

Q. Suppose I work nine years for a company whose pension plan doesn't start vesting until after the tenth year. Then I move on to another company whose pension rights vest in 10 years, and again I leave after only nine years. Couldn't that go on and on? I might have worked for three or four employers and not get a dime of pension—

A. Yes, that is possible, and that is precisely why age should be substituted for service at some point in the vesting formula.

EFFECTS ON EMPLOYE MORALE

Q. Is the concept of a pension as a way to hold workers undergoing a change?

A. The change came a long time ago. I don't think most employers now view their pension plans in that light—nor do employes.

Take my own case: I worked 14½ years for a company whose plan vested after 15 years. The fact that I was not yet entitled to vested benefits had nothing to do with my decision; I left because I saw a better opportunity somewhere else.

Competition for workers has been a factor in the changed attitude. If you can tell a man when you hire him, "We have a fine pension plan here, and you don't have to stay on the job for 40 years to get benefits," that is a good talkng point. It's far better than saying, "If you stick around until age 65 you'll get a pension."

One of the best arguments for early retirement, which is a form of vesting of pensions, confirms this fact. Frequently it is cheaper to have a worker covered by a pension plan and to retire him early than it is to keep him on the payroll, particularly if he is not carrying his weight on the job or if automation has made his particular task less important. There are cases where it may be more economical for an employer to pension off a worker than to keep him around.

As a matter of fact, pensions should be viewed as "good business" all around: better employe morale, opening avenues of promotion to younger men, more-efficient operation and so on.

Q. In the light of all this, why don't more companies go for earlier vesting of retirement benefits?

A. Many have done so. More-liberal vesting is well on the way, voluntarily. No less an authority than Isidore Goodman (tax-law specialist in the pension-trust branch) of the Internal Revenue Service said in a recent speech that new plans are being established at a greater rate than ever before and that additional features such as vesting and early retirement—sometimes death benefits—are being included.

For those who have not voluntarily liberalized as yet, cost is the chief reason: You are providing an extra benefit, and you have to pay for it.

This is one area that is widely misunderstood. Many persons do not realize the true nature of vesting. They talk about someone leaving a company before he is vested thereby losing his pension rights. One cannot lose something before it is given to him, and John Doe's vested right had not yet come into being.

Vesting is an additional severance benefit which is acquired at a particular point of time—and not before.

The loudest critics of today's plans wish to create a new right—one which does not now

exist. In the meantime, they talk as if the employer were robbing the worker of something to which he is legally entitled.

Q. But for the younger man—

A. Most employers and unions I deal with are not opposed to vesting; they are opposed to compulsory vesting—for this reason: If there are only so many dollars available for a pension plan, who should determine how those dollars should be spent? Should we have higher pensions for those currently retiring, or should we give a vested right to the young fellow who leaves a job when he is 29 years old?

It boils down to a matter of priorities.

Historically, almost all employers have first taken care of the older employe who is about to retire—and so have unions, in their bargaining.

Suppose a plan has been in effect for only two years. The employer can't have paid in very much for the workers now ready to retire, so he customarily undertakes to meet a large past-service cost for the old-timers. He can't put up all that money at once; he funds it over a period of time, just as a man does who is paying on a mortgage on his home.

As time goes on, the funding for past service is complete. By that time, the employer can start to upgrade benefits, provide vesting, offer survivors' benefits—whatever he chooses to provide or whatever he and the union can agree on.

Q. Do most unions favor compulsory vesting?

A. Some do; some don't. Most probably are opposed to it for the same reason employers are: If they see that an extra 25 cents an hour, say, is being made available to improve a pension plan they want a say in how it is done. They think they know better than some bureaucrat in Washington how priorities should be set. That is my own position, too.

Even so—politics and human nature being what they are—I think we are going to get compulsory vesting whether we favor it or not. If so, let's hope we can steer it in the right direction.

Q. What do you consider "the right direction"?

A. I think any viable program for universal vesting—and by "viable" I mean reasonably acceptable to opposing viewpoints on the question—would have to contain three central elements:

First, vesting should be tied in some way to age. An example might be that a worker's pension rights become permanently vested after age 40 or 45. Another suggestion is that age plus length of service add up to 50. If a plan provides this, then a man who is 50 and who switches from one job to another won't need any further vesting qualification to be covered by a pension in his new job; he's already vested immediately. And of course it's the later years toward retirement that are the most important for a worker because his pay generally is at its peak and the pension increments he earns then are by far the greatest.

As to the second point, I believe that any compulsory vesting ought to be applied only to a minimum layer of private-pension benefits and not to all benefits. That would give the employer some leeway as to the sort of benefits he wanted and could afford above that point. Otherwise, the very employers who are already doing the best job—providing the biggest pensions—would be socked the hardest with the extra cost of vesting.

Further, providing a minimum level of benefits is consistent with the aim of supplementing Social Security and should fit the objectives of those in the Government who want to give the average guy some basic private benefits he is pretty sure to carry along on top of his Social Security.

Q. And your third point?

A. I would specify that multiemployer, bargained plans—those set up under the Taft-Hartley Act—be subject to the same vesting provisions as plans provided by individual private employers. This would avoid charges of discrimination, simplify governmental administration and yet be reasonable in cost to those bargained plans which are industrywide. These plans already have considerable employment transferability, so any extra vesting costs would be very low.

DIVERSITY IN BENEFITS

Q. Mr. Griffin, can you tell us what sorts of benefits a typical pension plan provides for a worker?

A. To satisfy varying benefit objectives there is such a diversity in the private-pension field that it would be difficult to say what is typical or average. But most plans fall into one of three broad categories.

First is the flat-benefit type of plan—of the sort widely negotiated by the United Auto Workers, for example. Depending on the individual company concerned, such a plan provides retirement benefits amounting to anywhere from $4 or $5 a month to $9 or $10 a month for each year of service. Frequently, such a plan is fully vested after 10 years of service with a company. Some variations of ths same plan have a formula to determine time of vesting: age combined with length of service—say, vesting after 10 years with a company and after age 40.

A second broad category offers pensions based on a worker's earnings from year to year. Suppose you are covered by such a plan: Maybe 1 per cent or 1½ per cent of what you earn this year is your pension credit for the year. That goes on year after year. As your pay goes up, your pension increments go up, too. We call this a "career-average benefit plan." Vesting in plans of this type is sometimes less liberal than that cited earlier—but need not be, of course.

The third type of plan—and one that is in the ascendancy—is by far the best from the standpoint of the employe. That is a plan where benefits for each year of service are based entirely on earnings during the last few years of employment. Assume you are covered by this sort of pension plan: It provides an automatic updating for inflation or for merit-pay increases you have received right up to the date you retire, so you enter retirement with a pension based on your standard of living at the time you stop working.

This type of plan may have an advantage for the employer, too: He doesn't have to keep updating it every few years to take account of inflation or other factors that dictate an increase in employe benefits.

Under any type of pension plan, ancillary benefits other than vesting are frequently included—such as survivor benefits, retirement options and so on.

Q. Roughly how much money is represented in all the private pension plans in this country?

A. Estimates vary, but my own figure would be a total of about 150 billion dollars, excluding plans for employes of various governmental units as well as Railroad Retirement.

Q. Where is this money kept?

A. About 30 per cent of the assets behind private pension plans are administered and invested by insurance companies. The other 70 per cent is in trust funds which, in most instances, are handled by corporate trustees—usually banks or trust companies.

Generally speaking, the employer in all these cases has little to say about how the funds are invested. He turns the money over to a professional investment institution to be managed. Usually the employer retains a right to set general investment policy by specifying broad investment categories and proportions in each. Most important, though, he cannot recover any of the pension money for company use once he has turned it over to the trustee.

There are a few funds that are managed exclusively by union trustees or sometimes jointly by union and employer trustees.

Q. When a company turns over its money to a bank or trust company, does the bank guarantee to see that pensions are paid at a certain level?

A. No.

Q. If the investments go down in value, is the retired person likely to get less pension than he expected?

A. Again the answer is no—and the reason is that the bank or other trustee has nothing to say about the amount of benefits. In paying benefits he acts solely on the instructions of the employer or administrative committee, who computes the pension according to the formula in the plan.

When a man reaches his retirement date the employer notifies the trustee that on and after that date the man is to get a monthly check for, say, $280—or whatever his pension happens to be. That monthly payment is to continue for as long as the man lives or for whatever time is provided in the pension plan.

Q. What happens, though, if the total pension fund has shrunk because of a decline in value of the stocks and bonds in which it is invested?

A. The pension payments continue at the same amount; they are not reduced just because the stock market drops temporarily or because the asset values are lower than they were. I am speaking of conventional pensions of fixed amount rather than the special "variable annuity" which has been introduced in a few situations in recent years.

As long as an employer continues a plan he is responsible for seeing that the assets behind it, together with new contributions, are sufficient to keep meeting the payments as promised. So if there were a permanent decline in the value of a pension fund, the employer's costs—his regular payments into the fund—would have to go up. But if there's only a temporary market decline, as is the case with most shifts in fund value, he doesn't get too concerned.

WHEN A BUSINESS FAILS

Q. What if the company goes out of business?

A. That's a different proposition, and I have to answer in an entirely different way.

If a company goes out of business and its pension plan is to be terminated, the assets in the fund are then distributed among various preference-order beneficiaries as far as they will extend. Every funded private pension plan contains a provision of this type. It has been traditional in the past to give first call to those already retired.

In other words, you first figure out how much money will be needed to provide pensioners for the rest of their lives with the pension payments that already have been entered upon. One of several ways that can be done is to get the best blanket policy you can find from an insurance company. You take that lump sum out of the assets, buy a policy that guarantees payments to all the people already retired, and get it out of the way.

The next order of preference usually is to take care of all those who could qualify for early retirement. Then would come employes still some time from retirement but whose share of the pension fund already has become vested. After that, the usual practice is to allocate whatever money is left in proportion to the values of accrued benefits for all remaining workers whether or not their shares are vested.

Q. But suppose there isn't enough money to go around——

A. Then the trustee will prorate any assets remaining after the prior allocations.

Assume your interest in a pension fund

is twice mine: You'll get twice as much as I will—but the total of all our interests will equal what's remaining in the fund.

Q. How often does this sort of thing happen?

A. There aren't many such cases, but one in particular that got a tremendous amount of publicity a few years ago involved the Studebaker Corporation. That stirred up a lot of talk—some of it, I'm sorry to say, completely unfounded—about the safety and condition of private pension plans generally.

There was no wrongdoing on the part of either the employer or the union in the Studebaker case. Both followed to the letter the agreements as to the funding of the pension plan.

The basic problem was a top-heavy age distribution among Studebaker's workers. A great many people already had retired and a tremendous number of others were pushing retirement age. So when they divided up the assets in the pension fund they made a full distribution down to about age 60—something like that—and had very little left over for people younger than that.

Q. Have there been many such examples?

A. No. The Labor Department made a study of that question a few years ago, and private actuaries analyzed it in detail. They came up with some interesting statistics:

Over the 10-year period covered by the study, which examined all terminations of qualified plans during that decade, only one quarter of 1 per cent of the benefits provided under private plans were lost through plan termination. This is a remarkable record.

To help put this matter in perspective, the effect of inflation on the drying-up of pension benefits in that 10-year span was 120 times greater than the loss due to termination of plans.

Q. Figures from the Labor Department show that about 500 pension plans, covering some 25,000 workers, are terminated each year. Does that tally with your own studies?

A. Without looking them up, I'd say that's about right. But you must note this important point: Most of these are not terminations of plans of companies that go out of business and deprive workers of all their benefits.

Most terminations occur when there is a merger and the people covered by the former plan will be blanketed in under a new one. Or a company may decide to shift from one type of plan to another—say, from a profit-sharing type of plan to a straight-pension plan—and the old plan will be ended in favor of a new one. But the employes don't lose anything in those situations.

So most of the terminations mentioned in the Labor Department's reports are these technical types of termination where people do not lose benefits to any significant degree.

LARGEST STUDY OF PRIVATE PENSIONS

Q. Are there other statistics on the safety of pension plans?

A. Yes. I might refer to an authoritative study on this subject done by the Pension Research Council at the Wharton School of Finance and Commerce, University of Pennsylvania. I was a coauthor with Charles L. Trowbridge, now the chief actuary for the Social Security Administration.

The study was called "Status of Funding Under Private Pension Plans" and was published as a book in 1969. We studied plans covering some 9 million employes. None of the plans was identified, and all the statistical work was done by computer. We were dealing with the largest sample of private pension plans ever studied.

Q. What were the results?

A. The most important finding was that private pension plans in the U.S. were exceedingly well funded as of 1966, the central date of the study. Over 90 per cent of all plans in the study were ahead of any reasonable bench mark of funding progress. So this indicates that the vast majority of pension plans are soundly based and adequately financed.

Another significant finding was that vesting, adopted voluntarily, was already quite liberal insofar as a majority of the covered employes were concerned.

Further liberalization may be expected as more-urgent benefit priorities are satisfied.

Q. Mr. Griffin, we talked earlier about the likelihood of federal legislation regarding private pension plans. Why are Congress and the agencies in Washington so interested in the pension field?

A. Probably the initial reason was what happened at Studebaker. Publicity surrounding the closing of the Studebaker plant made this a real political issue. The first bill in Congress, I believe, was introduced by Senator Vance Hartke, of Indiana—the State in which Studebaker had its headquarters.

Beyond that particular issue, however, it has been evident to pension actuaries and consultants for some time that legislation was likely to compel vesting of pensions to accomplish certain social objectives.

Considerable pressure is being exerted by some people in Washington to make over private pension plans in the image of Social Security. They would like to see them modeled after the federal Social Security concept and tied into it.

I don't happen to agree with this because I feel that private plans sponsored by individual companies may legitimately have private as well as social objectives. These plans are set up for widely different reasons, because types of employe and benefit priorities can differ.

I think it is appropriate to work toward some improvement in vesting provisions, preferably on a voluntary basis, but employers and unions should retain considerable freedom as to the benefits they provide to meet their own needs and preferences. Complete uniformity is not appropriate.

In recent years, consultants who have been alert to trends developing in Washington have been advising employers adopting new plans or those revising and updating their existing plans to provide more-liberal vesting. They have recognized that this is going to come through compulsion if it is not done voluntarily.

Actually, these moves toward liberalizing vesting as well as toward improving other benefits have been pretty constant—not only because of anticipated pressures from the Government but because it is good business practice to modernize and update retirement programs as finances permit.

Q. What new pension-plan regulations do you see as most likely to get early attention from Congress?

A. I would guess that action might come first in the areas of disclosure and fiduciary responsibility.

As to disclosure, there have been widely differing proposals, but the basic idea would be to make sure that employees are given detailed information at regular intervals about their pension rights, the extent to which their pension coverage is vested, their accrued benefits—things like that.

Some employers, particularly larger ones, already make some of this information available on a fairly regular basis. They have the staffs and computers to do it. But the amount of work for a smaller employer could be horrendous if very detailed reports were to become mandatory.

Q. What about the fiduciary-responsibility aspect?

A. That would require adequate disclosure of certain types of investments made by a pension fund and would prohibit certain types of transactions. The purpose is to protect the integrity of the fund itself.

The Labor Department already requires that pension funds file reports under the Federal Disclosure Act. These reports come in to Washington and are filed away by the Labor Department, but very little public attention seems to be paid to them.

Q. Once an employer has decided to set up a pension plan, how long does it ordinarily take to get approval by the Internal Revenue Service?

A. It depends on where he is located. Some regional offices of the IRS are more loaded with work than others. In the Chicago area, where I come from, by the time an employer has worked out all the details of a plan he generally can get approval in two to three months.

Sometimes you can run into a snag. Treasury rulings are intricate, and local officials' decisions may vary even though they are based on the same set of regulations. This can be a real nuisance for employers, employes and the professionals who serve them.

Just because you get a favorable ruling for a particular type of plan in Chicago, for instance, doesn't mean you can get initial approval for the identical plan in St. Louis. Of course, you can always appeal to IRS headquarters in Washington and sooner or later get the matter straightened out. But it is frustrating and time-consuming.

Q. How many companies follow the policy of investing a substantial part of their pension fund to their own stock?

A. Not many. Those that do so usually, invest only to a limited degree in their own shares. The practice is more common in profit-sharing plans than in pension plans. But I suspect we are going to see legislation that will put a ceiling on the percentage of assets, of either a profit-sharing or a pension fund, that can be invested in an employer's own stock.

"TOO FEW" AMERICANS COVERED

Q. Do most private pension plans, taken together with Social Security, offer the retiree an adequate standard of living under today's conditions—or do you see room for improvement?

A. The ultimate goal, I suppose, would be to provide a retired worker with just about the same sum as he was earning, after taxes, while he was still on the job. And I am sure that will come about someday in the normal development of private-pension benefits.

But I don't think we can say that at the present time pensions are as adequate as we'd like them to be. More to the point would be to compare what the average person retiring, say, 20 years ago got as a pension then with what a man retiring today is getting.

People retiring now under a private plan who also have Social Security are likely to end up with 50 to 60 per cent of the average sum they were earning in the last five years on the job. And that doesn't count a wife's share under Social Security. All in all, I would consider that pretty good at this stage of the game.

A far bigger problem than size of pensions, in my view, is the fact that too few people in the U.S. are covered by any private pension plan.

JEWS IN THE SOVIET UNION

Mr. HUMPHREY. Mr. President, as a cosponsor of the bill for the relief of Soviet Jews, I wish to reiterate my deep concern for the Jews now living in the Soviet Union. We now have well documented evidence showing that there is a large waiting list of Soviet Jews who are applying for emigration visas to the United States. These lists, plus reports of the Leningrad trials, and a variety of investigations, indicate that the Jewish

population in the Soviet Union is being persecuted.

The most convenient response to this news is to shirk our shoulders and go on with more important business. After all, there is little we can do.

Maybe we cannot do all that we would like to because we are only one country. But we certainly can make the plight of the Soviet Jews vividly apparent to the rest of the world so that pressure can be brought to bear as in the case of the Leningrad trial.

We in the United States can take even more concrete humanitarian action by urging our Government to issue additional refugee visas beyond the quota already allotted for the next year. We did not hesitate to take such action at the time of the Hungarian revolution nor should we hesitate today.

This issue should not be whether or not the Jews will be permitted to leave. The question is whether or not the United States wishes to pursue its finer traditions by welcoming Soviet Jews to this country, should the opportunity ever arise.

SOIL STEWARDSHIP WEEK

Mr. FONG. Mr. President, citizens of all countries are fast becoming aware of environmental deterioration. People are realizing that natural resources are merely portions of a complex ecological pattern. It is particularly timely that Soil Stewardship Week, May 16–23, deals with the theme, "The World and They That Dwell Within."

During Soil Stewardship Week, all citizens are asked to be especially mindful of their obligations as stewards of the soil, water, and other natural resources.

Hawaii's soil conservation districts are joining 3,000 companion district throughout the country to provide local sponsorship of this observance for the 17th consecutive year. The districts—along with their State and national associations—deserve praise and gratitude for their history of concern for the quality of our environment.

In Hawaii, our Nation's only island State, our people are keenly aware of the limitations of their land and other natural resources. For nearly three decades two groups directly concerned with conservation of land and water resources have made noteworthy contributions. I am speaking of Hawaii's 15 soil and water conservation districts, charged by State law to conserve and protect land and water resources in the State. I am speaking also of the U.S. Department of Agriculture's Soil Conservation Service, which provides technical help through these districts to the people of my State.

Hawaii is the only State in the Union with a completed soil survey, a cooperative survey accomplished under the leadership of the Soil Conservation Service. Soil surveys, of course, are the foundation of good land-use planning. The State is well known in planning circles for its progressive land-use laws. Its statewide zoning boundaries are strongly influenced by information provided by the SCS soil survey and interpretations

The Soil Conservation Service is providing valuable technical planning help to sponsors of the Tri-Isle Resource Conservation and Development project. The sponsors of Hawaii's first such project are the County of Maui and the five soil and water conservation districts in the county. Local people expect the project will lead to improvement of the quality of life in the three-island project area.

Two projects under provisions of Public Law 566, the Small Watershed Protection and Flood Prevention Act, have been completed as of January 1, 1971. They are: First, Naalehu watershed project and, second, Puukapu watershed project, both on the Island of Hawaii. These were among the 10 applications for planning assistance which have been submitted to SCS from Hawaii. The other projects are in various stages of planning and construction.

Selected plants tested at the SCS Plant Materials Center on Maui Island beautify the countryside, stop soil erosion, and improve the quality of agriculture in Hawaii as well as in other areas of the Pacific Basin.

The success of this Federal assistance is due immeasurably to the efforts and leadership of the State's soil and water conservation districts. Landowners who cooperate with districts for years have been effectively acting on the ecological concern today so widespread. Preserving the good qualities of life—one of the great challenges facing our Nation—is a continuing consideration in active district programs.

The districts include practically all landowners in the State and 96 percent of the land. In fact, about 80 percent of the entire State is under cooperative agreement with districts, reflecting landowners' intentions to apply needed conservation measures. Since the Soil Conservation Service's first study of conservation problems in Hawaii in 1938, landowners themselves have invested more than $80 million in conservation practices.

Hawaii's citizens are proud of the work accomplished through the district movement with the assistance of the Soil Conservation Service and other agencies; are indebted to district leaders for their efforts to keep the public informed about vital reserve conservation and development needs; and are most appreciative of the continuing support Congress and the President have given to this program.

In observance of the 1971 Soil Stewardship Week, President Nixon said:

> At the turn of the century, the chief environmental concern of our country was to preserve what we had. It is out of this concern that the conservation movement was born.
>
> Today conservation is more important than ever. But it is no longer enough to merely conserve what we have: we must also restore what we have lost.
>
> The task of cleaning up our environment calls for total involvement by all our citizens. It involves government at every level. It requires the help of every citizen. It presents us with a unique opportunity for every individual to make a special contribution to his community and country.
>
> Soil Stewardship Week, 1971, crystalizes the urgency of the work that is before us. I know that it will be observed with the enthusiasm it invokes, and that America will be richer and future generations of our citizens happier because of what we together achieve.

Mr. President, the House of Representatives of the Sixth Legislature of the State of Hawaii, regular session of 1971, adopted House Resolution No. 335, "Expressing Support For The Observance of Soil Stewardship Week, May 16–23, 1971," the text of which is as follows:

> Whereas, the preservation of environmental quality is not only a national objective of paramount importance but also one of this State's major goals; and
>
> Whereas, for the past several decades, the Government and people of Hawaii have sought to preserve environmental quality through the creation of soil and conservation districts designed to implement proper resource conservation and development; and
>
> Whereas, these districts and the Hawaii Association of Soil and Water Conservation Districts are co-sponsoring local observances of Soil Stewardship Week, May 16th-23rd, 1971 for the 17th consecutive year; and
>
> Whereas by the proclamation of the Honorable John A. Burns, Governor of the State of Hawaii, the people of Hawaii will join in the activities and ceremonies recognizing this observance; now, therefore,
>
> Be It Resolved that the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, endorse the proclamation of the Governor and encourage the citizens of the State of Hawaii to support the observance of Soil Stewardship Week; and
>
> Be It Further Resolved that the House of Representatives extend its congratulations and appreciation on behalf of the citizens of the State to the officers of the Hawaii Association and National Association of Conservation Districts for their active sponsorship of this event; and
>
> Be It Further Resolved that certified copies of this Resolution be transmitted to the Honorable John A. Burns, Governor of the State of Hawaii; John S. Wilder, President, National Association of Conservation Districts, Somerville, Tennessee 38068; Northrup Castle, President, Hawaii Association of Soil and Water Conservation Districts, P.O. Box 127, Volcano, Hawaii 96785; Clifford M. Hardin, Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250; Kenneth E. Grant, Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250; Fred Haughton, State Conservationist, Soil Conservation Service, USDA, 440 Alexander Young Building, Honolulu, Hawaii 96813; Sunao Kido, Chairman, Board of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809.

NORTHERN WESTCHESTER HOSPITAL

Mr. JAVITS. Mr. President, the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am ranking minority member, recently conducted a hearing at the Northern Westchester Hospital in Mount Kisco, N.Y., as part of the subcommittee's current round of hearings on health care in America.

Many witnesses from Westchester County—representative of health care and consumers of medical services, patients—appeared before the subcommittee to discuss the delivery of health care in a suburban setting.

Jerome F. Peck, administrator of the Northern Westchester Hospital, pointed

out that the goal of his suburban hospital is the same as the goal of every hospital; namely:

To provide quality medical care at an economically feasible cost.

This goal, he said:

Cannot be achieved using conventional methods of hospital construction and hospital operation.

He went on to describe for the subcommittee several construction and operation innovations being undertaken at Northern Westchester Hospital and I ask unanimous consent that the full text of Mr. Peck's statement be printed in the RECORD.

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

TESTIMONY STATEMENT OF JEROME F. PECK, JR.

Mr. Chairman and members of the subcommittee, my name is Jerome F. Peck. I am the Administrator of the Northern Westchester Hospital. I am accompanied by Mr. Thomas McCance, Chairman of our Board of Trustees, Dr. Harold T. Brew, the chairman of our Medical Board and Chief of Survey, Mrs. Lyndall E. Boal, our Director of Social Service, and Dr. Morgan F. Pruyn, a member of our staff and a partner in the Mt. Kisco Medical Group.

First of all, Mr. Chairman, I would like very much to welcome you and the subcommittee to Mt. Kisco and to the Northern Westchester Hospital. We are extremely pleased that you have chosen to visit this area as part of your hearings on Health Care in America, and we appreciate the opportunity to testify this afternoon.

NORTHERN WESTCHESTER HOSPITAL

The Northern Westchester Hospital is a non-profit, community hospital serving approximately 130,000 people of northern Westchester County. Our "community" is both growing and changing. Population pressures are bringing more and more people into the northern part of the county and what was once generally an area of scattered, single-family houses is becoming a mixture of apartment houses, garden apartments, and housing developments. Moreover, new highways and new industries have assured the area's continued growth in the future. By 1985, the population is expected to increase by 65%.

In light of this projected growth, we at Northern Westchester consider ourselves very fortunate to have a progressive, forward-looking Board of Trustees which has always been careful to plan for the future health care needs of the area. As you have seen on your brief tour of our facilities, we are now in the process of replacing, rehabilitating and adding to our physical plant.

The overall goal of the Northern Westchester Hospital is to provide quality medical care at an economically feasible cost. Unfortunately, this noble goal is very easy to state, but extremely difficult to achieve. In fact, this goal cannot be achieved using conventional methods of hospital construction and hospital operation.

Consequently, our new facility, to be known when completed as the Northern Westchester Hospital Center, will incorporate several new and innovative design concepts. It is our expectation that the incorporation and utilization of the new concepts will enable us to achieve our goal of providing quality care at a reasonable rate for all the people in our community.

Perhaps the most interesting and illustrative of these new concepts is our plan to construct single occupancy rooms only. While at first glance this may seem to be an unnecessary and expensive luxury, in reality it will result in significant cost-reduction as well as a significant increase in the quality of patient care.

Studies have shown that the occupancy rate of two-bed (semi-private) rooms cannot exceed 85%, because the mix of male and female patients seldom matches the available rooms. Other difficulties occur in placing patients of different ages, in handling the extremely ill, and in isolating potentially infectious patients. Two-bed rooms are thus often only half occupied. In Northern Westchester, patient preferences require moves from doubles to singles, when available. Each move costs the hospital $35 to $45.

In sharp contrast, a nursing unit of only single-bed rooms is faced with none of these difficulties. And it can function effectively at a 95% occupancy rate. The savings resulting from this 10% differential in occupancy rates far exceeds the higher construction costs of single-bed rooms.

Moreover, patients prefer single-bed rooms and get better care in such rooms. They appreciate not being disturbed by the presence of a roommate with different waking and sleeping, TV watching, and talking patterns. They appreciate being able to discuss their problems in privacy with visitors, nurses, doctors, and religious counsellors. They appreciate the convenience of having shower, washing and toilet facilities unshared with anyone else. They appreciate being able to have heating, ventilating, and lighting adjusted to their own desires and needs and being able to have their room door closed or left open as they prefer. Nurses and physicians, on the other hand, can perform all required services for their patients without disturbing room sharers. Even an orthopedic patient need not be moved for a change of cast. This long procedure can be carried out at his bedside if he occupies a single-bed room.

Mr. Chairman, I have described this single-bed concept in some detail to make two points. The first is that the best care need not be the most expensive care, as I think my description has shown. The second point is that careful planning can uncover such economies as the single-bed concept. At the outset of our planning phase, a private financial contribution enabled a team from Northern Westchester Hospital to visit more than a score of outstanding new hospitals in this country and in Europe to become familiar with recent innovations which might be adaptable to our situation. We feel that no other hospital ever built has had the benefit of such extensive studies of the success and failures of other hospitals' designs.

Another innovative feature of our Hospital Center will be a "service base" of four floors with a capacity for vertical and horizontal expansion which will be economical and which will not interrupt the normal functioning of the rest of the hospital.

A new management engineering system for the nursing service has been built into our plans. This system has two principal advantages:

1. Nurse staffing patterns will be set in accordance with the needs of the individual patients; and

2. The handling of material will be accomplished in such a way as to free the nurses from having to leave the patient areas.

Other services new to our hospital will include ambulatory care for minor surgery, extended care, minimal care, expanded outpatient services and home care services, and a psychiatric unit.

With some additional beds, the increased utilization of beds, shared services with other hospitals on a regional basis, and the new emphasis on ambulatory care, we are confident that we will be able to handle our community's projected 65% population increase with only a 35% immediate increase in beds.

HEALTH MANPOWER

I would like to say just a few words about a subject of immediate concern to your subcommittee: health manpower.

We at Northern Westchester share your concern about the shortage and mal-distribution of health professionals of all types. The estimated current shortage of 50,000 physicians, 150,000 nurses, and over a quarter of a million allied health professionals (including 105,000 environmental specialists) is staggering enough. But the projected shortage figures for 1980—26,000 physicians, 210,000 nurses, and almost a half million allied health professionals—is truly frightening to a hospital center such as ours. The excessive competition for scarce specialists has two major adverse effects on a hospital: staff shortages and increased costs resulting from the large salaries which have to be paid to meet the competition. Unfortunately, both of these adverse effects have to be passed on to the patient in the form of less complete care and higher per diem charges.

Fortunately, our enlarged facilities will make possible a greatly expanded teaching and training program. Within the next few years the present New York Medical College will move out of that city and relocate at the county's Grasslands Hospital, near White Plains, to become the Westchester Medical College.

Arrangements have already been made for an extremely close affiliation between the Northern Westchester Hospital and this new institution. Many of its undergraduate and post-graduate students will come to our hospital for clinical, bedside training coupled with instruction in our classrooms. A number of our senior physicians will receive appointments as Professors or Adjuncts in their respective specialties.

While these young physicians and physicians-to-be will be coming to us primarily to receive clinical training, their presence on duty here will permit us to provide more skilled services to our patients and, at the same time, their questing minds will serve as a constant stimulus to all our staff. Many will remain with us, after they win their medical degrees, to serve their internships or residencies. And the very best among them will undoubtedly join our permanent medical staff and settle in our community to share in serving its medical needs.

Similar affiliations with the Nursing and Technicians-Training Schools of the Medical College will also be made possible by our new teaching facilities.

FINANCING HEALTH CARE FACILITIES

The most recent expansion of our facilities took place approximately ten years ago, when a three-million dollar addition was constructed. This project added eighty-nine new beds, two cafeterias, a diet kitchen, one of the country's first intensive care units, plus some other much-needed space. A substantial amount of this project was financed by a Federal Hill-Burton grant.

Unfortunately, in 1971, when we face the need for still more space, the Hill-Burton program is no longer a likely source of assistance. As you know, the grant program has been cut back to the point where for Fiscal Year 1972, the Administration is requesting an appropriation of just $58.3 million for such grants to be allocated among the fifty states. The cost of our construction project alone is $30 million—more than half the amount the Federal Government proposes to make available for the entire Nation!

A construction grant program of reasonable proportions is clearly needed if the health care needs of the country are to be met. Continued reliance on loan programs alone, either direct loans or guaranteed loans, will result in prohibitive construction costs in many instances and excessive per diem costs in others, since mortgage pay-

ments must come out of operating revenue.

We at Northern Westchester have developed our plans in close cooperation with the New York State Department of Health and, until very recently, we were confident of receiving a mortgage loan under Section 28B of the New York Public Health Law which would cover half the cost of our project. We were prepared to raise the other $15 million from private contributions and, in fact, had accumulated gifts and pledges totaling nearly $10 million. However, on March 24 of this year, we were informed by the New York Department of Health that the maximum mortgage loan permitted for our construction program had been administratively reduced from $15 million to $10 million. This decision was based on a State-wide "review" of all projects requesting mortgage loans. We were subsequently informed by the Department that we should be able to construct our new facility for $16 million instead of the $30 million which had previously been agreed to. Later on we were told that perhaps our project could be constructed for $24 million if we conduct an "in depth architectural review" of our current plans. We are now in the process of appealing this rather arbitrary and, we feel, unjustified decision.

I raise this point only to illustrate the extent to which hospitals often find themselves at the mercy of various government agencies. In a peculiar sense we were perhaps fortunate that the Hill-Burton program had already been sharply cut back by the time we were ready to arrange financing, since we were at no time counting on support from that source. Hence, our plans were not disrupted by any Federal funding decisions. The New York State problem, of course, is another matter. It is our hope, however, that we will be able to clear the matter up with no loss of either construction time, money already spent on the project, or the innovations which will make possible our goal of quality care at a feasible cost.

This concludes my testimony, Mr. Chairman, but I would like Dr. Brew to briefly discuss the patterns of medical care in this community, especially as they relate to our hospital. Following that, Mrs. Boal will give you a brief rundown on the problems in the area of social services faced by our community, and then Dr. Pruyn will say a few words about the Mount Kisco Medical Group (a private group practice in our community).

I thank you once again for this opportunity to testify. We will be happy to answer any questions you may have.

WARNINGS OUT OF THE WOODWORK

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a commentary by Nicholas von Hoffman, published in the Washington Post of today, May 19, 1971.

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

WARNINGS OUT OF THE WOODWORK

(By Nicholas von Hoffman)

Today the Senate votes on Mike Mansfield's proposition to halve the number of troops we keep in Europe doing nothing other than satisfying ancient geopolitical theories. They have been there for a generation. It was precisely 20 years ago that they were sent over the objections of men like Sen. Robert A. Taft and other well-known Reds.

The thought of the removal of any of these troops touches off something close to hysteria, not only in the present administration but among the ghosts of administrations past. Characters have been coming out of the woodwork whom we haven't seen in years to shake bony fingers of warning at us. They even found old Dean Acheson to bulge his eyes and twitch his moustache while he decried the very idea and called it "asinine."

He was calling Taft names two decades ago. But whose judgment have the years shown to be more wisely founded, Acheson's. Truman's, Dulles' or Taft's? Taft is dead, but this is a propitious time to print excerpts from his speech to the Senate of the United States on January 5th, 1951:

"During recent years a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit. I venture to state that this proposition is a fallacy and a very dangerous fallacy threatening the very existence of the nation.

"In very recent days we have heard appeals for unity from the administration and from its supporters. I suggest that these appeals are an attempt to cover up the past faults and failures of the administration and enable it to maintain the secrecy which has largely enveloped our foreign policy since the days of Franklin D. Roosevelt. . . . It is still fashionable to meet any criticism by cries of isolation. Criticisms are met by the calling of names rather by intelligent debate.

". . . It seems to me that our battle against communism is in fact a world-wide battle and must be fought on the world stage. What I object to is undertaking to fight that battle primarily on the vast land areas of the continent of Europe or the continent of Asia where we are at the greatest disadvantage in a war with Russia . . . We must not undertake anything beyond our power, as we have in Korea. We must not assume obligations by treaty or otherwise which require any extensive use of American land forces.

". . . In committee Secretary Acheson was asked the direct question by Sen. Hickenlooper: 'Are we going to be expected to send substantial numbers of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?'

"Secretary Acheson: 'The answer to that question, Senator, is a clear and absolute No.'

"Is such a military possible for any period of years without inflation and the loss of liberty at home?

". . . The larger the Army with very little to do, the more difficult it will be to maintain its morale.

"The key to all the problems before Congress lies in the size of our military budget. That determines the taxes to be levied. It determines the number of boys to be drafted. It is likely to determine whether we can maintain a reasonably free system and the value of our dollar, or whether we are to be weakened by inflation and choked by government controls which inevitably tend to become more arbitrary and unreasonable.

"And finally the policy we adopt must be approved by Congress and the people after full and free discussion. The commitment of a land army to Europe is a program never approved by Congress, into which we should not drift. The policy of secret executive agreements has brought us to danger and disaster. It threatens the liberties of our people."

With that, Sen. Taft sat down and was beaten, beaten not only by those who are dead but by many who still sit in the Senate, Aiken, Fulbright, Pastore, Long, Ellender and others. Some learned and others didn't. LBJ was a member of the Senate, as was Richard Nixon.

In 1951 it wasn't so easy to see that Sen. Taft was right. Not only were we going through one of our periodic attacks of commiephobia, but Hitler was a lot closer; the idea of appeasing any antagonist was much more frightening.

But now it is a full generation later, and it turns out that Taft was right, right on every question all the way from inflation to the terrible demoralization of troops. Right on point after point, and yet in the face of all these years of facts and experience Acheson comes out of nowhere to say "asinine" and Nixon calls it "isolationism."

Well, it was neither. It was a way to defend the country without destroying it, a way to be part of the world without running it, and we still, on the morning of this vote, so long after the last one, haven't found anything better.

WELFARE, EXTRA JOBS SUSTAIN GI FAMILIES—ARTICLE BY REPRESENTATIVE WILLIAM A. STEIGER

Mr. BROCK. Mr. President, this past Sunday in the Washington Post "Outlook" section, I read an excellent article which I believe is very pertinent to our discussion of the Selective Service Act. The article, headlined "Welfare, Extra Jobs Sustain GI Families" goes into descriptive detail on the current crises created by existing military wage scales. By taking individual cases of hardship and penury caused by our present system of compensation, the article paints an increasingly bleak picture for the future of our military services. Not only in the statistical sense is the military unable to meet their manpower requirements without the draft, but it faces the problem of depreciating morale among our young men in service which has been so well documented due to our involvement in Southeast Asia.

The all-volunteer force cannot be implemented without the proper incentive to serve. The biggest incentive, at the moment, is pay. If America is willing to show prospective volunteers the respect and compensation they deserve for their willingness to serve, I am convinced that we can maintain a sufficiently effective Armed Forces. In addressing this problem we cannot simply raise the existing wage from a subpoverty level to barely poverty but we must make military wages competitive with civilian jobs.

I would particularly like to commend Representative WILLIAM A. STEIGER, Republican of Wisconsin, author of this article, and one of the many outstanding young Members of Congress, for his fine portrayal of the effects of poverty within our military and for his unceasing efforts to rectify this malady.

I ask unanimous consent that the article be printed in the RECORD.

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

WELFARE, EXTRA JOBS SUSTAIN GI FAMILIES

(By Representative WILLIAM A. STEIGER)

An old service joke holds that "if the Army had wanted you to have a wife, it would have issued you one." For today's young soldier the joke rings hollow. His wife and children are dependent for survival upon the military compensation system that is a national disgrace.

Most shameful is the treatment given GIs in their first term of duty. Largely as a result of the draft, 23 per cent of U.S. military per-

sonnel in their first term are married men. For these 330,000 servicemen, the basic pay structure does not even admit the existence of family support needs. According to the U.S. Code, Title 37, Section 403a, "A member in pay grade E–4 (less than four years of service), E–3, E–2, or E–1 is considered at all times to be without dependents."

A review of first-term salaries shows the near-desperate plight of servicemen at low levels. The basic pay of a recruit is $134 a month. If he lives off the post, he receives an allowance of $60 for quarters and another $46.23 for subsistence plus about $20 a month tax advantage, for a total compensation of $3,114 per year. With one child he receives a scant $30 a month, $15 for the second, and nothing for additional children.

The financial penalty imposed on first-termers becomes starkly apparent when we compare the $3,500 of a married recruit with two children to the federal poverty line of $3,900 for the same size family. Since the families of junior enlisted men are far below this level, how do they get by? Some do not. Their families break under the strain. A recruit from Oregon, stationed at Ft. Gordon, Ga., describes a familiar pattern:

"Getting settled into marriage wasn't easy for me because my wife was the real dependent type. When I got drafted, she begged me not to go, but I felt I had an obligation. Before I went in I tried to make provisions for her, but the economy was so tight, she just couldn't find a job. After I was in, things became bad financially. She tried to get on welfare, and even though our income qualified, the agency said 'no' because being in the service made me a 'fully employed person.'

"That was really the last straw for her. She wrote me that she just wasn't strong enough to make it alone and she wanted a divorce. I asked for a compassionate reassignment, but couldn't get it so I went to the Mental Hygiene Unit, Community Services, and three chaplains, but got nowhere—the chaplains even said that if that was the way she was, I should forget her because she wasn't worth it. My captain said I could apply for reassignment but probably wouldn't get it. He was right. Now I don't have a wife. I'd like to know why you expect us to be strong."

GI FAMILIES ON WELFARE

The problems of inadequate pay are accentuated because the first-termers is also denied a host of benefits that are given to careerists and are essential to compensate for the dislocations associated with military life.

When making changes of station, careerists are given free travel of dependents, transportation of household effects, dislocation allowances, trailer allowances, transportation of automobile overseas, overseas allowance and evacuation allowance. If they are unaccompanied, careerists receive a $30 a month family separation allowance. But the underpaid and often-moved first-termer is ineligible for all of these benefits.

Even families who remain together face a series of unpleasant alternatives. One of these is applying for welfare payments.

No one knows exactly how many servicemen are receiving public welfare today. A 1969 Defense Department survey of state welfare directors yielded only fragmentary results but brought to light the fact that 21 states refuse to give aid to service families, denying servicemen benefits available to civilians at similar income levels.

Rules for welfare payments vary tremendously from state to state. An Army private from Buffalo interviewed at Ft. Gordon was luckier than many. "Where I came from," he said, "they give welfare to anybody with an income of below $3,800, so my family has been on relief pretty much since the day I finished basic training."

A Californian in the same pay grade, however, would be out of luck. Richard Winsor, an assistant county welfare director in California, was quoted in the Sacramento Union:

"It doesn't really matter what their income level is. We consider the military man a 'fully employed person.' You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement either through the absence of the father or the unemployment of the father."

Even where the GI is "eligible" for welfare it is often denied him. A study by former Army social work officer David N. Saunders reported that New Jersey is using a "subterfuge, the legal status of military reservations, to deny public welfare benefits to the residents of the military community. The state contends that, because these installations belong to the federal government, the inhabitants do not reside in New Jersey."

FOOD STAMPS FOR SOME

Since last July, the poverty problem of low paid servicemen has been alleviated somewhat by the acceptance of food stamps as currency at military commissaries. During a recent visit to Ft. Gordon, a social worker told me the Augusta Welfare Department has made food stamps available to any married E–1 or E–2, and all E–3s living in Richmond County with at least one child. If these criteria had been applied on a uniform basis in fiscal year 1970, 142,527 servicemen could have received public assistance in the form of food stamps.

Yet, as with other welfare programs, the criteria are restrictive. Five states and numerous localities do not participate in the program. Ft. Gordon, for example, is located in Richmond County which does participate in the food stamp program—but most married recruits live in the low-cost trailer parks in adjacent Columbia County where food stamps are not made available. Hence, the fact the commissary now accepts food stamps is meaningless for the people who need relief the most.

Even where food stamps are available, it is often difficult for the GI to obtain them. Welfare offices are open only while the soldier is on duty. For the "privilege" of requesting food stamps the soldier must first obtain leave from his commanding officer so he can join the long line of people waiting to fill out complicated forms that may require him to make second and third trips. Social work officers at both Gordon and Ft. Meade, Md., noted that it was not unusual for a GI to give up after one try, rather than ask his CO for another leave.

Pride may explain a man's refusal to apply at all. As one Ft. Gordon recruit from Newark put it, "I'm a man and I've got some pride, and I'll be damned if I'm going to tell my wife to beg for food stamps."

The first-termer who must feed a family faces an almost hopeless task even with food stamps. Government standards for a low income budget allow a family of four a minimum $1,905 a year for a nutritionally adequate diet. But the GI's subsistence allowance is only $554.76 a year. Even the $846 in food stamps available to a family of four only partially closes the gap. The 20 per cent savings in military commissaries somewhat reduces the deficit; yet this advantage has little meaning to the GI without a car who cannot make regular trips to the commissary, or to the soldier on an unaccompanied tour whose dependents are not located near a base.

Many junior enlisted men save money to feed their families by accepting poor housing. Unlike the careerist, the first-termer is not entitled to free government housing. Even at the maximum of $105 a month, his quarters allowance falls $169 below the federal minimum of $1,429 required for adequate low-cost housing. Around a suburban base such as Ft. Meade, the GI can expect to pay about $1,600 a year for a decent apartment. Since his quarters allowance is inadequate, he must dip into his meager base pay.

At Meade the housing referral office declares most inadequate housing "off limits" to military personnel. At Gordon, where the Signal School draws a greater percentage of first-termers, the housing office feels it cannot take such steps because there would be nowhere else that the married recruit could afford to live. As a result, officials estimate that 1,600 Ft. Gordon families live in substandard housing.

Some of the housing around Gordon must be seen to be believed. In a trailer park at Grovetown, a stench of burning rubbish and sewage fills the air. "It's not so bad," says a soldier from Mississippi. "You only get the smell every two or three days. The main problem comes when it rains and the sewage backs up around the trailers. Then I get worried about the kids."

An apartment complex in the area is equally dismal. Discarded machinery, rusted appliances and tin cans lay strewn among the cinderblock structures. Jagged pipes, with no visible connection to anything, rise aimlessly from the ground like the weeds that cover them. Indoors, conditions are cramped, with a kitchen about as big as a linen closet and a single bedroom barely big enough for a bed and two small cots.

"It's just great that they are giving the single guys partitions in the barracks," one young corporal said. "But with these two kids here, I wish the Army would do something about letting me get a place where my wife and I would have a little privacy."

An effort is under way to improve military housing. Congress on its own initiative authorized some low income housing financed with grants from HUD's Title 235 subsidy program, but thus far it has only scratched the surface. At Meade, for example, only half of the eligible careerists are able to live in government quarters, and many of those units are outmoded and in poor repair. At Gordon fully 81 per cent of men qualified for family housing are forced to live on the economy. Since the Defense Department currently cites a deficit of 110,733 family units for careerists, it is unrealistic to expect that first-termers will be provided housing in the near future. So long as the current level of military pay exists, recruits can anticipate living in "Grovetowns."

How does a military family survive? A community services officer at Ft. Gordon answered that question with a bleak picture of bare subsistence existence:

"If you take the typical married first-termer, add his base pay, allowance, and subtract his taxes and savings bond payments, he has about $240 a month. You can rent a lousy place for $100 including utilities and roaches, but then you've got to add transportation and carfare because he's living off base—about $45–50 a month in payments for his car and another $30 for gas and repairs. If you are very frugal, and do all your shopping at the commissary, you can get by on $50 a month. So $230 is taken up, which leaves you $10 for recreation—providing everything else is perfect. Of course, if the kids need dental care or glasses, forget it!"

A 1970 Defense Department survey revealed that over half the wives of first-termers worked to supplement their incomes—117,000 fulltime and another 49,000 parttime. Considering the problems of caring for pre-school children and obtaining transportation in a one-car family, this is a high percentage. There is a further problem in the scarcity of employment opportunities for unskilled young women. At Ft. Gordon, a community services officer said he could place fewer than 5 per cent of the wives who sought work.

Moonlighting by servicemen is fairly common. Nearly every junior enlisted man with

whom I spoke expressed the desire to have a second job. But for recruits, aside from the general tight job market, there is a serious difficulty in moonlighting because of the "after hours" assignments of guard duty, KP and sanitation patrol. Nevertheless, the Defense Department estimates that 134,000 first-termers manage to hold second jobs to supplement their incomes. The typical GI works 19 hours a week on his second job, for an additional income of only $33.

Senior military officials with whom I discussed this problem have complained about the effect of such moonlighting on the training and readiness of certain units. "You would be astounded at the number of GIs you see pumping gas and working the hamburger joints," a sergeant major at Ft. Meade said. "No wonder they are dragging half the day."

Still, officials are reluctant to curtail moonlighting because they fear a serious morale problem would result from the recruits' loss of income.

STRAIN OF MOONLIGHTING

Visits with recruits who have been able to find a second job suggest that while the extra money may help, the added strain on the man and his family is great. A draftee from Saginaw, Mich., who's had two brothers serving in Vietnam, shared a poignant series of experiences at Ft. Meade:

"After I got drafted, I left my wife and two kids with her parents. When GM went on strike, my father-in-law was making only $40 a week off the strike fund and it was just too much of a burden to keep my family in his home.

"I can't get base housing, and all the decent places on the housing list are too expensive. On my own I found a dingy little room about 14 miles from base. Having only one room is a hassle for us, especially with the two kids.

"Things were okay until my car broke down. I can get a ride with a lady near us in the mornings, but since I work at the PX several nights a week I have to hitch home. I can't use the commissary without a car, and we are getting hit pretty hard at the supermarket.

"My wife and I can't spend much time together since I leave at 6:30 in the morning, and don't get back until 11 most nights—and I worry a lot since we can't afford a phone. Fortunately, I've got the talent to play in a band. We get jobs every weekend for about $20. My wife gets one of the neighbors to baby-sit; she comes to listen, and we get to spend some time together during the breaks. I guess I'm luckier than most guys who can't even get jobs."

OVERSEAS IS WORSE

Life for the enlisted man with family in Europe is, if anything, more difficult. According to an unpublished study by Capt. Fletcher Hamilton, chief of social work of the Neuro-Psychiatric Clinic at the Nuremberg Army Hospital, "there is a definite 'poverty cycle' for many of the married enlisted men" serving in Europe. GIs go into debt to move their families overseas. Then, because they are denied government housing, they must try to live on the German economy. The government transports furniture only for careerists, so GIs go further in debt to buy household appliances. And even when they have left their wives and children in the states, they are denied the $30 family separation allowance given monthly to officers and senior NCOs. Job opportunities for servicemen and their wives are virtually nonexistent abroad. While there are commissaries near most bases, food stamps are not available overseas. Most services of HEW and state welfare agencies likewise are unavailable.

At Ft. Gordon, a mental hygiene officer offered a case history:

"Ten months after Ed was married he was assigned to Germany. Since the military does not pay for family transportation for a first-termer, he decided to leave his wife in the States. After two months overseas, he decided that was a helluva way to begin a marriage, and his wife had just had a baby—so he borrowed money to get her over and pay for an apartment.

"Two months after she arrived, he came down on orders for Nam. Ed borrowed more money and sent his family back to the states. He was really low on funds. All of his base pay went to repayments on the loan, leaving only the $135 allotment for his wife. Since the kid was only a few months old, she had no way of supplementing that income. It just became too much of a strain for her and she asked for a divorce. He managed to get an emergency leave from Vietnam, but wasn't able to change her mind. On top of his debts, the costs of divorce were just too much for him. Now he won't get on a plane to go back to Nam. It's got nothing to do with the war—he's just a broken man."

Admittedly, the military does try to take care of its poor and disadvantaged. On my visits to Army installations I was most impressed by the sincerity and dedication of the men assigned to Army Community Services, and the warm generosity of the servicemen's wives who give countless hours in volunteer programs. Unfortunately, these programs are often understaffed and little publicized. A financial officer's comments underscore the hopelessness of the situation:

"We can't do anything about many of the serious problems that are brought to us. Army Emergency Relief provides financial assistance only in the case of an unusual circumstance. In the Army poverty isn't an emergency. It's a way of life."

DRAFT HOLDS DOWN PAY

A question that must occur to all who are shocked by the financial desperation of enlisted men in the U.S. Army is a simple one: How did it happen? We are all familiar with what seem to be frequent military pay raises. What is less familiar is the fact that these raises neglected the first-term enlisted man. To put it simply, the draft has made first-term enlisted men's salary increases unnecessary.

The draft survives as a last vestige of the ancient custom whereby the rich and powerful forced the poor and weak to provide services at subsistence wages. Conscription has been justified by the Supreme Court as a valid power of the State in times of "grave emergency or national peril." But the recent legislative history of military pay makes it plain that the primary function of conscription has been to depress military compensation to a point where a disenfranchised minority of the citizenry has been compelled to bear a grossly disproportionate share of the costs of defense.

Regardless of what Congress finally decides about the draft vs. a volunteer army, immediate action must be taken to improve the lot of enlisted men. Current legislation which would raise the recruit to $4,991.48 goes a long way toward fairness. It has been argued that the $2.7 billion authorized in this bill could well be spent in other areas of need in our society. Rep. Ronald V. Dellums, a leading black spokesman, answered this argument when he said:

"Those who enlist in the military should receive a fair income. Opposition to pay increases on the grounds of inflation or increased government spending merely continues the exploitation of first-term servicemen by the taxpayers."

ADDRESS BY THE VICE PRESIDENT BEFORE MISSISSIPPI STATE REPUBLICAN DINNER

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Vice President before the Mississippi State Republican dinner, at Jackson, Miss., on May 18, 1971.

There being no objection, the address was orderd to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT, MISSISSIPPI STATE REPUBLICAN DINNER, JACKSON, MISS., MAY 18, 1971

Ladies and gentlemen: It's good to be back in Jackson, even at the risk of being accused of pursuing the Nixon Administration's "Southern Strategy." We all know what "Southern Strategy" really is, of course. It is a political phenomenon that is born in the suspicious minds of the liberal pundits and flung at an unsuspecting public via tons of newsprint and network rhetoric whenever a national administration attempts to treat the South on equal terms with other regions of his country.

Little more than thirty months ago the American people elected just such an Administration—one pledged to equal treatment under the law—not only for every citizen but for every region, regardless of previous condition of political servitude.

Now, an audience such as this, residing as do most of you outside the first strike capability of the *Washington Post* and the *New York Times*, might actually be deluded into believing that a policy of equal-treatment-for-all-regions is an effort on the part of this national Administration to unify the country.

However, those of us residing in the Northeastern zone of revealed truth, blessed as we are each morning with the editorial guidance of our intellectual betters, are counseled to know better.

We are advised to recognize the Nixon Administration's equal treatment doctrine for what it is—or rather what Tim Wicker says it is—an obvious effort to divide the country.

Nor is that all that the inhabitants of the Seaboard Media impact zone are given to understand.

For example, thanks to our immediate proximity to Mr. Wicker and other pundits and commentators of national scope, we have been instructed that when 10,000 persons rage through the streets and neighborhoods of our Nation's Capital, defacing buildings with their favorite obscenity or Maoist slogan of the moment, disabling automobiles, burning public park benches, strewing garbage, and otherwise depriving other citizens of their right of unhindered movement in a free community, the perpetrators of such actions are engaging in non-violent dissent.

From the vantage point of Jackson, these people may look like hoodlums and lawbreakers, to be sure. But given the editorial insight of the *Times*, the *Post* and some national magazines, they undergo a metamorphosis—or should I say, "mediamorphosis." And they emerge simply as "kids" who are "trying to tell us something, if we would only listen."

On the other hand, if by chance some outspoken public official who has totally lost patience with such fatuous nonsense—let's say, for purposes of argument, a Vice President who simply doesn't understand—if such an official were so insensitive as to disagree publicly with this media assessment—he isn't just exercising his right to dissent. Far from it. He's being "repressive." He's trying to "intimidate" the national news media.

Or if such a public spokesman were to argue that simply because a demonstration is non-violent doesn't make it right; or that however "non-violent" a demonstration may be, the physical obstruction by one group of citizens of other citizens' freedom of movement is itself a form of repression of constitutional rights—you may be sure that the sages of the liberal establishment would un-

dertake to lecture that official on the Neanderthal error of his ways.

Unless, of course, some dissident group should one day engage in the "non-violent" obstruction of access to the *Times'* offices or the CBS studios. Then, I feel safe in predicting that we insensitive simpletons who condemn such actions will gain some new allies—at least until the incident is forgotten.

There are numerous other examples I could cite of this kind of editorial doublethink. One recent instance comes to mind:

When an ecstatic reporter visiting the Communist mainland came upon an entire family living in a single room only 15 feet square, what impression did he leave with his readers here at home? That the Chinese family was suffering from conditions of poverty and oppression? Certainly not. Undoubtedly, that would have been the resulting impression had the same reporter come upon an American family living under such conditions. But viewed in the land of "Big Brother," what would have been described as poverty and oppression in America was instantly "mediamorphosed" into a marvelous demonstration of Communist Chinese austerity and discipline.

Indeed, I could go on. But the examples of this double-think abound in such quantity that anyone from Jackson or points west of the Manhattan-Washington media-academic complex who visited our Nation's Capital in recent weeks might well have concluded that George Orwell's frightening projection of "1984" and its reverse language of "Newspeak" had come to pass. For that person would have witnessed, as I did, the sickening spectacle of enemy flags and the visage of "Big Brother" being paraded down the streets under banners proclaiming the cause of "Peace" and "Freedom" and "Justice."

Yet, while this travesty of free expression and reason was taking place, there were those establishment apologists—not only some members of the national media but prominent leaders of academe and politicians ambitious to hold higher office—who chose not to condemn but to pander to the totalitarian instincts of the New Left mob.

The sympathy and support of these leaders and would-be opinion-molders provide an undeserved respectability to the radicals of the New Left, who are bent on destroying our free society. When members of Congress participate with Trotskyites and Marxists in a demonstration geared to the ultimate aim of destroying an elected government's ability to govern—when members of Congress share a speaker's platform with raving radicals convicted by a Federal court of inciting to riot—a new and frightening degree of demagogy is upon us. And when the intellectual community and the national media, with few exceptions, are blind to faults and failures of our enemies but ultra-critical of the slightest error of our free society, the preservation of our national heritage is in grave danger.

We have already witnessed the impact of this new demogogy on some elements of the national Democratic party. The irresponsible and unfounded charges made against the Director of the Federal Bureau of Investigation by influential national Democrats may have endeared these leaders to the shock troops of the New Left. But they have ill-served the nation at a time when the American people have a right to expect responsible, not hysterical, opposition leadership.

Nor can it be said to be in the tradition of constructive opposition when well-motivated but naive members of Congress send emissaries or go themselves to Paris to engage representatives of North Vietnam in ad hoc diplomatic dialogue.

In this regard, a few days ago Senators Fulbright and Javits declared that I had impugned the patriotism of Senators who disagree with the Administration's Vietnam policies. Specifically, the charge was made that I had accused opponents of these policies of being "unpatriotic or worse."

Senator Javits said that I had "intimated" as much, whatever that means or is intended to mean. Let me say this: Senator Javits, as might be his political habit, may "intimate" what he will. But I think that those who have followed my career know by now that when I hold an opinion or have something to say, I don't "intimate" it. I come right out and say it.

Senator Fulbright, rushing into the verbal breach created by his colleague from New York, alleged that I had in fact *said* that opponents of the Administration's Vietnam policies were "unpatriotic or worse."

I felt it necessary to answer Senator Fulbright and I did. The answer is as true tonight as it was when I first stated it. He lies in his teeth.

The truth of the matter is that on many occasions I have said just the opposite of what Senator Javits "intimates" and Senator Fulbright charges. I have said that the doves of the Senate and House are patriotic and well-motivated. However, good motivations and intentions do not keep these Congressional doves from being absolutely wrong in the policies which they urge upon the nation.

Who doubts, for example, that in the late 1930's Neville Chamberlain was every bit as patriotic and concerned with the future of his country as was Winston Churchill? No one questions Chamberlain's love of country or his good intentions. But in his judgment of events—of what was right for England and right for the cause of lasting peace in the world—Chamberlain was wrong.

Now, Senator Fulbright, as we know, prides himself on his gift for the English language. Surely he knows that the meaning of the word "patriotism" is "love for or devotion to one's country." And now, several days having elapsed since his intemperate outburst, he knows, too, that while I have questioned the judgment of the Congressional doves, I have never impugned their love for or devotion to this country.

Thus, in his most recent statement on the subject, Senator Fulbright appears to be adopting Senator Javits' obfuscatory language. It was, says Senator Fulbright, the "thrust and implication" of many of my remarks to impugn the patriotism of members of Congress.

But I'm not going to let the junior Senator from Arkansas off the hook that easily. He made his charge. I challenged him to prove it. Tonight, here in Mississippi, I repeat that challenge.

In these reckless accusations, we see the double standard at work. For what Senator Fulbright and Senator Javits are engaged in is precisely what they attribute to me. They are using the tactics of verbal smear in order to discredit and intimidate those who disagree with their viewpoint.

I have no intention of being intimidated or silenced by such tactics.

Let me repeat: No matter how good their intentions, when members of Congress engage in ad hoc diplomatic dialogue with representatives of North Vietnam, as occurred recently, they are misguided and wrong in believing they are serving the cause of peace. I do not doubt their love of country or of peace. But I seriously doubt their judgment that these tactics are serving the best foreign policy interests of their country or the cause of peace. Certainly, these self-designated fledgling diplomats are not properly briefed on the Administration's foreign policy position, and it is the Administration which bears the responsibility for conducting foreign policy.

Not long ago such irresponsibility on the part of a public official would have been unthinkable. Who can doubt that, had a Republican Senator or Congressman indulged in private diplomacy with an enemy nation during the Administration of John F. Kennedy, a deafening outcry would have been forthcoming from national editorialists and commentators, as well as their ideological allies in the academic world?

But this is 1971, and the President is Richard Nixon—a Chief Executive who must cope each day not only with the crises inherited as a result of the foreign and domestic policy errors of his predecessors—but must also cope with the politically oriented criticism and carping of many of the very men who urged the decisions that created those crises.

For the Nixon Administration, lest the national Democrats and their media-academic allies make us forget, entered Office following almost a decade of escalating war and inflation; a period of so-called political "style" and liberal rhetoric long on raising popular hopes but woefully short on fulfilling those hopes; eight years of domestic discord and disruption exacerbated by promises—and failure to perform.

Thus did this Administration enter Office pledged and determined to heal the wounds inflicted upon the national spirit during the first eight years of the decade of the Sixties. Let us, said President Nixon at the outset of his term—much as the first President of his party had said more than a century before—let us seek a resolution of our differences not through conflict but through reconciliation.

Nevertheless, in the 1970's as in the 1860's, an American President has been confronted every step of the way by an opposition that views his defeat and the defeat of his policies as its prime order of national business—second to none.

Now I realize full well that heated arguments concerning the efficacy of many of the policies of the first Republican President carry over to the present day. Indeed, there are those who might make the argument that even today, 106 years after his death, to invoke Lincoln's memory in Jackson, Mississippi, is not politically sagacious.

I disagree. For though I am a native and former Governor of a state that served as the battleground for many of the bloodiest engagements of the Civil War, I find it hard to dispute the fact that in his effort to preserve the American Union—to bring together and make whole again the world's greatest representative government—Lincoln was right and the critics of his day were wrong.

Indeed, the ultimate vindication of his policy of reconciliation is borne out by the fact that, despite the violence and bitterness that divided our country during Lincoln's time, a Republican Vice President stands here tonight, in the heartland of the old Confederacy, and speaks—as one American who loves and would preserve our country's free institutions—to his fellow Americans who love and would preserve our country's free institutions.

And so I have come here tonight not simply on behalf of a party, but of a President who more than ever needs the aid and support of his countrymen in carrying out the mandate he was given thirty months ago:

A mandate to reconcile the differences and antagonisms that had grown among Americans during the eight years that had passed since Dwight Eisenhower presided over a nation at peace, both overseas and here at home;

A mandate to maintain the security of our country against its foreign enemies in a time of great international tension.

A mandate to end the war in Southeast Asia on terms which would establish a just, honorable and lasting peace;

A mandate to uphold America's position

of world leadership and to restore our people's confidence in their government and its institutions;

A mandate to expand the boundaries of opportunity for all Americans, regardless of race, sex, creed or age, and to assure for this and future generations a nation in which every individual may fulfill his or her God-given potential.

In doing my part to help carry out that mandate, I have been accused in some quarters of being divisive—of hurting the cause of reconciliation of the American people. It is said by some that my rhetoric is too strong—that I am insensitive and blunt.

To be a public man is not always easy. But to be a public man who is loyal to one's principles and benign in all of one's pronouncements is wholly impossible. Politics is the arena. Ours is an adversary system. The options are simple—fight for your principles or abandon them. Weasel or take the flack. Give in or fight.

I try to make my positions clear. I know they are consistent. They represent what I honestly believe. I shall continue to state them in such a way that I will not be misunderstood.

My fellow Americans, if I leave no other impression tonight, let me impart this thought:

As your Vice President, I have been privileged to witness, first-hand, the unsparing effort which your President has made to fulfill the mandate for peace, prosperity and national unity.

I know the deep sense of responsibility which your President feels toward the people who, thirty months ago, placed their confidence in him to guide our country through difficult times, overseas and here at home.

And I know, first-hand, too, the toll taken by the partisan obstructionism and sniping which have characterized the opposition's efforts to defeat this Administration's program for the nation.

Nevertheless, despite the opportunism of the new demagogues and the actions of the New Left street gangs, this Administration is not going to be intimidated.

We will not be intimidated—we will not be coerced—and the policies and programs which this Administration was elected to implement will prevail.

We will prevail not because of demagogic appeals to Americans as members of generational, racial or economic blocs—as do our opponents in their banal invocation of the phrase "the young, the black and the poor"—but by appealing to and performing on behalf of every American as an individual, with *individual* rights, *individual* responsibilities, *individual* aspirations, and *individual* potential to fulfill those aspirations as a member of our national community.

We will prevail not because of appeals to mass emotions based on simplistic slogans, as do the new demagogues—but by appealing to and performing on behalf of the thoughtful majority of Americans who seek solutions to our problems based on reason.

But make no mistake: more than ever, this Administration needs your help—the support and aid of the great majority of thoughtful Americans—South, North, East and West—Republican, Democrat and Independent—who love their country and are unwilling to see its institutions and freedoms denigrated and destroyed by a willful minority of political opportunists in the vanguard of a New Left rabble.

My fellow Americans—your President needs your help—to restore confidence in our nation as the bulwark of freedom in a troubled world—and to restore the confidence needed here at home to safeguard and strengthen the free institutions that have made, sustained—and must continue to sustain—America as one nation, under God, indivisible, with liberty and justice for all.

ADDRESS BY U.S. DISTRICT COURT JUDGE ROBERT W. HEMPHILL AT "MEMORY HOLD THE DOOR" CEREMONY, SOUTH CAROLINA BAR ASSOCIATION MEMORIAL EXERCISES

Mr. THURMOND. Mr. President, each year the South Carolina Bar Association of the school of law of the University of South Carolina sponsor a ceremony entitled "Memory Hold the Door" for the purpose of honoring posthumously distinguished members of the South Carolina bar.

The Speaker for the occasion this year, which was held May 8, 1971, was Judge Robert W. Hemphill, U.S. District Judge. Because my father, the late John William Thurmond, was among those being honored, I was privileged to be present and hear Judge Hemphill's eloquent and inspiring address. In addition to paying a moving tribute to six of South Carolina's distinguished attorneys, who also included S. Augustus Black, Frank Boyd Gary, William Heyward Grimball, Peter Hector McEachin, and Franklin Pierce McGowan, Judge Hemphill discussed the challenge faced by today's lawyer and, indeed, by today's citizens. His remarks reflected erudition and wisdom, and were exceedingly well received by those present.

Mr. President, I ask unanimous consent that the program the South Carolina Bar Association's Memorial Exercises of May 8, 1971, and the address of Judge Robert W. Hemphill on this occasion, be printed in the RECORD.

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

SOUTH CAROLINA BAR ASSOCIATION MEMORIAL EXERCISES, MAY 8, 1971

ENDOWMENT MEMORIALS

The purpose of these memorials is to capture and preserve for the present and future generations of the legal profession, in a tangible way, the spirit and high ethical and professional standards of the past leaders of the bar.

To this end in 1958 the South Carolina Bar Association and the Law School Faculty established the memorial repository "Memory Held The Door," to demonstrate in a visible way the esteem and regard in which those memorialized are held.

The University of South Carolina, at its expense, has provided both the memorial book itself and its handsome mahogany repository. The memorial book was made by the finest book-binding artists in America. It should last hundreds of years—its beauty is hardly surpassed. Inscribed in it in hand lettering are memorial sketches acclaiming the achievements and extolling the virtues of those selected to be thus memorialized.

The book is deposited in the mahogany repository under a glass door. The book will be open at all times, but at different pages each day. Two pages are devoted to each person selected. On the left hand page about the middle, is seen the simple expression "MEMORY HOLD THE DOOR". On the opposite page, appears, for example, "CHARLES A. WOODS", followed by a short sketch revealing the character of Judge Woods.

In the above fashion the memorial to any particular person will not only be constant at all times but his memory will be individually and specially observed on the days on which those pages given him are open.

THE ENDOWMENT FUND

For each person memorialized, the sum of one thousand dollars is contributed. Such contribution may be made by one person, or by several together, or by any other group. One hundred and one such memorials have been created.

The purpose of the endowment is to promote, through the Law School, the welfare of the legal profession, by using the income from the endowment for lectures, for research, for assistance to the Law School Faculty in its development and in other ways.

Contribution to memorialize will serve the double purpose of promoting the general aims of the endowment and perpetuating in an effective manner the ideals of those thus remembered. They may be made at one time or in installments, and are deductible from taxable income within limitations.

The Association's Special Endowment Committee is charged with the duty of promoting generally the Law School Endowment. Each year it issues invitations to members of the families of lawyers who have contributed to the honor of the profession. This committee, consisting of Julius W. McKay Columbia, Chairman; Robert F. Chapman, Spartanburg; Thomas H. Pope, Newberry; Robert McC. Figg, Jr., Columbia; Joseph R. Young, Charleston; John M. Scott, Florence; Charles W. Knowlton, Columbia; Dean Robert W. Foster, Columbia; R. Beverley Herbert, Jr., Columbia; and F. Dean Rainey, Greenville; has charge of these special memorial gifts.

TODAY'S EXERCISES

Presiding, David L. Freeman, President, South Carolina Bar Association.

Speaker of the Occasion, The Honorable Robert W. Hemphill, United States District Judge.

Memorial Book is Opened to receive sketches of the following distinguished lawyers: S. Augustus Black, Frank Boyd Gary, William Heyward Grimball, Peter Hector McEachin, Franklin Pierce McGowan, John William Thurmond.

REMARKS OF JUDGE ROBERT W. HEMPHILL, UNITED STATES DISTRICT JUDGE, BEFORE THOSE ASSEMBLED AT THE SCHOOL OF LAW, UNIVERSITY OF SOUTH CAROLINA, TO HONOR, POSTHUMOUSLY, DISTINGUISHED MEMBERS OF THE BAR OF SOUTH CAROLINA, IN A CEREMONY OF EULOGY AND RECORD, ENTITLED, "MEMORY HOLDS THE DOOR", AT 11:00 A.M. O'CLOCK, SATURDAY, MAY 8, 1971

PRECIOUS FOOTPRINTS

Mr. President, Senator Thurmond, Dean Foster, Distinguished Guests, Ladies and Gentlemen:

Your Bar President has bestowed high honor upon me by his invitation to address you on this occasion. As I proceed in participation of this noble program I stand in respect, and some awe, of the great personalities we honor on this occasion—great as lawyers, great as citizens, great and good men. One cannot but hear whispered the admonitions of the poet:

> "Lives of Great men oft remind us
> We can make our lives sublime
> And departing leave behind us
> Footprints on the sand of time."[1]

It was my high privilege to know all of these great men, some more intimately than others. Regrettably, I knew Judge Thurmond only casually. At my father's feet I knew of him as a great lawyer. Early in my exposure to the law I was taught to rely on *Thurmond's Key Cases*, which was kept in a prominent and ready spot in our office. Sired by a patriot of highest integrity, public service, and courage, he was also blessed with a sainted Mother as his teacher and example. His life was an example of work and perseverance that the youth of this nation

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Footnotes at end of article.

could do well to emulate today. I plagiarize from a quotation, which I heartily endorse, from one of the historical records that preserve the memories of his greatness for us:

"For boys: Let them plow! Stint them until they know the value of money. Encourage them to have a religious creed. Teach them to rely on themselves. Let them mingle with others to learn human nature. And impress it upon them that to succeed in their profession, they must know more about it than do their competitors." [2]

Time does not permit me to spend the time his life deserves. Suffice it to report that he receives just accolades in the historical catalogues of his time.[3]

Time does not permit me to spend the time of my own vintage. Respected and beloved by the bar as an able and erudite jurist, he was much sought after in the social circles of the upcountry. When he was in our circuit a plethora of social events was planned around his acceptance as honor guest. The lawyers, their wives, and their guests, delighted in the effusion of his low country charm. He was a fascinating conversationalist and raconteur. His court trials were conducted to the acme of perfection in fairness, with an ease that bespoke his complete command of the courtroom, and all who were a part of the scene.

If I may be pardoned, I will recall two incidents of my personal experience. In the first, I faced Judge Grimball, the jury, a packed courtroom, and some hungry tigers of the bar, in Fairfield, in February of 1951. I was beginning my first term as Solicitor. The Sheriff told me to press, as the first case, an indictment of a Negro man for shooting up a neighbor's car. It was an old case, and presently I forget whether the crime was triggered by liquor, or a woman, or both. Suffice it to say I called the case, and the defendant had no lawyer. Judge Grimball asked him if he wanted a lawyer, and he said yes, and, to my surprise, and later regret, Judge Grimball said "I'll be your lawyer, how do you like that?" The old man replied "I reckon you'll do," which brought a big laugh. From that moment on I proceeded to get a most complete whipping in my first case. Judge Grimball won another of his many victories, and in his kindly way, admonished me afterwards: "Remember, son, the hardest case to try is against a man who doesn't have a lawyer." How true that continues to be.

On another occasion I was defending, for an insurance company, and at the end of plaintiff's case made a motion for a nonsuit. Judge Grimball, reviewing the testimony brilliantly and in magnificent detail as part of his ruling, granted my motion. It was my last case of that term, and at first recess I went into chambers to tell him good-bye. "What did you think of that nonsuit?," he asked. "Judge, I loved it," I replied. Then he said, "By Jupiter, I suppose we showed them our authority, didn't we?" I heartily agreed.

Along with a legion of admirers, I join his family in cherishing his sacred memory.

Mr. McEachin I knew as "Senator", and always called him that. In 1947–48 he was in the Senate and I was in the opposite body. He was gracious to me and I sought his advice on several occasions. He was acknowledged and feared as a dauntless, but always fair, advocate. I have heard that when he lost, which was rare, he would close his briefcase, bow to the court, and retire to his office without visible emotion, no recrimination, and absent any criticism of the court, jury or opposing counsel. He was a professional giant, an inspiration to all of us who knew him. His distinguished son carries on in our courts, and an equally distinguished nephew carries on in the senate and the courts, in his illustrious footsteps.

I believe I can say that everyone who knew Frank McGown loved him. Brilliant, personable, kind—he deserves a catalogue of salutory adjectives. Most of us knew him as the great lawyer, always with a helping hand, at the Federal Land Bank. I once heard him introduced, properly and sincerely, as one of the greats of the profession in our State. He ad-libbed to say that, after all, he was the biggest lawyer in South Carolina. He loved the merriment as much as his audience. His memory lingers as the kind of legal personality we should be.

It was not my privilege to know Gus Black until ten years prior to his untimely demise. Always as I knew him, I regarded him with warmest affection and highest regard. Once, not too long ago, when I had published an opinion allowing discovery of liability policy limits, I saw him at the Palmetto Club. "Bob", he said, "Sit down here at my table, but I've got to tell you I think that was a pretty sorry opinion." I replied, "Gus, as an expert in the field you have seen it coming, I am sure." He shot back, "Yes, but dammit, you didn't have to try to say it first." We laughed and enjoyed a meal together, one incident of a friendship I treasured.

Last, and by no means least, I salute my late friend, Frank Gary. He was a noble gentleman, a lawyer's lawyer. When we were in law school we sometimes studied in his office, often sought his patient ear and sure advice. Aside from able representation of a host of fortunate clients, he dedicated his great talent to improve the law and continually upgrade the profession. His participation, his leadership in varied professional organizations made for him a host of friends, and projected a wonderful image for his native state. He will be missed far beyond the borders of South Carolina.

To those who these loved them best, the widows, the children, the brothers and sisters, and other relations, I extend my continuing condolences. All of us share their great losses—

But let us suppose, if we dare, that each and all of these five men lived today. Let us imagine, if we may presume, their confrontation with the issues of the nineteen seventies. Perhaps we should mention a few.

Sometimes we of the profession are so engaged in the problems of our own house that we tend to forget what the poet wrote:

> "The world is too much with us,
> late and soon;
> Getting and spending we
> lay waste our powers" [4]

On Wednesday of this week, in *The Charlotte Observer*, a cartoon caught my eye which pictured a well-dressed gentleman consulting a doctor; the latter seated in a very comfortable chair, leaned back with his arms folded and with a long nose, kept by a reflector pointing toward the well-dressed patient.[5] The inevitable diploma on the wall did not catalogue the doctor's professional expertise, but regardless the statement of the patient was significant. Said he to the doctor, "I am not in tune with the 70s." How many of us does he represent?

A frightened aspect of a contemplation of your and my world of the 70s is that people of education, with accompanying leadership responsibility (and surely our profession has both) may be "out of tune with the 70s". We might turn for a moment to the recent episode of "ping pong diplomacy." I share the view that the Chinese are ready to "take us in" as soon as we take them into the United Nations. I am not a prophet or seer so I readily admit I could be wrong but I was attracted by Ed McGrath's column in *The Spartanburg Journal* [6] which included the following:

"Sometimes it doesn't pay to live to a ripe old age . . . like forty. You have this awful feeling that you have been this road before . . ."

"Accustomed to being the number one producer of all good things for money . . . in the world . . . we will shortly be bombarded by the combined acumen of the World War Two losers . . . Germany and Japan . . . "We may not even slip to number two . . . we may stumble all the way to third . . . or fourth . . . depending upon whether they ever get that European common market going . . .

"So why not play a little ping pong with the mainland natives . . . huh? The Chinese is a fine merchant, an excellent trader, a clever business man. It is time . . . apparently . . . to turn him loose among the other carnivores of the world trade racket. . .

"If Confucius didn't say it . . . he should have . . . to become wise man in market place . . . kill off other wise men . . . smile at fools . . ."

"No, it is just that world diplomacy has changed in still another direction. In the very near future the United States will be in a different kind of struggle . . . for mere salvation.

While we are on the subject of international problems we could observe the current attack on the fiscal integrity of the American dollar. Many of those who took our largess, our give-away, and our throw-away, now express doubt as to our national credit. *They know* we owe 400 billion. They know we are unable to extract ourselves, or should I say unwilling, from the evil practice of deficit financing.

Time urges brevity upon us as we catalogue a few of our domestic problems:

In a nation who says in coin "In God We Trust", church membership remains at a 3/100th of one percent last year.[7]

Today's governmental processes have become so entangled and noxious that we may need an ombudsman to *represent* and protect us against our government.[8]

One of the more liberal professional periodicals all but calls for a basic reform of that great repository of people—power, the United States Congress.[9]

We have embraced an old descriptive as a new term, "ecology." The whole country is on an anti-pollution campaign.[10]

Our campuses are parade grounds of dissent, sometimes violent.

Our Highest Court is the target of sincere, but bitter, criticism.

Our moral fibre is being tested in a thousand daily confrontations, patent and latent, after so insidious as to belie the nature of the issue.

In all of this the lawyer of today is inevitably involved. Shall we admit?

Every generation inherits a world it never made; and as it does so, it automatically becomes trustee of that world for those who come after.[11]

Perhaps it would be more appropriate to discuss those changes in our professional lives and practice as they would be received by these great men we honor here. In a recent copy of the Harvard Law Review appeared a fascinating collection of notes entitled, "Police Practices and the Threatened Destruction of Tangible Evidence." [12] No one here would doubt that our late brethren would have knowledge, expertise, and option on the subject. We could do well to follow their example in professional scholarship.

My salutation, rather, includes the faith that these men, and each of them would have been equal to their time, in any century, any decade. As they rose to the status of champion in the yesteryear of their travel through life, so would they rise, and lead, today, or tomorrow. I am sure they would pursue the activism that our problems demand. Each of them would be in the forefront of the times, not always agreeing, to be sure, but leading. From the hallowed halls of greatness, where their efforts rest, comes to us of the profession today.

Footnotes at end of article.

To you from falling hands
We throw the torch
Be it yours to hold on high.[13]

Our beloved America is under attack. The enemies from without and the enemies from within know the futility of a frontal assault. In World War I and World War II we proved we can defend and destroy. But such is not the assault of today. The attack is insidious. Our institutions, our morals, our faith, and confidence in our country and its strength are the target of communism. It takes on many forms, sometimes under the banner of the church, sometimes waving the flag of our country, sometimes in the form of a claim of a constitutional right.

The lawyer of today is called upon to discern the true enemy. We sometimes forget that a great lawyer penned the draft of the Declaration of Independence, that a majority of the signers were lawyers—that many lost their lives, others their entire holdings because they knew Freedom was worth the price. Do we recall the final words:

And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our Sacred Honor.

This then is the lawyers' answer to the storm and strife of the Seventies. This is the answer that echoes from the lives of Judge Thurmond and these noble souls we honor today. They left precious footprints on the sands of time. Perhaps we cannot fill their shoes, but we must, I repeat, we must walk in their footprints. And, as Longfellow reminds us:

Footprints that perhaps another
Sailing oer life's solemn main
A forlorn and shipwrecked brother
Seeing shall take heart again.

Let us then be up and doing
With a heart for any fate
Still achieving still pursuing
Learn to labor and to wait—

To these ends we pledge to our country, and to each other, our lives, our fortunes and our sacred honor.

Thank you.

FOOTNOTES

[1] From: *A Psalm of Life* by Henry Wadsworth Longfellow.

[2] Hemphill, Men of Mark, Volume IV, p. 362.

[3] Hemphill, Men of Mark, Garlingon, Men of Time, p. 415. Greer, South Carolina and Her Builders, page 204. (As an alumnus of the University of South Carolina, I note, with pleasure and pride, that this distinguished gentleman attended the University of South Carolina at one time.)

[4] From: *A Sonnet*, by William Wordsworth.

[5] Joseph Farris, cartoon called "Farris Wheel".

[6] May 4, 1971.

[7] 1971 Yearbook of American Churches.

[8] See "A Congressional Ombudsman is Feasible—56 Am. Law Journal 57 (and references).

[9] March/April Trial (ATLA)—p. 56—"Congress—The Frozen Branch", by Joseph A. Spaulding, Esq.

[10] On the lighter side, the Associate Reformed Presybterian Magazine reports: "The whole country is on an anti-pollution campaign now, and the newest kind of pollution to be indicted is noise pollution. Every noisy device from the jet airplane to the outboard motorboat is being charged with damaging our eardrums and rattling our nerves and generally hurting our health. But the worst and oldest noise-polluter of all is getting off scot-free; that old, vicious, crude, cruel, poisonous, wagging human tongue of the gossip.—Selected.

[11] I Dream Things that Never Were * * * And Say Why Not—Reported as saying of the Late Robert F. Kennedy.

[12] 84 Harvard Law Review, Number 6 at page 1465 (April, 1971).

[13] In Flanders Fields by Lt. Col. John McCrae, M.D.

VIETNAM DISENGAGEMENT

Mr. HATFIELD. Mr. President, the concern of Americans over the enduring war in Indochina, and their resolution to see this conflict brought to a certain end, has become increasingly clear in past months.

A distinguished group of Americans have come together to form the National Council for an Indochina Deadline. They represent noted people from all walks of life. I ask unanimous consent that the membership of this council, and their statement of purpose be printed at this point in the RECORD.

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

SPONSORS

Nicholas Katzenbach, Former Attorney General; former Undersecretary of State.

Rev. Harry Applewhite, United Church of Christ, Washington, D.C.

James David Barber, Professor of Political Science, Yale University.

Edward Burling, Jr., Attorney, Covington & Burling, Washington, D.C.

Abraham Chayes, Harvard Professor of Law; former Legal Adviser to the State Department.

Ramsey Clark, Former U.S. Attorney General.

Clark Clifford, Former Secretary of Defense.

Gregory Craig, Yale law student.

John Douglas, Attorney, Covington & Burling, Washington, D.C.

Joseph Duffey, Chairman, Americans for Democratic Action.

Daniel Ellsberg, Research Associate, Center for International Studies, M.I.T.

Richard A. Falk, Professor of Law, Princeton University.

Roger Fisher, Professor of Law, Harvard University.

Alfred B. Fitt, Former Assistant Secretary of Defense.

Curtis Gans, Ashfield, Massachusetts.

Howard Gillette, National Board Chairman, The Ripon Society.

Roswell L. Gilpatric, Former Deputy Secretary of Defense.

Arthur Goldberg, Former Supreme Court Justice and U.S. Ambassador to the United Nations.

Sanford Gottlieb, Executive Director of SANE.

Jerome Grossman, Executive Director of Mass. Pax.

Herschel Halbert, Executive Director of Set the Date Now.

Morton Halperin, Former staff member of the National Security Council during the Nixon administration.

Walter Heller, Former Chairman, Council of Economic Advisers during the Johnson Administration.

Martin Peretz, Professor, Harvard University.

Father Theodore Hesburgh, Chancellor of Notre Dame University.

Roger Hilsman, Professor, Columbia University; former Assistant Secretary of State for East Asian Affairs.

David Hunter, Director, National Council of Churches.

Vernon E. Jordan, Jr., Atlanta, Georgia.

John Kerry, Vietnam Veterans Against the War.

George Kistiakowsky, Professor, Harvard University; former Science Adviser to President Eisenhower.

Arthur Larson, Director, Peace through World Law Center.

George C. Lodge, Professor, Harvard Business School.

Esther Peterson, Washington, D.C.

Joseph L. Rauh, Jr., Vice Chairman, Americans for Democratic Action.

Edwin O. Reischauer, Harvard Professor; former U.S. Ambassador to Japan.

Thomas C. Schelling, Professor, Harvard University.

Josiah Spaulding, Boston, Massachusetts.

Richard C. Steadman, Former Deputy Assistant Secretary of Defense.

Jeremy Stone, Director, Federation of American Scientists.

Leon Shull, National Director, Americans for Democratic Action.

James C. Thomson, Jr., Professor, Harvard University; former staff member, National Security Council during the Nixon Administration.

Stewart Udall, Former Secretary of the Interior.

Paul Warnke, Former Assistant Secretary of Defense.

Cynthia Wedel, President, National Council of Churches.

Ann Wexler, Westport, Connecticut.

Adam Yarmolinsky, Former Deputy Assistant Secretary of Defense.

Herbert York, Chairman, American Federation of Scientists; former Director of Defense Research & Engineering.

Charles W. Yost, Former U.S. Ambassador to the United Nations.

Patrick E. Gorman, International Secretary-Treasurer, Amalgamated Meat Cutters & Butchers Workmen.

Henry E. Niles, Chairman, Business Executives Move for peace, Former Chairman of the Board, Baltimore Life Insurance Co.

Jacob Potofsky, Amalgamated Clothing Workers of America.

Victor Reuther, Vice President, United Auto Workers.

Carl Stokes, Mayor of Cleveland.

Leonard Woodcock, President, United Auto Workers.

Jerry Wurf, President, American Federation of State, County and Municipal employees.

Rev. Andrew Young, Atlanta, Georgia.

STATEMENT

We believe that the United States should now set a deadline for the withdrawal of all American military forces from Indochina—including men in helicopters and bombers or serving as advisers—not later than December 31, 1971.

A clear and public commitment to total American withdrawal will demonstrate to the millions of concerned Americans that the United States military involvement will be ended once and for all. A clear and public commitment to total withdrawal will allow the Vietnamese people to determine their own future, and can pave the way for a negotiated political settlement. We believe that making this commitment is the best and perhaps the only way to secure the release of American prisoners of war and to assure the safe withdrawal of American forces.

We believe that Congress should legislate a date for the withdrawal of all American forces from Indochina. Any risk involved in legislating a deadline is far outweighed by the risks of not doing so: the risks of further escalation and endless military involvement. A failure to set a date would also mean the certainty of further killing and suffering in Indochina and continuing dissension at home.

We call upon our fellow Americans to join with us in this effort and to help achieve the deeply felt desire for an end to American military involvement in Indochina.

Mr. HATFIELD. Mr. President, Edward Burling and Edwin Reischauer are serving as the cochairmen of the council. The National Council for an Indochina Deadline, located at 530 7th Street SE., Washington, D.C., will attempt to stimulate grassroots activity throughout the Nation in support of setting a deadline for our withdrawal from Indochina. Part of these activities will include a Convocation for Peace here in Washington on June 8, which will bring together Americans from all States and a wide range of organizations and professions in order to focus the grassroots efforts throughout the country. Citizens who desire to take part in these activities might be advised to contact the National Council for an Indochina Deadline in order to coordinate their efforts. I am encouraged to see Americans taking an active role in the democratic process in this constructive and responsible fashion.

On Tuesday, April 20, Senator McGOVERN and I had the opportunity to testify before the Senate Foreign Relations Committee on S. 376, the Vietnam Disengagement Act. I ask unanimous consent that the testimony of the Senator from South Dakota (Mr. McGOVERN) be printed in the RECORD.

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

STATEMENT BY SENATOR GEORGE McGOVERN

Mr. Chairman, the hearings of this Committee which you begin today may be the most important ever conducted by this distinguished Committee. These hearings are directed, as I understand it, at finding the best way to end the war in Indochina. There is no more urgent imperative before the American people today than that.

I have no hesitance in saying that the very soul of this Nation demands that we must take positive action now to terminate our role in the killing and destruction of Indochina.

Like many members of this Committee, I have for years opposed American military involvement in Southeast Asia. Since the fall of 1963, there has seldom been a day or night that my heart has not ached over the bloody, senseless course we have been pursuing in the name of freedom and self-determination. Never in history has the gap between rhetoric and reality been so painfully wide as it has been between America's professed aims in Southeast Asia and the actual results of our policy.

An intervention which began in the name of self-determination has, in fact, prevented indigenous political forces in Southeast Asia from achieving a process of self-determination.

An intervention which was launched in the name of reducing terror and death has inflicted on the people of Indochina such untold suffering and cruelty that it is beyond comprehension.

Even now, our bombers and artillery are obliterating the villages, the food supply, the foliage, and the family life of South Vietnam, Cambodia and Laos. We are all shocked by the barbarism of Mylai, but do we consider the larger crime involved in killing several hundred thousand innocent civilians by our massive firepower?

Do we consider that more than half the villages in the five northern provinces of South Vietnam have been burned to the ground by American troops, artillery and airpower?

Do we consider that an even higher percentage of the villages in large areas of Laos have been utterly destroyed?

Do we consider that several million Vietnamese, Cambodian, and Laotian peasants and villagers have been systematically driven from their homes and herded into miserable refugee camps under the pounding of our artillery, our aircraft, and the torching of huts by Zippo cigarette lighters in the hands of American troops?

Mr. Chairman, these crimes against humanity are on the scale of those that led us to sentence to death German and Japanese officers at the end of World War II. They contradict everything that is decent in America. They cannot be permitted to go on any longer if we expect to preserve our greatness as a nation and our self-respect. In a sense, we are all under the indictment of Lt. Calley. American pilots flying overhead do not hear the screams of their victims below. But the pain and the death are as real as the massacre at Mylai.

Can we really argue that the people of these little countries are better dead than Red? Who made us gods to decide that issue?

Vietnamization, as I told this Committee in my last appearance in February of 1970, is perhaps the cruelest formula of all in that it accelerates indiscriminate airpower and artillery as it seeks to reduce ground forces. It subsidizes the continued killing of the people of Indochina by technology and mercenaries. This is not an acceptable moral, diplomatic, or military posture for a great country such as ours.

Mr. Chairman, there are several courses that are open to us to end this war. I believe the best one now available to the Congress is to terminate all funding for U.S. military operations in Indochina beyond December 31 of this year. That is the formula of the so-called McGovern-Hatfield Amendment. That is the formula which 73% of the American people called upon us to enact in a Gallup poll dated January 31, 1971.

That is a formula which Hanoi and the National Liberation Front have said would lead to negotiations for the release of our prisoners and the safety of our forces during the withdrawal process.

President Nixon's Vietnamization formula does not release American prisoners. It does not break the negotiating stalemate at Paris. It does not end the mortal danger to the remaining American forces as we reduce the total number. It does not end the destruction of the people and the countryside of Indochina. It only expresses the hope that by reducing our ground forces, we can reduce our casualties.

Mr. Nixon's Vietnamization policy virtually guarantees that our prisoners will remain in their cells, that our troops will remain in danger, that the negotiations will be stalled, and that the killing will continue. It diminishes both the true greatness of our nation and our position in the world. It puts us in the posture as the mightiest and richest industrial nation on earth of using that great power to destroy one of the impoverished areas of Asia.

There are those who argue that a great country cannot afford to admit that it has made a mistake, lest its commitments be questioned elsewhere in the world. But we must surely know that the mark of a mature and great society is the capacity to admit and correct error. That is what distinguishes us from a rigid, totalitarian society.

Why do we grimly pledge "No More Vietnams" to the American people, and then say we must remain in Vietnam to prove our good faith to the world? Do we really want to assure other nations of our determination to repeat this tragic error elsewhere? I submit that America will be a greater, more self-confident, and more respected nation if, as elected representatives of the people, we exercise our constitutional responsibilities to terminate support for a war that we know is wrong.

We are told that the President is worried about a right-wing reaction in the United States if he ends this war too quickly on terms that seem to admit American error. I detected this same concern in conversations I have had recently with the President's National Security Advisor, Mr. Kissinger. But this concern of an extreme right-wing reaction from the few betrays a peculiar lack of confidence in the moral sense of the larger body of the American public.

I see a different kind of reaction seizing America if we continue this war—a massive loss of confidence in our leadership, a growing erosion of confidence in ourselves, and finally, the destruction of the very spirit of America. To paraphrase the Scriptures, what does it profit a nation to save its face and lose its soul?

This is a far more serious matter than the kind of recriminations that the President and the Congress may confront from the so-called radical right if the war is ended quickly. Furthermore, by asserting Congressional responsibility on a broad bipartisan basis for terminating the war, we tend to reduce the political hazards that the President fears at the war's end.

I plead with the members of this Committee to give their full endorsement to the Vietnam Disengagement Act of 1971, S. 376, which I introduced on January 27, 1971, with Senator Hatfield and others. Let me clearly and briefly summarize its provisions.

Our bill would set a deadline of December 31 of this year for the withdrawal of all American ground, air and naval forces from Indochina. Beyond that date, funds would remain available only for (1) arranging the return of prisoners; (2) providing for asylum or other means of assuring the safety of South Vietnamese who might be endangered by our withdrawal; and (3) offering assistance to the Republic of Vietnam, if the Congress approves such assistance.

I realize, Mr. Chairman, that there are other courses that have been suggested to terminate our involvement in Indochina. One is simply to urge our policymakers to change their course, or to call upon the President to set a definite withdrawal date. But that is an alternative that some of us have exhausted for years, and now feel is no longer a meaningful possibility.

Another alternative would be to seek impeachment proceedings against the President. But how can we advocate this course until we have attempted the Congressional remedy of curtailing Congressional appropriations for the war?

Others have suggested an extended filibuster against the war. But why resort to that remedy before we have seriously sought to exercise a positive end to the war through the control of Congressional appropriations?

Still others have suggested a direct challenge to the President in the elections of 1972. That is a course which I am now undertaking, but I do not believe we can wait until January of 1973 to terminate this awful conflict.

So once again, I come before this distinguished Committee pleading for early and prompt support for the formula in the McGovern-Hatfield Amendment. I have no pride of authorship in that Amendment, but I do have the most urgent conviction that we must enact it into law and thus face up to our responsibilities to the American people, to the people of Indochina, and to the demands of history.

It is argued by some that the weakness of the McGovern-Hatfield Amendment deadline is that it serves notice on the enemy the exact nature of our commitment to withdrawal. But that is precisely what the situation demands if we wish to end this war.

Both Hanoi and the National Liberation

Front have said repeatedly that the only way negotiations can be started for the release of our prisoners and the safe exit of our forces is for us to agree to a definite deadline for the withdrawal of all American forces.

The logic of this course is made clear when one realizes that it becomes in the selfish interest of Hanoi and the National Liberation Front to assure the safety of our forces and the release of our prisoners as soon as we make a clear commitment to total withdrawal.

What blocks the negotiating process, what blocks the release of our prisoners, what continues our forces in danger, is the Administration's insistence that we are going to keep a residual force there and continue the use of American airpower in support of the Thieu-Ky regime in Saigon until such time as that regime is capable of continuing the war under its own power.

There is no pleasant or risk-free solution to the disaster in Indochina. But I am willing to be judged in history on the assertion that if we will make a flat commitment to withdrawal of all of our forces by the end of this year, we can break the negotiating stalemate in Paris, get discussions started on the release of our prisoners, and secure assurances of safety for our forces while they are being withdrawn. That, I firmly believe, is the course this Committee and this Congress should adopt.

POETRY OF GWENDOLYN BROOKS

Mr. STEVENSON. Mr. President, no poet has more clearly captured and conveyed the black experience than Gwendolyn Brooks. As Colman McCarthy points out in an article which appeared in the May 18 Washington Post:

Miss Brooks is available to her people both in the simplicity of pure language and in the way she is spending time in the workshops, conferences and streets where the black poets are being formed now. We need both her and them to endure the times.

Gwendolyn Brooks' work more than justifies the title "poet laureate of Illinois," and I am proud to count myself as her friend.

I ask unanimous consent that Mr. McCarthy's article be printed at this point in the RECORD.

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

THE TRUE POETRY OF GWENDOLYN BROOKS

(By Colman McCarthy)

Two years ago, Gwendolyn Brooks, a major American poet, a Pulitzer winner in 1950 (the only black ever for that) and the successor to Carl Sandburg as poet laureate of Illinois, came out with "Riot," a thin volume of poetry on the fires of April 1968. The publisher was Broadside Press, a small low-profit house in Detroit run by Dudley Randall, a poet and reference librarian who has a sure-win gamble on a growing market for black poetry. Yet "Riot," according to Randall in a recent issue of Publishers Weekly, "has been greeted by almost total silence" from the book reviewers. The conflict in this lack of interest is that when Mrs. Brooks was publishing for the last 25 years with a white company—Harper & Row—her poetry was, as they say, widely reviewed. "Are the poems (in Riot) unworthy of notice," asks Randall, "when published by a black publisher, and miraculously noteworthy when published by a white publisher?"

He has a point, and one can hear the orthopedic noises from all the white liberal knees jerking to the cause. But it may be too late for that. Many of the black poets and writers, Gwendolyn Brooks among and in many ways leading them, are no longer a part of the cause themselves. "That's the glorious thing about today," she said in last month's Essence magazine, "we aren't concerned about what whites think of our work. . . . We don't care about these notions anymore. Whites are not going to understand what is happening in black literature today. Even those who want to sympathize with it still are not equipped to be proper critics."

On the surface, where quotes will stay if you let them, those are tough-customer words, a turning away by Mrs. Brooks from the white world whose winds of acclaim once lifted her high. But deeper, they suggest less a rejection of white culture than the acceptance of her own and its blackness, a way of conserving the energy of one's rage for the useful things. More than ever, black poets and writers of blooded talent are coming forward, some of them stampeding, and saying, "Here, this is our black culture; it is special, beautiful and it is ours." Any Negro who helps lead this movement is inevitably called "a black spokesman" (many in the white world relish black spokesmen—they are much easier to deal with than the suffering they speak for), but what does it matter? "My people are black people," says Gwendolyn Brooks, "it is to them that I appeal for understanding."

On a sunny day on a hillside, with a pint of wine and a basket of bread, cheese and apples, one could easily read through the entire work of Miss Brooks. "The Bean Eaters" is a 71 page volume, "Annie Allen" is 60 pages, "A Street in Bronzeville" only 57 and "Selected Poems" 127. The others are also short. What is that if not the slavery of writing—a poet takes 25 years to put on paper what the reader, in his masterhood, pleasures in for a few hours. A Sunday Washington Post, if put in book form, would be thicker than a full collection of Brooks poems. But thickness and reading-times are measures used in the daily world, not the timelessness of true poetry. One could spend whole summers considering the 44 lines of "Negro Hero," and understand more about the philosophy of black champions like Charles Evers, Jesse Jackson, Amzie Moore or Andrew Young than reading a dozen news stories about their protests against racism. The first line of the poem reads:

I had to kick their law into their teeth in
order to save them.

It ends with this stanza:

Naturally, the important thing is, I helped
to save them, them and a part of their
democracy.
Even if I had to kick their law into their
teeth in order to do that for them.
And I am feeling well and settled in myself
because I believe it was a good job.
Despite this possible horror; that they might
prefer the Preservation of their law
in all its sick dignity and their knives
To the continuation of their creed
And their lives.

In "We Real Cool" Miss Brooks catches the frustration of the seven pool players at the Golden Shovel, and describes the attitude of the foolish young:

We real cool. We
Left school. We
Lurk late. We
Strike straight. We
Sing sin. We
Think gin. We
Jazz June. We
Die soon.

Poets are always tying themselves to random hitching posts of whim and obscurity but Gwendolyn Brooks, as writer and critic William Stafford said in Poetry magazine, has kept to "a steady view, an insight." In writing about garbagemen, bean eaters ("they eat beans mostly, this old yellow pair"), the outcast elderly, janitors, the tired caverns of the slums of the welfare mothers, Miss Brooks not only catches what Richard Wright called "the pathos of petty destinies," but dares a judgment on it. The verdict is both against and for—against the larger society that lets the poor rot, and for the victims' heroism by which they stay tall and endure the times. "In the wild weed, she is a citizen," wrote Miss Brooks about Big Bessie whose feet hurt, calling her "a moment of highest quality, admirable."

In 1967, Miss Brooks was at the Black Writers Conference, an event, she said in Essence, that convinced her she "had been asleep" about the country's racial realities. What she woke to was the new spirit of black solidarity. Leaving the large literary parties—the kind she often threw herself in the 1950s and 60s—for the clubhouses, meeting halls and taverns where young black writers met and shared themselves, she "picked it up by osmosis, listening to them and watching what they did. I went around with them sometimes and heard them giving readings . . . And I think I've had some hand since in spreading this new spirit. I saw how proud and how strong blacks were becoming. Their confidence in themselves was inspiring. They knew they were right; they had the essentials. Our people are kind of rattled now. They don't have so much certainty as in those good years of 1967 and 1968, though I'm sure this is just an aspect of the growing that has to be done."

Divorced now, 53 living in Chicago, Miss Brooks is finishing an autobiography and in general feeling the new nerves of a second life. In her childhood, she had a chance meeting with Langston Hughes in which the famous and busy writer took time to read the handful of poems she handed him; passing on this grace, Miss Brooks now visits the young—from grade schools to graduate schools—and gets them to write poetry. "They're raw," she has said, "they don't try to pretty up anything and I have the greatest admiration for them." She puts up her own money for prizes in poetry contests, savoring the rewards of opening doors and opening minds.

The best things about the best poets is that they are accessible. It is the distinction of Gwendolyn Brooks that she is available to her people both in the simplicity of pure language and in the way she is spending time in the workshops, conferences and streets where the black poets are being formed now. We need both her and them to endure the times.

EDITORIAL DOUBLETHINK

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Agnew Exhorts the Majority: Reject 'Editorial Doublethink,'" written by Philip D. Carter and published in the Washington Post.

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

AGNEW EXHORTS THE MAJORITY: REJECT "EDITORIAL DOUBLETHINK"

(By Philip D. Carter)

JACKSON, MISS.—Vice President Agnew tonight exhorted "the great majority of thoughtful Americans" to reject the "editorial doublethink" of the "Seaboard Media," the "new demagogy" of some congressional doves and the "totalitarian instincts of the New Left mob" and help the administration "restore confidence in our nation."

"We will prevail," he declared in a speech to Mississippi Republicans, "not because of

appeals to mass emotions based on simplistic slogans, as do the new demagogues—but by appealing to and performing on behalf of the thoughtful majority of Americans who seek solutions to our problems based on reason.

"But make no mistake: more than ever, this administration needs your help—the support and aid of the great majority of thoughtful Americans—South, North, East, and West—Republican, Democrat and independent—who love their country and are unwilling to see its institutions and freedoms denigrated and destroyed by a willful minority of political opportunists in the vanguard of a New Left rabble."

His speech to 3,000 diners at a $100-a-plate fund-raising dinner in the Jackson Coliseum, was his most bristling partisan address in recent months.

Most of his targets were familiar—The Washington Post, The New York Times and its columnist Tom Wicker, unnamed "national magazines," the Columbia Broadcasting System, Trotskyites, Marxists, "raving radicals," Sens. J. W. Fulbright (D-Ark.) and Jacob Javits (R-N.Y.) and other unnamed congressional liberals, whom he likened to Neville Chamberlain.

And as he has in the past, Agnew disputed the charge that he has helped divide the American people.

"Ours is an adversary system," he said. "The options are simple—fight for your principles or abandon them. Weasel or take the flak. Give in or fight."

Agnew spoke in a state and region where the Republican Party, despite advances in recent years, remains in a minority, and his underlying message was the need for national unity behind a beleaguered Republican President.

The President, said Agnew, "more than ever needs the aid and support of his countrymen in carrying out the mandate he was given" when he was elected in 1968.

Speaking, as he noted, in "the heartland of the Old Confederacy," he invoked the memory of the nation's first Republican President, Abraham Lincoln, whose problems he compared with those of the present Chief Executive.

The President, he said, "must cope each day not only with the crises inherited as a result of the foreign and domestic policy errors of his predecessors—but must also cope with the politically oriented criticism and carping of many of the very men who urged the decisions that created those crises."

The Vice President reserved his most scathing language for the press, congressional opponents of the war, and demonstrators at Washington's recent "Mayday action."

He expressed pleasure at visiting Mississippi again for the third time in three years, "even at the risk of being accused of pursuing the Nixon administration's 'Southern Strategy.' "

"We all know what 'Southern Strategy' really is," he said. "It is a political phenomenon that is born in the suspicious minds of the liberal pundits and flung at an unsuspecting public via tons of newsprint and network rhetoric whenever a national administration attempts to treat the South on equal terms with other regions of this country."

He noted that most of his audience resides "outside the first-strike capability of The Washington Post and The New York Times," a region he later referred to as the "Seaboard Media impact zone."

The overwhelmingly white and Republican crowd included two non-Republican candidates for governor in this year's Mississippi elections. They are Lt. Gov. Charles Sullivan, a Democrat who sat at the head table with Agnew, and Charles Evers, the black mayor of Fayette, Miss., who had bought a ticket to the dinner.

Evers, who plans to run as an independent or a Democrat, said he was there because Agnew is "Vice President of all the people and I want to be governor of all the people."

ANTHONY HARRIGAN'S COLUMN ON THE DEMONSTRATIONS

Mr. THURMOND. Mr. President, Mr. Anthony Harrigan of Charleston, S.C., executive vice president of the Southern States Industrial Council, has written a fine column about last weeks' demonstrations here in Washington.

Mr. Harrigan, a distinguished journalist of many years reputation, ably describes how these demonstrations were organized and points to the deficiencies of reporting about the character of the participants.

I think it is particularly important to look at his analysis of the so-called veterans who were engaged in the protest. Mr. Harrigan says:

What's disturbing is that the network reporters and the liberal Washington and New York journals apparently didn't check out the discharge papers of the "veterans" who marched. Those newsmen who covered the protest marches in the South in the 1950's and early 1960's remember that demonstrators were known to put on the attire of clergymen and nuns in order to lend moral distinction to their sit-down strategy.

Some people have attempted to make a distinction between the first protest which was overtly nonviolent and the second protest whose announced aim was disruption. Some have even referred to the first demonstrators as "the good guys." I think that Mr. Harrigan's article raises questions about the overall planning of the combined demonstrations that hardly allow anyone to cheer on any part of it.

Mr. President, I ask unanimous consent that the column by Anthony Harrigan entitled "A Stab in the Back" be printed in the RECORD.

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

A STAB IN THE BACK

(By Anthony Harrigan)

The mass demonstrations in late April and the first days of this month testify to the mastery of agitation and propaganda techniques by the radical organizations that planned the protests. Unfortunately, the reading and viewing public hasn't been given the information needed to grasp the character of the protest groups.

The two principal organizers of the demonstrations contain a [illegible] of Hanoi's helpers in the United States. The NPAC has a steering committee that includes representatives of more than 100 militant organizations, including the Student Mobilization Committee to End the War in Vietnam and the Socialist Workers Party. This group demands immediate and unconditional withdrawal of all U.S. troops and materiel from Southeast Asia—the prime objective of Hanoi and Peking.

NPAC's marches in Washington and San Francisco were endorsed by a New Left element in Congress, Mrs. Martin Luther King Jr., Americans for Democratic Action, and extreme left-wing factions in the labor movement.

The so-called Peoples Coalition for Peace and Justice is an umbrella organization for such groups as the Clergy and Laymen Concerned About Vietnam, the American Friends Service Committee, the Fellowship of Reconciliation, and the War Resisters League. It represents many of the more militant "peace" groups that attempted to disrupt the national capital May 3. The coordinating committee of the Coalition includes David Dellinger and Rennie Davis, convicted in the Chicago conspiracy case, and other hard-core leftists such as Sidney Lens and Terry Hallinan. In staging protests, the Coalition cooperated with other radical groups such as the Southern Christian Leadership Conference, the National Welfare Rights Organization, and Cesar Chavez's United Farm Workers Organizing Committee.

Despite the hard-core radical character of the organizers of the protests, the public undoubtedly received the impression that many of the marchers were idealists. The public simply hasn't been provided with the facts about the individuals and groups masterminding the demonstrations. The failure of the networks and the metropolitan media to provide important information is nothing new. What's especially hard to understand is why high government officials don't speak directly to the people and give a run-down on the anti-American forces involved.

Instead, the public has been exposed to endless stories about the "vets" marching in Washington. Often the stories of these "veterans" are taken at face value without the kind of check a reporter would make in writing routine news stories.

Undoubtedly some of the protesters served in Vietnam. Considering that over two million Americans have served in Southeast Asia, it isn't surprising that a contingent of radical, disgruntled former servicemen can be found. In a nation of more than 200 million people, one finds every human type.

What's disturbing is that the network reporters and the liberal Washington and New York journals apparently didn't check out the discharge papers of the "veterans" who marched. Those newsmen who covered the protest marches in the South in the 1950's and early 1960's remember that demonstrators were known to put on the attire of clergymen and nuns in order to lend moral distinction to their sit-down strategy. It should be borne in mind that anyone can buy a pair of Army fatigues from an Army-Navy surplus store.

The truth is that the country is still terribly naive about the protests directed at the war. The protests don't just happen. They are planned—just as the bombings and acts of arson are planned by terrorists. Moreover, it should be clear that the organizers of demonstrations seek the humiliation and defeat of the United States.

The vast majority of Americans accept the leadership of their President and the Congress. They resent the New Left's mass pressure tactics and the kind of plebiscitory absolutism that the radicals seek to impose. But these good Americans don't get the publicity. They aren't interviewed on television. Rallies in support of America receive sneering treatment from the liberal commentators. A huge publicity build-up is accorded those who break into the offices of congressmen, attempt to block entrances to government buildings, and engage in mob tactics.

If the peace and security of this country is to be assured, the organizational methods of the New Leftists must be exposed and explained. It is outrageous that small cadres of super-radicals are allowed to stab this nation in the back.

LOSS OF SUPPORT FOR MOTION PICTURE PRODUCTION CODE

Mr. McCLELLAN. Mr. President, the New York Times in a front-page story today reports that the Broadcasting and Film Commission of the National Coun-

cil of Churches and the National Catholic Office for Motion Pictures have withdrawn their support of the Motion Picture Association Production Code and Rating Administration. The church organizations concluded that the current rating system did not take into "account sufficiently the total context of a given film."

The motion picture industry established the Rating Administration on November 1, 1968. I first addressed the Senate concerning trends in the film industry and the rating system on September 22, 1969. In a second speech on December 22 of the same year, I said:

The industry has justified the permissive nature of many movies by contending that film classification prevents minors from viewing objectionable movies. The information currently available to me raises significant questions as to the desirability and effectiveness of the film classification system.

While recommending that the film industry put its own house in order, I urged "a complete independent review of the film classification system."

The conclusions reached by the Protestant and Roman Catholic motion picture agencies are fully warranted by my observation of the operations of the film classification system. When my staff sought information from the Motion Picture Rating Administration as to the criteria applied in the rating of films and the application of the criteria to particular films they were advised that the rating process was a very informal procedure and that at least during the first 15 months of its operation no significant records were retained.

I do not wish to burden the RECORD by including all of the clippings and articles relating to the classification system that my staff has gathered since my earlier speeches. It will suffice to refer to a few representative items.

The film "Midnight Cowboy" was rated "X" upon its initial release in 1969 and has been this year reissued. The advertising of the film included the revealing comment:

If you did not see "Midnight Cowboy" because of its previous rating it is now rated "R".

There is no evidence that the content of the film was altered and it is difficult to believe that even in these times community standards could have so greatly changed in such a short period. It appears that the explanation for the change in the rating rests with the economics of the motion picture industry.

MGM produced a $14 million film, "Ryan's Daughter," which was given an "R" rating whereupon the film company entered into negotiations to get the rating changed to "GP" for the purpose, according to Variety of "thus maximizing the potential audience for the film when MGM needs it most." The Rating Administration accommodated the needs of MGM and changed the rating to "GP." Of this case, the Reverend James M. Wall, editor of the Methodist publications Together and Christian Advocate said:

I have tried in the past to avoid the overworked reference to the fox guarding the hen house, but in the case of "Ryan's Daughter", the fox has made off with both his general rating and his explicit sex. The rating system cannot survive very many of these foxy coups.

The family magazine, Woman's Day, in its June 1970 issue contained an article on the rating system by the film critic, Hollis Alpert who stated:

I also find that the MPAA's claim that fully two-thirds of all movies rated by it are suitable for family viewing is open to serious question. . . . Some "GP" films, while avoiding outright indecencies, contain a great deal of suggestiveness and sheer vulgarity.

There was released in 1964 a film "Kiss Me Stupid." At that time the Legion of Decency said the film was patently "indecent and immoral" and declared:

Crude and suggestive dialog, a leering treatment of marital and extra-marital sex, a prurient preoccupation with lechery compound the film's bald condonation of immorality.

When this film was reissued in 1970 it was classified by the Rating Administration as a "GP"—suitable for all ages, parental guidance suggested.

Mr. President, I ask unanimous consent to have printed in the RECORD the article on the film rating system which appears in the New York Times of May 19.

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

TWO CHURCH GROUPS DISAVOW "UNRELIABLE" FILM RATINGS

(By A. H. Weiler)

Protestant and Roman Catholic motion picture agencies have withdrawn their support of the movie industry's voluntary film-rating system.

In a joint statement the film-reviewing groups, the Broadcasting and Film Commission of the National Council of Churches and the National Catholic Office for Motion Pictures, said they could no longer recommend the classification system they have endorsed since its inception on Nov. 1, 1968.

The main reason, they said, is that the GP rating—all ages admitted, parental guidance suggested—had become unreliable, and they questioned the GP ratings of such films as "Bananas," "Ryan's Daughter," "10 Rillingham Place," "Valdez Is Coming," "That Splendid November" and "The Vanishing Point."

The religious groups felt these films merited the designation R—restricted, under 17 requires accompanying parent or adult guardian.

The Motion Picture Association of America's Production Code and Rating Administration also classifies films as G—all ages admitted; and X—no one under 17 admitted.

The commission, directed by the Rev. William Fore, and the Catholic group, directed by the Rev. Patrick J. Sullivan, said that their criterion for evaluating the rating system was whether it protected "the young from material beyond their ability to cope." The present ratings, the statement stressed, did not take into "account sufficiently the total context of a given film."

In an interview yesterday, at 1600 Broadway, Father Sullivan and Mr. Fore said that ratings "place too much weight on overt visual sex and not enough on the implicit exploitation of sex and the overall impact of violence and other antisocial aspects of the film on the child." It added that overt visual sex now was included in some GP-rated films, thus making the rating "worse than useless."

Without citing the other examples, Father Sullivan asserted that "10 Rillingham Place, which dramatized the story of the British mass murderer John Christie, was not worthy of a GP rating because it dealt excessively with murder and sex.

The two groups also declared that they had warned the public and the industry a year ago of their disapproval of the system, including the ratings, advertising, and theater compliance, and had asked for the elimination of R and X trailers being shown with G and GP films.

The statement added that the public's confidence would not be restored until the ratings became "more reliable," more theaters "seriously enforce the ratings" and advertising "reflects more concern with informing the public and less with exploiting sex and violence."

Jack Valenti, president of the Motion-picture association, said that "a vast majority" of the nation's 14,000 theaters were complying with the ratings and that the system had proved to be "a public service, generally praised."

He added that the National Association of Theater Owners, who represent 10,000 houses, had reported that 80 per cent of their theaters were complying with the ratings.

"Whether parents have confidence in the industry's standards or reliability is based on no real evidence except the judgment of both church groups," he said.

In a prepared statement, Eugene Picker, president of the theater owners group, confirmed Mr. Valenti's report of the theaters' compliance with the classifications. He added that his organization, despite its requests for information from the church groups about violations, had not been advised of "a single instance of violation of the code and rating prohibitions on the part of any specific theater."

RESOLUTIONS PASSED BY THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, the Municipal Association of South Carolina at its 31st annual convention recently passed three resolutions which I recommend to my colleagues.

The first resolution points out the severe financial crisis of municipalities in South Carolina and in other parts of the country as well. It exemplifies the strong support of municipalities for general revenue sharing, and requests that such a program be implemented.

Mr. President, the second resolution is of equal importance to South Carolina and the rest of the country. It urges Congress to enact meaningful import restrictions on foreign textile importations. The resolution emphasizes the alarming increase in Japanese imports which are having an adverse affect on the economy of South Carolina and the economy of this country.

The third resolution pledges the support of the Municipal Association of South Carolina for a bill introduced by Congressman FLOYD SPENCE, Republican, of South Carolina, which would amend the Voting Rights Act of 1965.

Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

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

RESOLUTION MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Whereas, the local governments of the State of South Carolina and also, those of

other states, are in serious financial trouble, primarily due to increased demands for services, and

Whereas, these increased demands for services and facilities have come about as a result of a mandate from those who are governed by local units, that they be provided with more and better services, and

Whereas, this demand of government was not prevalent in years past, and

Whereas, those units of local government are required to provide these services and facilities on a tax base which has not kept up with the increased demands and expectations of the constituents of local government, and

Whereas, the tremendous flow of financial resources into the nation's capital indicates that the Federal government is best in a position to provide a return of local money to the local units through revenue sharing of the personal income tax, and

Whereas, the State of South Carolina, in its wisdom, has been practicing the principles of revenue sharing with its local governments in the form of state-shared revenue for many years;

Now, therefore, be it resolved that the Municipal Association of South Carolina in 31st Annual Convention assembled, request the members of the South Carolina congressional delegation to support and work vigorously for the passage of general revenue sharing on the federal level;

Be it further resolved that the Executive Vice President of the Municipal Association forward a copy of this resolution to each member of the South Carolina congressional delegation, and to also send a copy to Congressman Byrnes, Ranking Minority Leader, House Ways and Means Committee.

RESOLUTION MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Whereas, the textile import problem throughout the United States continues to threaten jobs of textile employees, and

Whereas, the Japanese imports increased some 47% in 1969 and continued to increase in 1970, and

Whereas, some 7,000 jobs were lost in textiles in the year 1970, directly or indirectly due to textile imports, and

Whereas, the economy of each municipality in South Carolina is directly or indirectly dependent upon the prosperity of its textile mills, and

Whereas, the municipalities of South Carolina are wholeheartedly in support of a textile import quota system;

Now, therefore, be it resolved that the Municipal Association of South Carolina in 31st annual convention assembled pledge its support to a textile import quota bill that will prevent foreign textile imports from competing with domestic and textile plants to the extent that it results in the loss of jobs;

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina congressional delegation.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA RESOLUTION

Whereas, the towns and cities of South Carolina have faithfully fulfilled all their obligations under the Voting Rights Act of 1965, and

Whereas, annexations by municipalities in South Carolina have always been in accord with the letter and intent of the Voting Rights Act, and

Whereas, recent judicial decisions have raised the possibility of certain provisions of the Voting Rights Act of 1965 being applied so as to nullify past annexations;

Now, therefore, be it resolved that the Municipal Association of South Carolina in 31st annual convention assembled pledge its support to a bill to be introduced into the United States House of Representatives by Congressman Floyd Spence, which would amend the Voting Rights Act of 1965 so as to provide that failure on the part of the State of South Carolina or any political subdivision thereof to comply with any provision of this section shall not have the effect of interfering with, nullifying, terminating, or rendering without force and effect any annexation, on or before January 14, 1971, in connection with any municipality in such State;

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina delegation.

ERVIN HEARINGS ON PRIVACY, III—TESTIMONY OF JOHN M. O'BRIEN, EDWARD D. SOHIER, AND LAURENCE F. LANE

Mr. ERVIN. Mr. President, today I would like to place in the CONGRESSIONAL RECORD the prepared statements of three former Army intelligence agents who testified this past February at the Constitutional Rights Subcommittee's hearings into the Government's data collection activities.

On December 16, 1970, I announced here on the Senate floor that I had received information which, if true, indicated the Army had been extensively engaged in the surveillance of civilian political activities. My information at that time was in the form of a letter which I read to the Senate that day. Today, I would like to place in the RECORD the statement prepared for our hearings by the author of that letter, former military intelligence agent John M. O'Brien.

In addition to Mr. O'Brien's testimony I think the statements of Mr. Edward D. Sohier and Mr. Laurence F. Lane should be printed in the CONGRESSIONAL RECORD for all Americans to read. Mr. Sohier spent 15 months on duty with the Counterintelligence Analysis Division. During this time he served as the only enlisted man on a task force created by the Office of the Assistant Chief of Staff for Intelligence—OASCI—to handle congressional inquiries into the Army's civil disturbance program.

Mr. Lane was an infantryman but was detailed to the Intelligence and Security Section of the 5th Infantry Division at Fort Carson, Colo., from December 1968 to June 1970. His testimony gives us an insight into the intelligence activities of the Continental Army Command—CONARC.

Mr. President, the statements of these three men plus the statements of Christopher H. Pyle and Ralph M. Stein which I introduced earlier together give us a clear picture of how widespread the Army's involvement in surveillance programs actually was. I ask unanimous consent that the statements of Mr. O'Brien, Mr. Sohier and Mr. Lane be printed in the RECORD at this point.

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

STATEMENT OF JOHN M. O'BRIEN BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY, FEBRUARY 24, 1971

Mr. Chairman, I thank you for the opportunity to appear before you and the Constitutional Rights Subcommitee today. My name is John O'Brien and I served in the United States Army for almost five years. My last four years on active duty were spent as an Army Intelligence Agent, the first three in Western Germany, where I was trained as and performed the duties of an Army Intelligence Case Officer. During these three years I worked in the defensive counterespionage field and most of my work was directed against non-Americans, whose activities were thought to be inimical to the national defense interests of the United States. My last year on active duty with the United States Army was spent assigned to Region I, 113th Military Intelligence Group, in Evanston, Illinois. At Region I, I performed the duties of an Army Intelligence Case Officer. My duties at Region I were similar in nature to my duties while assigned to Western Europe, except that at Region I my activities were directed almost exclusively against United States citizens. I was honorably discharged from the United States Army on June 8, 1970, with the rank of Staff Sergeant.

From June 1969 until approximately December 1969, I was assigned to the Special Operations Section of Region I. During that period, I worked primarily in undercover operations. These undercover operations included the recruitment, training and controlling of undercover agents utilized by the United States Army. On several occasions, I personally performed as an undercover agent as part of my assigned military duties. Special Operations activities at Region I consisted of the screening, investigation, recruitment, training, targeting, and controlling of individuals performing in an undercover capacity for the United States Army. Such activities were primarily directed against civilian organizations and individuals. Special Operations undercover activities were controlled from Fort Holabird. Prior to the initiation of an undercover operation, an operations plan for the implementation of the operation was written at either the Region or Group level and forwarded to Fort Holabird for approval. Once approval was authorized by Fort Holabird, all aspects of the operation were reported to Fort Holabird.

I also assisted the CONUS/Liaison Section at Region I. The CONUS/Liaison Section compiled personality information and monitored organizations and individuals engaged in activities to oppose the United States military involvement in Vietnam and in other activities and associations thought to be inimical to the national defense interests of the United States. Individuals included within the sphere of interest of CONUS included Adlai Stevenson III, Abner Mikva, the individual plaintiffs in the trial in Chicago, and many others including newspapermen, university professors, public officials and businessmen. At one period in late 1969, CONUS maintained dossiers concerning approximately 800 civilian organizations and individuals. These dossiers were commonly called the subversives files. The policy throughout Region I was to obtain any information available concerning organizations and individuals whose names were in a CONUS dossier. The dossiers contained, among other things, official military intelligence reports concerning the activities of the target organization or individual, copies of reports from other federal and non-federal investigative agencies, and copies of photographs taken by either military intelligence agents posing as members of the news media or as free-lance photographers or by members of the other investigative agencies. The CONUS dossiers at Region I filled approximately nine filing cabinets with four or five drawers per cabinet. All the dossiers were stamped confidential.

The CONUS/Liaison activities in which I participated included the monitoring of civilian organizations which was carried out by military intelligence personnel who utilized radio cars, portable walkie-talkie equipment, photographic equipment, partici-

pation in demonstrations, and the like. Penetration was carried out by participation (without disclosure) in public demonstrations and activities.

In approximately January, 1970, my duties were changed. I was then assigned to the Special Investigations Branch of Region I. However, I continued at the request of the Region I Special Operations officer to participate in certain Special Operations activities and in assistance to CONUS/Liaison until approximately late May or early June, 1970.

My new duties with the Special Investigations Branch included personnel background investigations of individuals under consideration for security clearance, participation in sabotage and espionage investigations, and the conduct of liaison with local investigative agencies within the area of the Evanston field office of Region I.

After my discharge from the United States Army I visited Region I approximately twice monthly until the first week of December, 1970. During these visits I learned from conversations with personnel assigned both to Special Operations and CONUS that the collection of information concerning the activities of civilians was still taking place, and that Special Operations continued to conduct undercover operations directed against civilian organizations.

My concern as to the legitimacy and necessity of my activities while assigned to Region I began in September 1969, when I witnessed the initiation of a file concerning Adlai Stevenson III. I concluded that such activities posed a threat to every American's right to freedom of expression and to the system of government under which we have lived in the United States since the inception of the United States Constitution. It is out of concern for those rights guaranteed to every American citizen that I sought on December 7, 1970, by a letter to Senator Ervin, to appear before you today, and I thank you again for the opportunity to have done so.

STATEMENT OF EDWARD D. SOHIER

In August 1970 I was separated from the Army, honorably, with the Army Commendation Medal and the rank of Specialist 5, E–5. I had spent nearly three years on active duty, 15 months of which on duty with the Counterintelligence Analysis Division (CIAD), Directorate of Counterintelligence, Office of the Assistant Chief of Staff for Intelligence (OACSI). I had entered the Army in October 1967, taken basic training at Fort Bragg, N.C., and was trained as a military stenographer at Fort Benjamin Harrison, Indiana. In May 1968, I joined the 902d Military Intelligence Group, which then had administrative control of CIAD. In January 1970, when the 902d MI Group became part of the U.S. Army Intelligence Command, CIAD remained under the control of OACSI.

My first encounter with the so-called CONUS intelligence program was in my first job at CIAD. That was assisting in the preparation of the two-volume publication, *Personalities, Organizations, and Cities of Interest,* called by CIAD, the Compendium. This book, which was to be updated five times in the period I was with CIAD, was a compilation of information on individuals and organizations in this country which were regarded as potentially involved in domestic disturbances, in particular, in connection with anti-war and civil rights activities. Included in the lists were organizations such as Women's Strike for Peace, Southern Christian Leadership Conference, National Association for the Advancement of Colored People, American Civil Liberties Union, Quaker Action Committee, National Mobilization Committee (to End the War in Vietnam), American Friends Service Committee, and many other such peace and civil rights groups, as well as more radical groups such as Students for a Democratic Society, Black Panther Party, and Weathermen. Individuals listed included the late Dr. Martin Luther King, Dr. Benjamin Spock, Dr. Ralph Abernathy, H. Rap Brown, and Eldridge Cleaver.

The Compendium was very widely distributed by OACSI. It was sent to elements of the armed forces in the continental U.S. (CONUS) and worldwide. It was sent to other branches of the government including the Justice Department (Federal Bureau of Investigation), Treasury Department (Secret Service), and State Department. It was augmented five times with changes (additions and deletions of pages of information), and, when the order was given to destroy all copies of the Compendium in the summer of 1970, a sixth change was in the works. The Compendium was classified SECRET.

CIAD also provided the armed forces and branches of the government with other publications regarding this area of interest. One was what was called an estimate, which provided an analysis of past events in the nation and an estimate of the potential for domestic disorders for the upcoming period. I believe this publication was prepared annually. Its purpose was to inform the Army commands of the potential need for Army support required to keep the order in the nation in case of disorders.

OACSI, and in particular, CIAD, was tasked with the responsibility of providing the Army with information regarding potentially disrupting situations in the United States. Since the Army has the responsibility of responding to a national call for aid in restoring order, it needs an agency to keep it informed of the potential for that call for aid, and thus, the potential for civil disturbances. In doing so OACSI kept a sharp eye and ear on potential "trouble-makers," both individuals and organizations, and their activities.

Much of the information was gathered by CIAD from the press. Most of the rest of the information was supplied by direct liaison with the Federal Bureau of Investigation, and, to a lesser extent, some other government investigative-type agencies. By far the largest supplier of information reports was the FBI, from whom CIAD almost daily received foot-high stacks of information reports. Naturally, the FBI was a recipient of CIAD reports, too, but CIAD received much more than it supplied. Another channel of information to the CIAD analysts was through the U.S. Army Intelligence Command's teletype, which would supply as many as 100 "spot reports" daily. These reports were forwarded to the Command at Fort Holabird, Maryland, for teletype distribution to other "interested" Army intelligence and investigative agencies. In almost all cases, the reports concerned meetings and minor incidents all over the country. Many of them were like the one which comes to mind, regarding simply a meeting of 200 people in a church in Philadelphia. The report would state that 200 people attended a meeting today in such-and-such church, and that there were no incidents. Almost all reports were read and discarded by CIAD analysts, and were generally regarded as worthless.

CIAD analysts working in the domestic field maintained voluminous files. They were files of clippings from the press, FBI reports, and other information from other agencies, within and without the Army. A computerized index had been prepared for the files, though there were no computer at CIAD's office in Alexandria, Virginia. The computer experts at CIAD used card-punching and other facilities of OACSI in the Pentagon to prepare the index. Dossiers were frequently received by CIAD analysts from the U.S. Army Investigative Records Repository at Fort Holabird.

During the time I was at CIAD the domestic intelligence program grew immensely. When I joined the group, there were perhaps ten members of the domestic section. When I left there were about twice that number. In that period the computerized index was developed. During that period the number of publications in this field produced by CIAD grew, and the number of reports received by CIAD analysts probably tripled.

In January 1970, OACSI was shocked by the publication of an article in *Washington Monthly* magazine by former Army Captain Christopher H. Pyle. OACSI put together what it called a "Task Group" in one of its offices at the Pentagon to work on problems that stemmed from sudden disclosure of Army activities in this field. The Task Group originally numbered about eight persons, several of whom were from CIAD. I was one, the only enlisted member, and I joined them originally as a typist and administrative man. The Task Group, over the next few months, was responsible for formulating new Army policy to appease critics of the domestic intelligence program, and for replying to letters from Senators, Congressmen, and citizens. Although letters went out over the signatures of Major General McChristian, Assistant Chief of Staff for Intelligence, and others, nearly all were produced by this small group, put together for just this purpose.

The first reaction by CIAD to the Pyle article was, in typical fashion, to sit down and write a paragraph-by paragraph refutation of every charge that Mr. Pyle made, regardless whether charges were factual, founded in fact, or whatever. This went on for about two weeks, but there was no end result, for meanwhile, the Task Group had been formed in the Pentagon to assume this function. The Task Group answered Congressional inquiries and press inquiries on this area of interest, and proceeded from the start to deny any and all charges, factual or otherwise. Eventually, with more and more Senators and Congressmen interested and informed, the group found it necessary to begin admitting some of the charges, but the Task Group, assumedly under orders from above, never admitted any more than it absolutely had to. It even went so far as to provide the Army's own General Counsel with misinformation at one point, so bent on denial was this group. Time and time again replies that were prepared by the group to respond to Congressional and citizens' criticism admitted and denied charges at will, disregarding considerations concerning the truth of their statements.

This was, I believe, a natural reaction of members of what is referred to by its members as the "intelligence community." There is a definite feeling of privilege among members of this "community"—privilege in respect to access to information and immunity to probing questions not only from citizens but also from the Congress and other departments of the government. There is, within the Army, a general distrust of Congress anyway, for Congress, a body of civilians, holds the power of funds over the military; professional military men feel their job would be easier without civilian interference in military matters; this feeling is much magnified in the military intelligence community, where it is coupled with the feeling of privilege and immunity.

By the time of my separation from active duty, several directives had been issued to try to solve problems that arose out of what the Task Group referred to as the "Pyle Case," because of its origins in Mr. Pyle's first article. First, the Compendium was ordered destroyed, and destruction certificates were directed to be forwarded to the Task Group. I was responsible for checking the list of Compendium recipients against the growing stack of destruction certificates, but it was generally understood that, because of a faulty system of accounting for that particular SECRET document, we were probably never to account for all the Compendia. In addi-

tion to this problem, many recipients of the Compendium had difficulty locating and accounting for the document in their own offices. It is likely that OACSI will never guarantee that all copies distributed have been destroyed. Also, because the directive only ordered the destruction of those two volumes, not the information contained therein, I found that at least one recipient Xeroxed its copy of the book in order to be able to destroy its one official copy noted in OACSI records, while retaining a copy for further use. I have little doubt that this was done more than once. In fact, it was known at the time that the originating office for the Compendium, CIAD, had, in fact, microfilmed its own copy of the book for the same reason as above.

Other directives were issued during the summer, which restricted the kinds of reports that could be sent over the Fort Holabird teletype, the kinds of activities agents in the field could be dispatched to cover, restrictions on the use of covert and "undercover" agents, and the kinds of files and filing techniques that could and could not be used for storing domestic intelligence information.

The restrictions on the use of covert agents were interesting, for, each time the Army was questioned on this subject, it immediately stated that it had express orders forbidding that type of activity. However, when the press finally was able to specify some incidents of this type of activity (for instance, 116th MI Group agents in Washington, D.C., posing as newsmen with a van marked "Midwest News," covering anti-war demonstrations), official Army replies stated simply that covert agent activities had been banned, except with the express permission of the Secretary of the Army.

Probably the most agile defensive moves were made by the Army concerning its computers. Replies to initial press and Congressional inquiries concerning Army computers were that there were none, period. This, of course, was done with full knowledge that there were computers, but without knowledge of, or, it appears, curiosity about, the kinds of work they were doing in the Army. Again, after heated exchanges with members of Congress and the press, the Army spokesmen (again, Task Group) were forced to go out and do some investigating on their own. The results were as surprising to Army brass in the Pentagon as to civilians, and shortly thereafter, orders were issued that computerized files may no longer be maintained or initiated on domestic intelligence activities, without the express permission of the Chief of Staff. Again, however, there were few restrictions on the type of information that may be kept in the *computerized* file.

Despite assurances by Army spokesmen that improper activities have been halted and will not begin again, my personal feeling is that a careful and constant watch will have to be maintained on the Army and other branches of the government which continue to harass and intimidate citizens with irresponsibly and clumsily constructed files. One of the most amazing discoveries I made during this period was concerning the nature of many of the files, and the criteria used to select those individuals and organizations "of interest" to Army intelligence. There were, in fact, no guidelines issued by the Army concerning persons and organizations of interest. Each office and command of the Army which had files in this area was responsible for determining for itself who and what would be included. There were, prior to the "Pyle Case," no Pentagon-issued directives giving criteria to be used in limiting files. Consequently, the program grew unchecked. With the increase in the number of civil disturbances and demonstrations in the nation beginning about the time of the assassination of Dr. Martin Luther King, the Army likewise felt it necessary to expand its files and information-gathering activities. With no overall supervision, the agents and analysts could, in effect, expand the program as much as, and in whatever direction, they wished.

Even after some guidelines had finally been laid down, it was questionable how long they would be adhered to. A career officer, a member of the Task Group when I left, and long an intelligence officer, told me that he did not think the restrictions in effect at that time would last long. He said that it is only natural for the domestic intelligence community to want to continue expanding the scope of its activities in order to ensure that it is carrying out its duties effectively.

In view of the blatant lying and unceasing string of mis-statements made by Army spokesmen to Congressmen, members of the press, and citizens during 1970, I find it difficult to believe that we can take the official Army assurances at face value. The intelligence establishment and program are too powerful and too special to be left to their own devices. This can be seen in the way they have conducted themselves, essentially without supervision, over the past several years. In my estimation, some kind of civilian intelligence review board is needed, to watch over all the intelligence agencies of the U.S. government, including those within *and* without the military. This could prevent the kind of incursions into the civilian sector by the military we have witnessed, and would serve to make more efficient the intelligence operations that are necessary by eliminating duplication of efforts. Indeed, this is an important area of consideration, for it is doubtful that the Army's domestic intelligence program held any information not already held by other organizations, such as the F.B.I., and State and local law enforcement agencies.

TESTIMONY OF LAURENCE F. LANE BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE JUDICIARY COMMITTEE

Mr. Chairman. My name is Laurence F. Lane. I am currently employed on the legislative staff of Congressman Robert N. Giaimo of Connecticut. Also, I am a full-time graduate student at the George Washington University, Washington, D.C.

I served in the United States Army on active duty from June, 1968, until June, 1970. I was trained as an 11B, light-weapons infantry soldier at Fort Dix, New Jersey, and assigned to the 5th Infantry Division, Fort Carson, Colorado in early November, 1968. Soon after my arrival at Fort Carson, December, 1968, I was successful in my efforts to be detailed to the G2 (Intelligence and Security) Section of the 5th Infantry Division. Although my records were retained by infantry units—first the 2nd Battalion of the 61st Infantry and then the 3rd Battalion of the 10th Infantry—and "on paper" I was a member of those infantry units, I lived in the 5th Military Intelligence Detachment's* quarters, and I worked in various positions in the office of the G2, 5th Infantry Division, Fort Carson, for the duration of my service, i.e. December 1968–June 1970.

Being sort of a "special case," i.e. an infantry soldier in an intelligence unit, I performed a number of functions, all closely related to the civil disturbance mission which was levied upon the 5th Division. Under the agreement which brought me from an infantry unit to the headquarters element, I was an intelligence analyst. Besides analyzing incoming information, during the eighteen months that I worked for G2, I performed a host of related tasks including agent and undercover duties; coordinator of agent reports; author of special intelligence projects; liaison visits with the 113th Military Intelligence Group, Region IV, and law enforcement agencies; and advisor to G2's and other members of the Division's hierarchy. Although the highest rank I obtained in my tour of active duty was Sergeant, E–5, the length of tenure at Fort Carson with the G2 staff, the interest and knowledge I developed, and the flexibility of my "special" status allowed me a broad base to observe the intelligence structure of that command and its relationship with other commands.

I wish to share with this Committee what I observed and a few of my experiences. I have divided my presentation into four parts: First, I will attempt to explain, briefly, the historical perspective of my activities. To indict the military's intrusion into domestic civilian affairs without attempting to define a frame of reference would be an injustice. Second, I will review the intelligence gathering structure as viewed from a divisional headquarters. I am certain a few of my observations from the divisional level will conflict with information presented from Army area commands and nationwide commands. My third section, discussing the phases of duty I experienced may account for the discrepancy of information concerning the intelligence gathering structure, i.e. the structure and direction of activities were directly related to the personalities in command. Fourth, I present a chronology of my activities to illustrate the workings of military intelligence.

Before I proceed, I want to make it perfectly clear to the Committee members that I do not have any "grudges to bear," nor a "cross to burn" against the United States Army. My purpose in testifying before this august body is to help make sure that our Constitution is observed by all. I am deeply concerned that serious errors in judgment were made which led to encroachment on the liberties of many Americans. I have offered my limited information not only to this Committee, but also to the investigators for the Department of Defense in order to help discover the depth of the intrusion and the causes. Underscoring this principle, I have refrained from naming superior officers and fellow workers to avoid misinterpretation and charges of character assassination.

I am certain the testimony by officials of the Department of Defense will document the rise of urban and campus violence as the impetus that thrusted the military into establishing an intelligence network monitoring the activities of civilian organizations and maintaining dossiers on private individuals. I will not belabor that point; however, allow me to specifically address the nationwide trend to the perspective from Fort Carson, Colorado. October, 1968, was an unusual month for Fort Carson. The Commanding General of the 5th Infantry Division was relatively new to the fort, and his G2, a Lieutenant Colonel, had recently returned from overseas. Media news reports and transmitted messages from intelligence commands forecasted rising violence. Demonstrators were organizing to storm the gates of the fort, or so it was reported. The National Students for a Democratic Society conducted a National Council meeting at the Boulder campus of the University of Colorado, and urged an offensive against the military. Demonstrations followed the National Council meeting on the campuses of Colorado College, Denver University, Colorado State University, and the University of Colorado. Confronted with these reports, officials at Fort Carson over-reacted. The development of an intelligence gathering network tailored to the needs of the 5th Infantry Division ensued. This intelligence system was designed to supply the headquarters with information pertinent to the protection of Fort Carson,

* The 5th Military Intelligence Detachment merged with the 241st Military Intelligence Detachment in May, 1969. After the 241st M.I. was deactivated in September 1969, the 5th M.I. was reactivated.

the protection of servicemen within the surrounding communities—defined as the State of Colorado, and to supply adequate information to fulfill the civil disturbance mission of the 5th Infantry Division.

The intelligence function of the 5th Infantry Division was the responsibility of the G2 (Intelligence and Security) Office of the General's Staff. At the disposal of the G2 was a small office staff for operations and the 5th Military Intelligence Detachment. The 5th Military Intelligence Detachment, with an average strength of forty men, was divided into sections by skills. Two of these sections were directly utilized by the G2 in the intelligence gathering function—the Order of Battle Section was utilized to augment the G2 Operations staff in analyzing, disseminating and filing intelligence, and the Counter-Intelligence Section was utilized to gather raw intelligence.

Part of the recent investigation by the Department of Defense centered on the use of personnel of the 5th Military Intelligence Counter-Intelligence Section to obtain raw intelligence on civilians. Guidelines reportedly were established which prevented the use of tactical units from interfering with the areas of operations of non-tactical intelligence commands. The intelligence gathering mission in Colorado by the military reportedly was the responsibility of the Denver based Region IV Headquarters of the 113th Military Intelligence Group. Field offices of the 113th M.I. were maintained in Colorado Springs and Fort Collins, besides the Denver headquarters. Whether the 5th M.I. was in violation of standing orders or whether it was not is a moot point. The Counter-intelligence Section actively engaged in off-post, civilian oriented intelligence collection. I will comment further on this point in a few minutes.

In addition to the information developed by counter-intelligence operations, intelligence was gathered through other military channels, media reports, liaison with law enforcement agencies, research, and personal observations. The 5th Infantry Division was linked to intelligence commands by teletype. Nationwide reports were transmitted as events occurred and summarized periodically. Classified reports were received through the facilities of the communications center. Weekly and monthly reports of civil disturbances and related intelligence were received from the Headquarters of the major Army areas. Liaison was maintained between the G2 and the offices of the 113th M.I., Region IV. The 5th Division was only a phone call away from Fort Holabird, and it utilized the services of Fort Holabird to obtain special reports, classified dossiers, and computer readouts as the need arose. I might point out, that often the special reports and dossiers were received by the G2 Section unsolicited.

A major source of information for the publications of G2 was the news media. Newspapers were received from over twenty cities. These papers were read, clipped, and classified. Television and radio news specials were often monitored as an important source. An informal liaison—sanctioned but not ordered—was maintained with the local law enforcement agencies to include the Colorado Springs Federal Bureau of Investigation Field Office, the Colorado Springs Police Department, and the El Paso County Sheriff's office. The other two inputs in the intelligence process, research and personal observation, were related to the interests of the individuals performing the analysis.

The incoming information was processed in the G2 Operations Section reinforced by the members of the 5th Military Intelligence Order of Battle Section. The combined operation was divided by Army Areas, with a specific section devoted to special group analysis. This operation produced a civil disturbance summary which was circulated through the headquarters staffs, major commands of the Division, and disseminated to 5th Army Headquarters, 113th M.I. offices and other units with a civil disturbance mission. The summary was produced weekly, with variations of daily and tri-weekly publication depending upon the demands of the headquarters. Special reports, analyzing specific civilian organizations or reviewing the activities of individuals or studying events, were occasionally disseminated.

A complex filing system was established to store intelligence for future reference. Card cross-files were maintained on individuals, cities, and organizations. Each card indicated where source material was stored, i.e. spot reports, newspaper clippings, agent reports, etc. Clippings and teletype reports normally were categorized chronologically, whereas, agent reports, dossiers, and other developed information were filed by subject. The maintenance of the file systems became a major task. The disinterest of the clerks to labor at file maintenance led to a large backlog and eventually to the destruction of the cross-file system. I might interject, the cross-file system was developed by a Lieutenant and he persisted in his interest in maintaining it. Soon after his discharge, Fall 1969, the system was re-evaluated in light of the burdens of maintaining it, and it was eliminated. In place of the complex cross-file index, the new officer-in-charge instituted a work-book system where incoming intelligence was categorized by Army Areas in tabloid work-books.

The collecting, processing and dissemination of intelligence went through numerous phases during my eighteen months with G2. Changes in direction and interests were related to the civil disturbance mission of the 5th Infantry Division, but, they were even more directly related to the personnel in authority. Simply stated, the operations of the 5th Military Intelligence Detachment and the G2 Operations Section of the 5th Infantry Division were an extension of its leadership personnel and not a part of any pyramidal national military conspiracy.

Both commanders of the 5th Infantry Division and Fort Carson under whom I served were ambitious Generals with successful military careers. A civil disturbance mission was levied on the division and these men were responsible for accomplishing that mission. Their determination to be totally prepared placed a major burden on the G2 (Intelligence and Security) Section of the General's Staff. Faced with the responsibility to keep the commander informed, the intelligence system including linkage with the national intelligence system and the gathering of local raw intelligence developed.

I served under four G2's, each a Lieutenant Colonel filling his requirement for staff duty. The attitude of these men was fundamental in molding the intelligence operation of the G2 Operations section and the 5th M.I. I was brought to the G2 staff by a very driving, deeply concerned and dedicated Lieutenant Colonel. Recently returned from Vietnam, this gentleman was attempting to secure the greatest amount of intelligence that he could in order to be an effective advisor to the Division Commander. He worked his staff hard, but he worked harder. His initiative prompted the build-up of an intelligence structure designed to analyze nationwide events and to monitor local activities. The second G2 inherited the informal structure developed under the first, and he attempted to institutionalize it. Versed in counter-intelligence operations in foreign countries, the second G2 showed displeasure with the diverse opinions which flourished under his predecessor and he immediately took steps to purge dissent within the staff and to limit the access to raw intelligence on a need to know basis. Mistrust was evident in relationships with other intelligence agenices and with law enforcement agencies.

Under the second G2, who served from March 1969 to September 1969, the intelligence gathering mechanism reached its zenith. Agents were placed in Colorado Springs for extended periods, agents followed agents from other military intelligence operations, and an agent was even placed undercover in the officers' housing area of the fort. The command of G2 changed in late September. The incoming G2 was probably best characterized by his own quote—"You don't seem to understand, Larry, I don't want to be G2!" During his tenure which extended to January 1970, intelligence operations were cutback. In January 1970, the G2 position again changed. The incoming G2 shared the concern of many of us on the staff that intelligence operations had violated basic civil liberties. Programs were consolidated with a direction on military affairs and the specific civil disturbance mission levied on the Division.

As much as the direction of the intelligence structure relied on the leadership of the G2, it also paralleled the initiative of junior officers who oversaw specific intelligence functions. For instance, I have already mentioned that the cross-file index system was maintained under order of the Lieutenant who instituted it. The work book system and the investigation of relaying incoming information into a computer system (which was never done, but seriously studied) were projects favored by the Captain who commanded the 5th Military Intelligence Detachment. The informal liaison with the offices of the 113th M.I. and law enforcement agencies was established and maintained by an experienced counterintelligence agent. The need-to-know limitations imposed under the second G2 and the cloak of mistrust surrounding agent activities were acceptable to the officer who commanded counter-intelligence during this period. At the same time, the scaling down of the intelligence operations under the third and fourth G2's was encouraged by the almost total turnover of junior officers in the G2 Operations Section but impeded and fought by the ambitious commander of the 5th M.I.

Thus far in this presentation, I have attempted to inform you of the analytical framework of intelligence operations in Colorado. However, if I share with you a chronology of my activities and a discussion of a few select operations, I believe that you will have a better understanding of the functional nature of the operation.

When I joined the G2 Operations staff in mid-December, 1968, two officers and two men had just started molding the intelligence machine which we affectionately called the "monster." The month before, a Brigade of troops had been placed on full alert to cope with a demonstration of several hundred outside of the gates to the Fort. Rumors of violence magnified by the rise of student, Chicano and Black groups laid heavy demands on the G2 to provide timely intelligence to the Commanding General. Prominent in the news was the trouble at the San Francisco State College. Two questions asked were, what is happening and will Federal troops be needed? Based on the intelligence reports transmitted across the teletype hookup, 6th Army summaries, and newspaper accounts, I wrote a paper analyzing the violence. Although the sources were rather inadequate, I attempted to be analytical and to develop a model of campus violence that could be applicable to other situations. My effort was appreciated, the G2 was pleased, and the Commanding General was convinced that we were on top of the situation.

Colorado College sponsored a "Symposium on Violence." The Symposium attracted many leading spokesmen for the New Left including Mike Klonsky, National Secretary, SDS; Jon Sunstrom, spokesman for the East Side New York Service Organization; Arnold Kaufman, a founder of the teach-in movement; John Sack, an outspoken critic of the

war in Vietnam and author; Ivanhoe Donaldson, a founder of SNCC; Richard (Dick) Gregory, comedian and civil rights activist; Andrew Kopkind, staff writer for the "New Republic"; Richard Flacks, an early anti-war critic; Sidney Peck, co-chairman of the National Mobilization Committee to End the War in Vietnam; Joe Boyd, reportedly a member of the Denver Black Panther organization; and numerous other spokesmen on violence as a tactic. An elaborate intelligence operation was instituted to cover the event. Agents from the 113th MI field office in Colorado Springs and the headquarters in Denver covered the event for the purpose of feeding information to the intelligence command. The G2 at Fort Carson mobilized the few agents of the 5th Military Intelligence Detachment and of the then separate 241st Military Intelligence Detachment to monitor the activities of the Symposium in order that the Commanding General be forewarned of possible violence. Another analyst, a Harvard graduate who was a reservist called to active duty, and I, were asked to attend the symposium not as undercover agents, but as observers. Our mission was to interpret the week of lectures, panels, and performances within the perspective of national and statewide trends.

Viewed as an intelligence operation, the symposium coverage was excellent. The information transmitted to Fort Holabird included daily summaries of activities and rumors of upcoming demonstrations. A volume of information was compiled to include agent reports, pictures and the two independent appraisals of the symposium. This report was forwarded up the intelligence chain of command and most likely made its way to Fort Holabird.

Two quick sidelights come to mind. Dossiers were ordered on the participants of the symposium from Fort Holabird. I forget which dossiers were received and which ones were not, however, one dossier which we did receive summarized the intelligence background material on civil rights leader Dick Gregory. The dossier was so tainted that it was unusable. I was amazed that the dossier from Fort Holabird was completely subjective, based on unsubstantiated information and unreliable sources with no attempt to be objective. Attempts were made to link individuals to communist organizations through a process of guilt by association, whether association was a fact or not. The pattern set by the summaries of information utilized for the Colorado College Symposium, i.e., unreliable and unusable information, continued throughout the period that I was with G2. Most of the information contained in the printed dossiers from Fort Holabird lacked any intelligence value.

Secondly, the Colorado College *Tiger* proudly displayed a picture of the agent from the 113th M.I. field office in Colorado Springs the week following the Symposium. In the subsequent editions, there were comments from the editorial staff of the paper and from students questioning the role of the military intelligence on campus. The debate culminated in an article written by someone from the Fort Carson headquarters documenting monitoring of campus events.

January was a month of rising publicity for the Students for a Democratic Society. The small chapter at Colorado College attracted a number of state and national SDS leaders. The G2 was concerned about the build-up. I was asked to research the Students for a Democratic Society and to write a study of the organization, nationwide and statewide. Several agents were assigned to monitor the activities of student activists at Colorado College. Their reports, which included summaries of SDS activities as well as other campus groups—including one report on a debate conducted at the school with the Young Republicans participating, were forwarded through the intelligence command with a copy normally being made available for my use. I was encouraged to attend functions at the school and to maintain friendships with student activists. Being an infantry soldier by assignment, I did not need to establish a false identity or justification for attending functions. A few servicemen normally attend campus functions. In fact, the presence of these servicemen has been cited as the reason for military intelligence surveillance. As for the counter-intelligence agents who attended these functions, some used a "cover" such as students from other campuses, free-lance photographer, or "hippie." Special attention was given to functions which attracted nationwide spokesmen for various causes, especially anti-war causes. Keeping track of the whereabouts of national SDS leaders and local radical students was extremely important. The emerging racial and Mexican-American movements, especially campus organizations of Blacks and Chicanos, received great attention. Anti-war elements in the community were viewed with great suspicion. During this period of increasing activism in Colorado, at least twice I was questioned by agents from the Federal Bureau of Investigation regarding individuals about whom they were concerned.

In late February, the first of my research projects was completed. I had compiled a sixty-nine page review of the National Students for a Democratic Society. Copies of the publication were sent through the intelligence command. Four months later, Fort Holabird published a similar document—plagiarized in part—not only reviewing the background of the Students for a Democratic Society, but also listing known (unsubstantiated) members of SDS chapters throughout the nation. The Fort Holabird document was cross indexed by state and school.

Preparation and research for my second report, an in depth view of the Students for a Democratic Society as it related to Colorado included a week of "liaison" in Denver and a week of "liaison" in Fort Collins. Officially, I was sent on temporary duty to the 113th M.I. Group, Region IV headquarters and field office. However, my visitations not only included utilization of the files of these offices but also meetings with police and campus officials in Boulder, Denver, and Fort Collins, Colorado. Both weeks, with a rent-a-car paid for at Army expense, I was encouraged to visit campuses and rekindle my friendship with activists. The result of my research was a book, approximately 115 pages in length, detailing the growth of the organization in the state, activists involved, allied organizations, and a chronology of protest meetings and demonstrations in the state from 1965 on. This publication was also forwarded through the intelligence command. It is my understanding that both of the publications were sanitized (de-classified by removal of any reference to the military or to the author) and made available to a Congressional Committee investigating campus violence.

A third paper was written summarizing the information developed in the two previous publications and attempting to analyze the movement. Several of the conclusions were objectionable to the political views of the G2. I refused to accept the criticisms especially those which the evidence I gathered disproved. Many of my recommendations paralleled the conclusions of the National Commission on the Causes and Prevention of Violence. The third paper was never finalized.

As I mentioned earlier in this presentation, the second G2 for whom I worked was suspicious of dissent, and mistrustful of other intelligence-gathering activities. During his term of service as G2, the counter-intelligence section grew to over thirty men. The tactical responsibilities of the on-post counter intelligence operation were minimal while the section was extremely overstrength. The answer was to use these men to monitor the activities of activists in the community. Deep concern was expressed in particular in a family extremely active in the anti-war movement in Colorado Springs. Files were maintained on the family as well as a photograph book to make sure they were easily identified. Individuals who attended SDS meetings or Radical Education Programs meeting were of great interest. The small, but vocal anti-war faction within the community was viewed as a major threat.

It was about this time, that the jurisdictional battle between the 113th M.I. and the G2, 5th M.I. broke into the open. Two agents from the 5th M.I. Counter-intelligence Section attended the State SDS Convention, Colorado State College, Greeley, Colorado, in mid-April. The 113th M.I. commander had cautioned the G2 that having personnel there would be a violation of an informal agreement between the two intelligence units. The G2 sanctioned the mission of the two agents, and upon their return a report was filed by the G2 of the intelligence command listing the source as "two reliable sources, no further identification." The squabble developed into a game similar to two kids throwing mud at each other. The passing of information through liaison all but ceased. The G2 authorized the semi-permanent off-post activities of at least two agents. Their job became one of beating the 113th M.I. to the information and the monitoring of the activities of 113th M.I. personnel.

The classic illustration of the "spy versus spy" activities occurred at a demonstration in Colorado Springs—Fort Carson area, in mid-September 1969. Rumors of a huge demonstration bringing as many as 5,000–10,000 participants spurred the fort to an unusual state of preparedness. Elaborate preparations were made to monitor events. A newly installed Citizens' Band radio setup to include mobile car units and walking units was used. The demonstration, which had nationwide billing, attracted intelligence personnel from neighboring Air Force installations, NORAD, law enforcement agencies, 113th M.I. Region IV, and even two Navy intelligence officials from somewhere on the West Coast. The preparation included a special assignment crew with the mission to monitor the activities of the other intelligence personnel and, in particular, the personnel of the 113th M.I. To make a long story short, 119 demonstrators participated in the protest. Of the 119 individuals at the B Street Gate to Fort Carson, almost one-half (53) were intelligence gathering personnel or representatives of the press. Attempts to tape the speeches of well-known activists produced 45 minutes of the best sound effects of helicopters—at least six were airborne. The commander of the 113th M.I. walked into the G2 Operations Command Post just in time to hear one of the special assignment crew caution the headquarters that he was headed that way.

The following story may add another light touch to this testimony, but it further substantiates my conclusion that individual commanders forced the active role of military intelligence: Tom Hayden, founder of SDS and a new left activist, made a comment in a speech in Chicago, I believe September 1969, that 400 escapees from the Fort Carson stockade were battling infantry troops from the 5th Infantry Division in the Pike National Forest in the vicinity of Pike's Peak. The only reason the Army did not use napalm against the escapees, according to Hayden, was that the battle was too close to tourist areas. The Commanding General was made aware of Hayden's statement—probably through the media—and immediately called the G2's office and wanted to know who the 400 escapees were!!!

The activities of the G2 Operations staff shifted with greater emphasis on civil disturbance target areas, rather than the obsession with Colorado activists. However, during the Fall, 1969, the Counter-Intelligence Section of the 5th M.I. remained interested in local, off-post issues. There was great interest in rumors that efforts were being made to establish an anti-war coffee house in Colorado Springs. Also, during the Fall, an "underground" newspaper, *aboveground*, appeared on the fort and throughout the local community. Counter-Intelligence operations were particularly interested in military personnel participating in these reportedly "anti-military" programs, but concern was also expressed about civilians involved.

It was reported that a bar which had recently come under new management was the rumored coffee house. Counter-intelligence agents were directed to check it. I was in the area that evening and stopped out of curiosity. There sat six counter-intelligence agents, the owner and myself in this dingily lighted dive making small talk but attempting not to let on that you knew who the guy next to you really was and what he was doing there.

Eventually, a coffee house did get established in Colorado Springs. Once established, the coffee house became a center of interest for the counter-intelligence personnel. The interest continued until after I left the fort. Rather than attracting numerous dissident soldiers, I might add, the coffee house became a home for many high-school aged activists. The appeal of the coffee house was undermined less from the constant surveillance than from an on-post experiment by a Chaplain who used part of one of the service clubs as a controlled "coffee house."

The massive nationwide Moratorium Day activities caused a flurry of activity for the staff of G2. The G2 Operations personnel worked overtime to monitor the thousands of teletype reports documenting all aspects of the nationwide anti-war observances. Locally, the counter-intelligence personnel monitored events in Colorado Springs, to include a rally at Acacias Park and an indoor program at Shrove Chapel on the campus of Colorado College. I attended the evening program at Shrove Chapel as an observer not as a member of military intelligence. However, the counter-intelligence personnel were there on assignment. They monitored speakers, relaying information back to Fort Carson via the mobile unit's Citizens' Band radio. Emphasis was placed on interpretation of speeches, especially if anti-draft policies were advocated. Attending servicemen were identified for further questioning on their motives for being at the anti-war rally. One of the counter-intelligence agents had his camera equipment in an attempt to take pictures. His efforts were prevented by an energetic cameraman from the local college newspaper who almost blew the agent's cover in a snapshot which appeared in the paper's next edition. The picture missed the agent's face—he was hiding behind me and another member of the G2 Operations staff—but the caption properly identified him as falsely using an identification card from another university. I was debriefed the next morning by counter-intelligence personnel to ascertain if I had additional information to add to that which they had collected.

The intelligence gathering effort lost momentum during the last six months of my military duty. Counter-intelligence personnel with whom I maintained closed ties were coming east for additional intelligence courses and the direction of counter-intelligence operations was turned to on-post problems. The G2 Operations duties underwent a reorganization tailored to target cities for civil disturbances rather than a macrocosmic view of activism. Combat intelligence training, a normal function of an Order of Battle Section of Military Intelligence, was stressed. The arriving G2 had doubts about the need for wide-ranging, large-scale intelligence operations, and many of the personnel were new replacements who did not care for office work or veterans counting the days until discharge from active duty.

Attempts were made to have the men circumvent the January 1970 order to dispose of unnecessary and untimely intelligence on civilian activities. One Captain, the ambitious officer whom I have described above, instructed the analyst to copy the information from spot reports verbatim and place it in the work-books thus, the requirement that spot reports be destroyed within 90 days would be followed, but the information would still be available. This suggestion was ignored more out of slack leadership than out of concern for violation of regulations. As for myself, I inherited the Boy Scout troop for dependents operated on the post—I had been an assistant scoutmaster—and devoted most of my full-time efforts to keeping the troop running with little concern for the intelligence operation.

In preparing this testimony, I have attempted to highlight many of the activities of a divisional level military intelligence unit. Several candid observations can be drawn:

First, the system was very inefficient. The carelessness and haphazard manner of gathering intelligence should arouse grave concern. The characterization of military intelligence as a "keystone cop" operation would be acceptable if it were not for the fact that the information gathered, stored and utilized violated individual privacy and it was undertaken in complete seriousness. The agent recording information might have been hopelessly inept at his job, but the material he gathered whether reliable or not, was forwarded to higher command. The information sent to Fort Holabird might have been totally erroneous, but it was transmitted to units with a civil disturbance mission and placed into the computer system as substantiated facts. As I mentioned, the units with a civil disturbance mission would rely on the teletype reports, along with plans and intelligence estimates based on computer material, to develop procedures to quell disturbances within given target communities. Thus, the careless gathering of intelligence seriously threatened the performance of troops in actual civil disturbance operations.

Second, the carefree, covert intelligence operations encroached on the rights of many Americans. No recourse or right of challenge was available to the individuals upon whom reports were gathered. Erroneous reports were not only misleading for military commanders, but they were a serious threat to many civilians. There is no assurance that any of us may not have been falsely identified and therefore suspected of disloyal activities. One cannot laugh-off as "keystone cop" an intelligence gathering system upon which actual "combat" missions relied and which encroached on our Constitutional rights.

Third, the individuals who directed the intelligence gathering operation and those who had the need for the intelligence were most instrumental in determining the extent of intrusion on civil liberties. As noted, local commanders over-reacted to having insufficient information to perform their domestic responsibilities. Volume instead of quality reportedly impressed officers in command and thus, the intrusion on civil liberties prospered. The need for quantity increased the number of reports containing erroneous information. The need for quantity sparked mistrust and jurisdictional squabbles between units engaged in the intelligence operation. I even venture to say, that the need for quantity instead of quality—more than any other single factor—gave the system its particular character.

In closing, I want to reiterate that I come before this committee today not to cast stones at the military, but instead, to shed light on an intelligence gathering operation which expanded beyond its needs and its controls. As the encroachment upon the domestic sector soared, the intelligence network was flooded with useless information. Erroneous information forced additional intrusion of civilian privacy as military units preferred to develop their own intelligence rather than rely upon the developed information of other commands. Thus, a vicious cycle ensued. Attempts to limit the intelligence system led to jurisdictional squabbles similar to the one I have described between the 5th M.I. and the 113th M.I. Region IV headquarters. Controls were poorly enforced and thus, they were often ignored.

Hopefully, the public disclosure of the intelligence gathering operation will break the cycle of intrusion. These hearings will point out to the military the folly of maintaining a domestic intelligence operation using untrained personnel, unsubstantiated information and ill-suited regulations to assist in civil disturbance missions. Furthermore, I am hopeful that these hearings will point out to all Americans the serious dangers of compromising our Constitutional rights in the name of false security. Covert intelligence operations, military or civilian, must cease if the Constitution is to be upheld. Individuals must have the right to challenge information collected by government agencies to insure that we are innocent until proven guilty; instead of suspect until proven otherwise.

Thank you, Mr. Chairman.

FORMER SENATOR TAFT SPEAKS ON FOREIGN POLICY

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an address delivered by the former Senator from Ohio Mr. Taft in the Senate on January 5, 1951.

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

CONSTRUCTIVE CRITICISM OF FOREIGN POLICY IS ESSENTIAL TO THE SAFETY OF THE NATION

Mr. TAFT. Mr. President, I ask unanimous consent that I may address the Senate.

The VICE PRESIDENT. If there are no further requests for insertions in the RECORD or for submission of other routine matters, the Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I wish to thank the majority leader for his action in opening the floor of the Senate for debate before the President's State of the Union's message. In view of the crisis in which we find ourselves today, the President may well take longer for the preparation of his message, but certainly that should not prevent discussion of vital national issues on the floor of the Senate.

During recent years a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the Nation, that is gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit. I venture to state that this proposition is a fallacy and a very dangerous fallacy threatening the very existence of the Nation.

In very recent days we have heard appeals for unity from the administration and from its supporters. I suggest that these appeals are an attempt to cover up the past faults and failures of the administration and enable it to maintain the secrecy which has largely enveloped our foreign policy since the days of Franklin D. Roosevelt. It was a distinguished Democrat, President Woodrow Wilson, who denounced secret diplomacy and demanded open convenant openly arrived at. The administrations of President Roosevelt

and President Truman have repudiated that wise democratic doctrine and assumed complete authority to make in secret the most vital decisions and commit this country to the most important and dangerous obligations. As I see it, Members of Congress, and particularly Members of the Senate, have a constitutional obligation to reexamine constantly and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its future existence.

I may say that I hope the debate will occur on the floor of the Senate. I was invited to speak over the radio tonight following the speeches by former President Hoover and Mr. Dulles, and I declined because I felt that a statement of foreign policy by a Senator ought to be made on the floor of the Senate. I think there ought to be a continuous discussion of that policy during this session of the Senate.

Certainly when policies have been determined, unity in execution is highly desirable, and in the preparation for and the conduct of war it is essential. During recent months, the Republican minority has joined in granting to the President those powers which may be necessary to deal with the situation. We have not hesitated to pass a draft law, a law granting extensive powers of economic control, and almost unlimited appropriations for the Armed Forces. No action of the minority can be pointed to as in any way blocking or delaying the mobilization of our resources and our Armed Forces. If there has been any delay in the rearming, it has been in the administrative branch of the Government.

But it is part of our American system that basic elements of foreign policy shall be openly debated. It is said that such debate and the differences that may occur give aid and comfort to our possible enemies. I think that the value of such aid and comfort is grossly exaggerated. The only thing that can give real aid and comfort to the enemy is the adoption of a policy which plays into their hands as has our policy in the Far East. Such aid and comfort can only be prevented by frank criticism before such a policy is adopted.

Whatever the value of unity, it is also true that unity carried to unreasonable extremes can destroy a country. The Kaiser achieved unity in Germany. Hitler again achieved the same unity at the cost of freedom many years later. Mussolini achieved unity in Italy. The leaders of Japan through a method of so-called thought control achieved unity in Japan. In every case, policies adopted by these enforcers of unity led to the destruction of their own country. We have regarded ourselves as safe and a probable victor in every war. Today it is just as easy for us to adopt a false foreign policy leading to the destruction of our people as for any other nation to do so. The best safeguard against fatal error lies in continuous criticism and discussion to bring out the truth and develop the best program.

I have referred to the general tendency toward secrecy on the part of recent administrations. At Tehran and Yalta we secretly agreed to a zone of influence for Soviet Russia in Europe extending through the Baltic states and the Balkans and into the eastern zones of Austria and Germany. The result was to establish Russia in a position of power in central Europe which today threatens the liberty of Western Europe and of the United States itself. Our leaders secretly agreed to turn over control of Manchuria to Russia, and later hampered the operations of the Nationalist Government in combat against the Communists without consultation of any kind with Congress. In Germany our leaders adopted the Morgenthau plan while constantly denying that they were doing anything of the kind, and without submitting the questions in any way to Congress for discussion. The President without authority, as I pointed out in my speech on June 28, 1950, committed American troops to Korea without any consultation whatever with Congress and, in my opinion, without authority of law. He did not even tell Congress there was a war for 2 weeks after we were engaged. The President claims the right without consultation with Congress to decide whether or not we should use the atomic bomb.

We see now the beginning of an agreement to send a specified number of American troops to Europe without that question ever having been discussed in the Congress of the United States. The Atlantic Pact may have committed us to send arms to the other members of the pact, but no one ever maintained that it committed us to send many American troops to Europe. A new policy is being formulated without consulting the Congress or the people.

In other cases policies have been developed to a point where the honor of this country is committed before any serious debate by the public is permitted. Thus in the case of the Marshall plan and the Atlantic Pact, the programs were broached in the most general terms, then substantially advanced by the State Department through secret briefing conferences with many friendly groups and thorough indoctrination of friendly editors, columnists and commentators before they were submitted to the public or to Congress. After that if anyone dared, to suggest criticisms or even a thorough debate, he was at once branded as an isolationist and a saboteur of unity and the bipartisan foreign policy.

More and more it has become customary to make agreements instead of treaties thus bypassing the power intended to be conferred on the Senate to pass on the wisdom of important principles of foreign policy. It is still fashionable to meet any criticism by cries of isolationism just as Mr. Hoover's recent speech has been treated. Criticisms are met by the calling of names rather than by intelligent debate.

I do not intend to say that a bipartisan foreign policy could not be adopted, but there has been no real bipartisan policy, at any rate since the 1948 election. It is a proper ideal and the minority will always be ready to answer any appeal for advice and cooperation. Only there cannot be a bipartisan foreign policy unless it is a policy on which both parties agree, and it is unlikely that there can be such agreement unless the administration is more inclined to give consideration to the views of the minority and to modify its own views than it has done in recent months. We certainly would be prepared to make concessions, but certainly the policy of concessions should not be a one-way street. I quite realize the difficulty of any President in consulting the minority in advance on every question of foreign policy, and I do not blame him for his failure to urge or adopt a bipartisan policy. But certainly the Republican minority cannot be attacked for failure to agree on policies on which they have not even been consulted or on policies which they may regard as detrimental to the welfare of the Nation.

The result of a general practice of secrecy in all the initial steps of foreign policy has been to deprive the Senate and Congress of the substance of the powers conferred on them by the Constitution.

We would be lacking in the fulfillment of our obligations and false to our oaths if we did not criticize policies which may lead to unnecessary war, policies which may wreck the internal economy of this country and vastly weaken our economic abilities through unsound taxation or inflation, policies which may commit us to obligations we are utterly unable to perform, and thus discredit us in the eyes of the world. Criticism and debate are essential if we are to maintain the constitutional liberties of this country and its democratic heritage. Under the present administration, at any rate, criticism and debate I think are essential to avoid danger and possible destruction of our Nation.

LIBERTY AND PEACE OF THE AMERICAN PEOPLE SHOULD BE THE BASIC AIMS OF OUR FOREIGN POLICY

The principal purpose of the foreign policy of the United States is to maintain the liberty of our people. Its purpose is not to reform the entire world or spread sweetness and light and economic prosperity to peoples who have lived and worked out their own salvation for centuries, according to their customs, and to the best of their ability. We do have an interest, of course, in the economic welfare of other nations and in the military strength of other nations, but only to the extent to which our assistance may reduce the probability of an attack on the freedom of our own people.

After liberty, peace must be the goal of our policy and of our leaders—more than it has been in recent years. In order to assure progress and happiness for our people, we must avoid war like poison, except when it is absolutely essential to protect our liberty. War not only produces pitiful human suffering and utter destruction of things worth while, but it actually may end our own liberty, certainly for the time being. From our experience in the last two world wars, it actually promotes dictatorship and totalitarian government throughout the world. It is almost as disastrous for the victor as for the vanquished. War is to be preferred only to the destruction of our liberty.

It seems to me most unwise ever to admit that war is inevitable until it has occurred, and it seems to me that today our policy and the thinking of too many Americans are based too much on the premise that war is inevitable. It is a possibility which we must face, and for which we must prepare, but the theory of a preventive war, so closely related to the acceptance of that thesis, is contrary to every American principle and every moral principle.

THE MENACE OF COMMUNISM

The present situation arises out of the menace of communism and the military strength of Soviet Russia. Soviet Russia has broken every treaty. It has suppressed liberty everywhere within its zone of influence. It engineered a forcible seizure of the Government in Czechoslovakia. It promoted the military aggression of the North Koreans. It promoted the military aggression of the Chinese Communists. Those diplomats and soldiers who have had to deal with the Russians find them always unreasonable, uncompromising, and truculent. There is sufficient evidence of a determined plan to communize the entire world, which can be clearly envisioned from the writings of Lenin and Stalin, just as Hitler's intention could be found in Mein Kampf. Such a plan is evidenced by the formation of Communist organizations throughout the entire world, acting as agents for the Russian Government, and promoting the communizing of every country by propaganda and infiltration into labor unions, organizations of all kinds, and the government itself. We have seen how successful that effort has been in this country.

Does this Russian plan include a military conquest of the world, where infiltration is unsuccessful? It is now clear that it does include the use of satellite troops to attack neighboring countries in cases where such military aggression may not necessarily lead to a third world war. Up to this time, apparently, the Russians have not been willing to use their own armies in deliberate military aggression, for fear of precipitating such a

war, but it is pointed out that may be because they are not yet ready.

I myself do not see any conclusive evidence that they expect to start a war with the United States. Certainly I see no reason for a general panic on the assumption that they will do so. We have clearly notified them that any attack in Europe upon the members of the Atlantic Pact means a third world war, and we are obligated to enter such a war under the terms of the Atlantic Pact. Look at it from any point of view—and, I think, particularly from the Russian point of view—and it is difficult to see how the Russians today could reasonably entertain the hope that they can conquer the world by military action. It must seem to their thinkers an extremely difficult undertaking. I believe they are still thinking in terms of a slow but steady advance by the methods which they have used up to this time. Those methods are dangerous enough.

Since there is a greater possibility, however, of a destructive war against our liberty than we have ever faced in the past, at least since the Revolutionary War, there is no doubt that we should go just as far toward preparing for war as we can go in time of peace without weakening ourselves in the long run and destroying forever the very liberty which war is designed to protect.

The questions which our Government must decide and in which decisions the Congress and the people should have a determined and decisive voice are:

First. How far can we rely on the United Nations to maintain and restore peace?

Second. What should be our military policy in preparation for a possible attack by Russia on ourselves and our allies?

Third. Is such a policy possible for a long period of years without inflation and the loss of all liberty at home?

Fourth. How shall we convince the people of the world that liberty is a better way of life than communism can ever be?

How can we best maintain peace? The United Nations was established as the great organization to maintain peace. It has failed to do so because of fundamental defects in the Charter, defects which I have frequently pointed out. Certainly I would not advocate a withdrawal from the United Nations at this time. It does give a forum in which matters of differences can be discussed and brought out in the open. If we know what those differences are, there is some better chance for adjusting them than if grievances are built up under the surface and break out suddenly in unforeseen conflict. I supported the Charter when it was first adopted, largely on the ground that it would provide such a forum for discussion. When the Charter was before the Senate, I said:

"I believe that an international organization, devoted to the maintenance of peace, to the study of possible threats to peace, and to a constant effort to solve the differences which lead to war, is an essential feature of any peace hope or peace policy. The United Nations Charter has many faults, some of which I shall discuss, but it provides without question a continuing council table at which are represented all the nations of the world, meeting constantly to solve those problems which in their opinion may endanger international peace. If the men who participate in this continuing conference are men of ability and good faith, I believe that this organization can go far toward preventing war."

But in the present crisis, where the entire world is threatened by the Communist menace, the United Nations has proved that it is not only an utterly ineffective weapon to check military aggression, but that it is actually a trap for those nations which rely upon it as an organization to secure action against aggressors.

But the defect of the United Nations lies in the fact that it was never based on law and justice to be interpreted by an impartial tribunal, but was based on a control of the world by the power of five great nations. Those who wrote the first draft of the Charter at Dumbarton Oaks did not even mention the word "justice"; and in the Charter as finally drafted, the Security Council, in deciding on means to preserve the peace, is guided solely by considerations of policy, not of justice. Obviously in such an organization, there must be a veto power; and that veto power nullifies any effective action by the United Nations. I pointed out in the debate on the Charter that the veto power changed the whole nature of the organization and reduced the United Nations organization to a consulting body. I said at that time:

"All the discussion about force is of minor importance because it can never be used to solve any major crisis. * * * If the Charter had been in effect, Japan would have vetoed any action against itself on the invasion of Manchuria and of China. Italy would have vetoed any action against itself on the invasion of Ethiopia. In some ways the organization would have been less effective even than the League of Nations. The Charter could not use force if Russia were to invade Poland or seize the Dardanelles from Turkey. * * * Even attacks by satellite nations of one of the great powers might be engaged in safety if a great power had agreed in advance to exercise the veto power."

That is the end of the quotation from my speech at that time.

This prediction is borne out today by the Russian use of the veto power to prevent action against Communist China. I then said:

"If one of the five great powers violates the Charter and vetoes action against its own violation, the Charter is for all practical purposes dissolved in failure."

When the North Koreans attacked it happened that Russia was boycotting the Security Council, and the resolution calling for action against the North Korean aggression was therefore passed without dissent.

On June 28, 1950, I questioned the legality of the United Nations action, because article 27 of the Charter clearly provides that decisions of the Security Council on all matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members. There was no concurring vote by Russia, but we overrode this objection without considering how it might be raised against us in the future. Furthermore, we took this action without considering the fact that, if the Chinese Communists attacked and the Russian representative returned to the Security Council, the United Nations could not follow up its action against the Korean Communists by similar action against Chinese Communists. If the Russians had planned it that way, they could not have done better. Did they perhaps arrange the North Korean attack when they were boycotting the United Nations, so that the United Nations might take an abortive action? Did they deliberately ignore the point I have just made relating to affirmative votes, knowing that they could later block action against China? We were sucked into the Korean War, as a representative of the United Nations, by a delusion as to a power which never has existed under the Charter.

We have vainly tried to bypass the limitations on the power of the Security Council by asking for action by the General Assembly. Under the Charter, this body was never intended to have any power to call on governments for action, or do more than recommend. It would be most unwise for us to build up any such power in the General Assembly. No nation has contracted to abide by any decision of the General Assembly. There is no obligation to comply with its recommendations. Furthermore, we would only have one vote among 60, which sometime in the future, even in the very near future, may be inconvenient for us. Certainly this does not excuse the failure of the Assembly to denounce the Chinese Communists as aggressors. Their failure repudiates the very basic theory of the Charter. But action taken by them today would have only moral effect.

Those who are blaming the United Nations should much more blame the limitations of the Charter and our own Government for forcing United Nations action beyond its permanent power to perform.

May I point out again, also, that the President incorrectly assumed that the United Nations was an operating organization, with power to call on us for troops which we could supply. As a matter of fact, he had no authority whatever to commit American troops to Korea without consulting Congress and without congressional approval. He could not commit our Armed Forces to support the United Nations under the very terms and provisions of the act which was passed by Congress to implement the United Nations Charter, for that act only recognized the commitment of troops in the event of the negotiation of a special military agreement with the Security Council "which shall be subject to the approval of the Congress by an appropriate act or joint resolution." The Russians have prevented the conclusion of any such agreement. Congress has therefore never acted. The President simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolution of the United Nations in an undeclared war. It may now be argued, of course, that Congress by appropriating money for additional Korean action has ratified the act, but the war was on, and we had no choice but to back up wholeheartedly the boys who were fighting in Korea. The calamity into which we have been drawn, and which has resulted in almost as many American casualties as the First World War, arose out of the unwarranted assumption that the United Nations was an operating organization, as we would have liked to see it, when as a matter of fact it was a hopeless weapon against aggression from the beginning.

I have suggested that we ought to formulate the amendments which would create an ideal organization, insist upon a full discussion of those amendments, and, if they are finally blocked by Soviet Russia, bring about the dissolution of the United Nations and the formation of a new organization which could be an effective weapon for peace. But for the present we can only make use of the United Nations as best we may, as a diplomatic weapon, and through it we may hope perhaps that more friendly relations can be established with Russia. But as far as military policy is concerned, I see no choice except to disregard the United Nations and to develop our own military policy and our own policy of alliances without regard to the nonexistent power of the United Nations to prevent aggression.

What then should be our military policy in preparation for a possible attack by Russia on ourselves or on our allies? Our first consideration must be the defense of America. Whatever one may feel about the action of the United States in other parts of the world, no matter how much of an internationalist a man may be, he must recognize that this country is the citadel of the free world. The defense of the United States itself is, of course, the first goal of our own people, essential to protect our liberty; but it is just as important to the rest of the world that this country be not destroyed, for its destruction would mean an end to liberty everywhere and to the hope of restoring liberty where it has been lost. It seems obvious that the immediate problem of defending this country depends upon control of the sea and control of the air.

There is no question that we have the largest Navy in the world, and certainly,

while the British are our allies, complete control of the sea throughout the world, except as it may be hampered by Russian submarines. We have a powerful Air Force, but it seems to me vitally necessary that that Air Force be increased until we have control of the air over this country and over the oceans which surround our continent. It should be capable of expansion in time of war to secure as great control as possible over the rest of the world and over the enemy country. With our resources and with Great Britain as an ally, that is not impossible. By the end of the last war, we had practically complete control of the air over Germany and Japan, and it was the decisive factor in the winning of the war. Not only is the Air Force necessary for defense of America, but it is the one weapon which can damage the enemy bases from which air attacks upon us can be made, and which can drop atom bombs where they may be decisive.

Whether war can be ended by air power alone may be open to question, but certainly sea and air power can achieve a complete protection while other forces are being developed to meet whatever goals may seem to be desirable in a third world war. Of course, an army of reasonable size has a place in the defense of the American Continent. A land army is also necessary for the defense of air bases, further defense of islands near the continental shores, and for such occasional extensions of action into Europe or Asia as promise success in selected areas. But it need not be anything like as large an army as would be necessary for a land war on the continent of Europe or the continent of Asia.

The fact that the Air Force has deteriorated is due solely to the shortsightedness of this administration and the Pentagon policy which in substance refused any increase in Air Force unless corresponding increases occurred in the Army and Navy. The Eightieth Congress in 1947 set up a congressional Aviation Policy Board. This Board reported to the Congress on March 4, 1948, recommending a 70-group Air Force as a prerequisite for national security. A Citizens Advisory Commission set up by the President under Mr. Finletter also recommended a 70-group Air Force. The Eightieth Congress in the supplemental defense appropriation bill of 1948 provided for such a force and the Air Force increased from 55 groups in June 1948 to 59 groups in December 1948. On December 31, 1948, however, a Presidential directive required the Air Force to be cut to 48 groups. In 1949 the Eighty-first Congress provided for a build-up of the Air Force to 58 groups again, 10 more than recommended by the President, but the President when he signed the fiscal 1950 Military Appropriation Act directed the Secretary of Defense to place in reserve the amounts provided by the Congress for increasing the structure of the Air Force. The amount impounded by direction of the President totaled $775,450,000.

On October 5, 1949, I wrote:

"The possession of the bomb by Russia emphasizes above everything else the necessity of building up an all-powerful air force. The only possible defense is a complete control of the air. If there is ever a third world war, it will be won by the nation who can most completely dominate the air. We should build up our own Air Force again to 70 groups. We must constantly improve our Air Force and our air defense."

But until the Korean War, the President still insisted on holding the Air Force to 48 groups. Now the increase is to be balanced by an even larger increase in the land forces.

Not only is an all-powerful air force the best possible defense for the United States, but it is also the greatest deterrent to war. Winston Churchill has said that the American possession of the atomic bomb and the possibility of using it in an attack on Russia is the greatest possible deterrent to Russian aggression. It seems to me this must be true. The Russians are not going to be deterred by land armies until they are built up to a point threatening aggression against Russia or its satellites, and they can always attack before that point is reached. They know that the destruction of their principal industrial developments by atomic bombs may make it infinitely more difficult for them to succeed in any war. Every consideration, therefore, of American defense, and also of the insurance of peace, depends upon the development of an air force more efficient and more effective than the world has ever seen.

A superiority in air and sea forces throughout the world can achieve other purposes than mere defense. It can furnish effective assistance to all those nations which desire to maintain their freedom on the continent. It can achieve a balance of power under which more peaceful relations throughout the world can constantly be developed.

While defense of this country is our first consideration, I do not agree with those who think we can completely abandon the rest of the world and rely solely upon the defense of this continent. In fact, the very thesis of an effective control of sea and air by the free nations requires that we do interest ourselves in Europe and the Near East and India and the Far East, so that Communist influence may not extend to areas from which it is still possible to exclude it by many methods other than land armies. Of course, Mr. Hoover's recent speech was completely misrepresented by the administration press in this regard. He did not advocate retirement to the American continent. He only urged that emphasis be placed on our defense of the Atlantic and Pacific Oceans, as it should be, particularly if all of our allies should abandon us.

It seems to me that our battle against communism is in fact a world-wide battle and must be fought on the world stage. What I object to is undertaking to fight that battle primarily on the vast land areas of the continent of Europe or the continent of Asia where we are at the greatest possible disadvantage in a war with Russia. The first principle of military strategy is not to fight on the enemy's chosen battleground where he has his greatest strength. We could not have a better lesson than has been taught us in Korea. We cannot possibly transport enough men and equipment to overcome the vast manpower supplied by the teeming millions of Russia and of China. Where there is complete disregard for human life, even the best weapons and equipment will fail to overcome that disadvantage in manpower.

Our position is not greatly unlike that of Great Britain, which dominated much of the world for a period of 200 years, and brought about the balanced peace of the last half of the nineteenth century. The British had control of the seas and met every challenge to that control. There was no question of air power. They seldom committed any considerable number of British land troops to continental warfare, and when they did so they were by no means successful. Marlborough fought very largely with mercenary troops and the troops of his allies. Napoleon was finally defeated by a combination of many nations which did not contain more than 20 percent of British troops. Yet, control of the seas enabled the British in many places to develop power on the land, as in India. They supported one group in such countries against others, and gave strong support to their friends. They established garrisons at strategic points where sea power could protect them. It was the sea power of Britain which gave Britain a powerful influence on the Continent of Europe itself. It seems to me that by reasonable alliance with Britain, France, Holland, Australia, and Canada the control of sea and air can establish a power which never can be challenged by Russia and which can protect Europe as it has been protected now for 5 years through fear of what sea and air power can accomplish against Russia. There is no need for a specific line of defense, but we can exercise a power for peace over a vast area. If the Russians realize that that power cannot be challenged, and can do real damage to their own nation with the atomic bomb and otherwise, their purpose of military aggression may well wither, and gradually peaceful relations in Europe may grow again. The desire of human beings for peace and comfort and normal human relations is a powerful force which will constantly reassert itself.

I do not believe that this sea and air power should be used for aggressive purposes, but I do believe it should be available to assist those nations which ask for assistance to defend themselves against Communist aggression, to the extent that such power can be successfully and effectively used. We must not undertake anything beyond our power, as we have in Korea. We must not assume obligations by treaty or otherwise which require any extensive use of American land forces. In the first place, we should be willing to assist with sea and air forces any island nations which desire our help. Among those islands are Japan, Formosa, the Philippines, Indonesia, Australia, and New Zealand; on the Atlantic side, Great Britain, of course.

Japan is a special case. It seems to me we should at once make a treaty with Japan and then declare peace with Japan by joint resolution. Such a treaty should provide for assistance from the United States in the air and on the sea, with proper bases, and temporarily perhaps with a few divisions on land until the Japanese can create their own land army for defensive purposes.

I believe the policy would also involve the support of Chiang Kai-shek on Formosa and the providing of arms and other assistance which might enable him to defend himself and contest with the Chinese Communists in China itself at least until peace is made with them. It is ridiculous to talk about avoiding a war with Communist China when such a war already exists. When American boys are being killed by Chinese armies, and Peiping announces that they are fighting the United States and trying to destroy American forces, we might as well have a declared war. It would untie the hands of our military commanders, and force the return of some of their army to China. The operations of Chiang's army and the free Chinese on the mainland should be a real hindrance to the occupation of southeast Asia by Communist armies. In fact, it would seem to be the only hope. Such a war certainly need not involve the invasion of China by American armies, or cost us one more man, or one more dollar, than the present war in Korea. In fact, it would cost us much less.

I do not know enough about the military situation to know whether we can maintain our position in Korea, but certainly we should not jeopardize our Army there to the extent of risking its destruction. It is far better to fall back to a defensible position in Japan and Formosa than to maintain a Korean position which would surely be indefensible in any third world war.

There may be some question as to the ability of a sea and air power to defend islands in reasonably close proximity to the coast as are Formosa and Japan. Sea power there is seriously limited by submarines and mines, but we should make every possible effort to establish the ability of our Navy and Air Force to prevent any landing across 100 miles of salt water.

The power of great sea and air forces is not necessarily limited to island nations. The policy I suggest certainly would not abandon to Communist conquest the continental nations. In the first place, we may give eco-

nomic assistance to many such nations providing they really want that assistance. We can give arms as we are bound to do under the Atlantic Pact, and as we are now doing in Indochina, in Greece, and in Turkey.

There are some places where it may even be wise to commit some land troops if we can see a reasonable chance of success. Korea does not seem to be such an area, but the entire continent of Africa is connected with Asia, and certainly we should assist in defending the Suez Canal as a means of maintaining our connections by sea, and northern Africa where we hold valuable air bases. It may be possible to assist Spain. I should suppose that Singapore and the Malay peninsula could be defended by land troops if sea and air power is available on both sides of the peninsula. The extension of such aid by land troops, however, is a dangerous experiment as we found in Korea. I doubt if we should enter into any commitments in advance, or undertake the job at all unless we are sure it is well within our capacity, and almost certain of success.

The greatest question of policy before the country and before this Congress, however, relates to our undertaking in Europe. Under the general principles I have laid down, I would say that we had better commit no American troops to the European continent at this time. Some modification is required in that theory because, first, we are now occupying Germany with the obligations growing out of the Second World War, and second we have made certain promises under the Atlantic Pact, which we are bound to carry out.

It might be well first to consider just what our obligations are under the Atlantic Pact. One thing seems certain. There is no legal obligation to send American land soldiers to Europe.

Article 5 of the treaty reads:

"The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

By its terms this article clearly leaves us free to determine what action we deem necessary. In other words, we are obligated to go to war with Russia if it attacks any of the Atlantic Pact nations, but we certainly are free to determine how we shall fight that war. A council is set up by article 9 which is to recommend measures for the implementation of article 5, but we are certainly not bound to accept any such recommendations.

In July 1949, on the floor of the Senate, it was even argued that the pact did not obligate us to provide arms and equipment for the parties to the pact. It seemed to me however, that if we ratified the pact we were morally obligated to provide such equipment—and that is why I voted against it—in view of the promises made by the State Department in connection with the signing of the pact. The amount of this equipment, however, was not to be extensive and certainly it was based on a very large contribution by the other parties to their defense. On the bill implementing the pact the Senator from Michigan [Mr. VANDENBERG] said:

"So I am sure the Senator from Maryland agrees that, in the final analysis, the great strength and authority of the North Atlantic Pact is, not in article 3, but in article 5, which is a general notification to any potential aggressor that if he does aggress upon the North Atlantic community, he will confront all the resources of 300,000,000 people to guarantee his defeat.

"Mr. TYDINGS. I agree thoroughly with the able and distinguished Senator from Michigan."

The Senator from Michigan severely limited even our contributions for arms. He explained in the debate on the bill implementing the pact that the over-all assistance was only $1,100,000,000, to be paid out at the rate of $500,000,000 a year. The Senator from Texas [Mr. CONNALLY] made it clear that the pact did not obligate us to send a land army to Europe. He said:

"This bill does not provide, as has been said by some persons, that we are rearming Western Europe. Western Europe will spend $5 or $6 for each dollar contributed by the United States. Let me point out that we are not increasing by this aid the number of armed men in the armies of the North Atlantic Pact nations. We are simply undertaking to modernize their existing armies which they themselves raise by aiding them in obtaining equipment, munitions, and supplies. But we are not sending a single soldier to any of those countries for combat purposes, nor are we insisting that they increase the size of their armed forces."

So it can be seen that what is being talked about today is something entirely different from what was being considered when we adopted the Atlantic Pact.

In his appearances before the Foreign Relations Committee, Secretary Acheson denied that we were obligated to send troops or even extensive aid in equipment. He said:

"It is not proposed to increase the establishments beyond what is already provided in their budgets."

Now we are urging that they triple and quadruple their budgets. I quote further:

"This assistance has to do with the provision of more effective and better rounded equipment for those forces. The European nations will do the great bulk of this equipping themselves. They will enter into—in fact they already have devised the basis of—agreements by which they will help one another get equipment.

"So far as the pact countries are concerned, United States assistance will be somewhere between one-sixth and one-seventh of the total effort which will go into military efforts in Europe. We will provide, as is stated in the statement, approximately $1,130,000,000 for the pact countries."

Now we are talking about providing, in addition, 25 percent of all the foot soldiers involved in the European defense army.

In committee Secretary Acheson was asked the direct question by the Senator from Iowa [Mr. HICKENLOOPER]:

"I believe you said earlier in your testimony today that it was contemplated that a great portion of the armament, or the developed armament, of Western Europe, in the nations of this pact, would be carried under their own weight. I presume that that refers also to the manpower in their armies. I am interested in getting the answers as to whether or not we are expected to supply substantial numbers—by that, I do not mean a thousand or two, or 500, or anything of that kind, but very substantial numbers—of troops and troop organizations, of American troops, to implement the land power of Western Europe prior to aggression.

"Is that contemplated under article 3, where we agree to maintain and develop the collective capacity to resist? In other words, are we going to be expected to send substantial numbers of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?

Secretary ACHESON. The answer to that question, Senator, is a clear and absolute 'No.'"

Since the sponsors of the treaty backed by the State Department took this position, they can hardly contend now that we have any obligation under the Atlantic Pact to send American soldiers to Europe. We did have warning at the time of the Atlantic Pact that the military authorities in the Pentagon regarded the pact as leading toward a land war with Russia and American troops in Europe. I pointed out in opposing the pact that we were headed in this direction. I said:

"It is one thing to agree to go to war with Russia if it attacks Western Europe. It is another to send American ground troops to defend Norway or Denmark or Holland or Italy, or even France and England. I cannot assert positively that we are committing ourselves to a particular type of war, but I am inclined to think that we are. Thus General Bradley testified before the committee:

" 'Finally, after studied appraisal of the future security provisions for our country, the Joint Chiefs of Staff are in unanimous agreement that our strategy, in case we are attacked must rely on sufficient integrated forces of land, sea, and air power to carry the war back to the aggressor, ultimately subjugating the sources of his military and industrial power. Plans for the common defense of the existing free world must provide for the security of Western Europe without abandoning these countries to the terrors of another enemy occupation. Only upon that premise can nations closest to the frontiers be expected to stake their fortunes with ours in the common defense.' "

This appears to contemplate a land war with Russia on the continent of Europe. It appears to contemplate later on invasion along the lines which Napoleon and Hitler found to be impossible. It implies that the nations which signed this pact expect us to send American troops to defend their frontiers.

But it was only our military planners who discussed sending American land troops to Europe. Responsible officials of the Government absolutely repudiated any idea that the Atlantic Pact contemplated any such aid. If the President in his conference with Mr. Atlee; or Secretary Acheson at Brussels, has undertaken to commit the United States to any such assistance before or during a war they are usurping the authority given by law and their program should be submitted to Congress for consideration before we become obligated. The President has no power to agree to send American troops to fight in Europe in a war between the members of the Atlantic Pact and Soviet Russia. Without authority he involved us in the Korean War. Without authority he apparently is now attempting to adopt a similar policy in Europe. This matter must be debated and determined by Congress and by the people of this country if we are to maintain any of our constitutional freedoms. I note that, at his press conference yesterday, the President asserted that he had the right to send additional troops to Europe. Technically of course he can send troops to occupied Germany as long as the war status is in effect. But, in fact, no more troops are needed for the occupation of Germany. In fact those already there are a heavy burden on the German people. Also we hope that soon the war status may be ended by resolution. If the President has any technical right to send American troops to Europe, certainly Congress by resolution, such as the Coudert resolution, or by restriction in the appropriation bill providing the divisions required, may finally determine the policy to be pursued.

My own views on the general policy of the Atlantic Pact were clearly stated in a speech which I made on the Senate floor on July 11, 1949, in opposing the ratification of that treaty. It has now become an obligation of this country and the situation is therefore somewhat changed. We have two divisions in Germany. If Russia attacks, we will be in the war. We would be obligated to be in the war

if Russia attacked any member of the Atlantic Pact. But I do not think we should force our assistance on nations which do not wish to arm themselves. I do not think we should insist or even urge that the European nations form a great international army unless they request us to help them in that project. I do not think we should assume the leadership in the formation of a great international army by the appointment of an American commander in chief. General Eisenhower is going to Europe to look into the wisdom of this project, and I hope he explores every aspect of such a commitment. If we do so, we will be called upon constantly to increase our contributions to this army, and it will be very embarrassing to decline, because we shall be the sponsor of the entire project. On the other hand, if these nations really do desire to build up their own arms, and do so with our assistance, which we are obligated to give, and if the time comes when they see the need of and demand a coordinated defense, and if it appears at that time that that defense has a reasonable chance of success, I should not object to committing some limited number of American divisions to work with them in the general spirit of the Atlantic Pact. Such a program, however, never ought to be a key point in our over-all military strategy. And the initiative should be theirs and not ours.

The course which we are pursuing will make war more likely. If this great international force which we envision is gradually built up, the Russians for a while will gradually increase their strength, but it seems obvious that if they think the Allies are gaining on them too rapidly, they can always begin the war. However defensive and pacific our intentions, to them the building up of this force must look like aggression when it is completed. Someone has invented the theory that the Russians have a particular timetable under which they were at one time looking to attack in 1955. Then the makers of timetables moved the time up to 1952, and now they have moved it up to 1951.

I know of no evidence for any such conclusion. If they have an intention to attack, they will obviously attack before the Atlantic Pact forces are built up, and it will take at least 3 years to build them up. Why should they wait? If they have no intention to attack, then we do not need the armed forces, at least in such coordinated form and in such close proximity to Russia as to seem to threaten an attack on them.

Furthermore, I am most concerned about the danger and difficulty of committing our greatest efforts to a great land war on the continent of Europe against Russia. Neither Napoleon nor Hitler was ever able finally to defeat Russia on land, although they had more men than we are now planning, certainly in comparison to the number of Russians then available. If we send to Europe or promise to send within a few weeks of the beginning of the war, say a million and a half men, there is at least a reasonable chance that that army may be destroyed and may never return to this country. They will certainly be outnumbered, as they are in Korea. Their defense against Russian hordes apparently depends on the development of new weapons which are still untested. Even then a modern war cannot be won by remaining on the defensive, even behind a Maginot line of bazookas.

Furthermore, do we not risk the loss of every man we send to Europe? If we have to spend $3,000,000,000 building air shelters in this country to protect our people and cities against Russian atom bombs, then surely there is danger that the Russians can destroy all of the ports of the Continent which we may be using. They may prevent the landing of our troops, and the furnishing of adequate supplies. They may make even a Dunkerque impossible. One atom bomb at Hungnam might have destroyed the entire American force which escaped from there. The entire facilities of escape, as well as the men themselves, might well have been destroyed by a single such bomb.

Is such a military policy possible for any period of years without inflation and the loss of liberty at home?

I believe that it is possible for us to maintain our economy if we pursue the air and sea strategy I have outlined. Apparently, 700,000 men apiece for the Navy and Air Force would provide a most powerful sea and air defense. I must admit I am guessing as to the figures because they have been presented most indefinitely to the Armed Services Committee, but it is at least suggested in the hearings that $10,000,000,000 a year would take care of the current operations of these two forces plus about $10,000,000,000 a year in new equipment. This equipment bill might decrease after several years when the forces reach their full strength. To this $20,000,000,000 must be added another $20,000,000,000 for the Army even if we hold that Army to approximately a million and a half men. The total expense of $40,000,000,000 a year for military purposes plus domestic expenditures and aid to foreign nations might hold the entire expenditures of the Federal Government within $65,000,000,000. It is possible, in my opinion, to develop taxes which will ultimately meet that bill.

However, those who are thinking of our policy in terms of an American Army in Europe and a war there with Russia propose a much larger increase in the Army. The program is entirely indefinite at this moment, but I have heard talk of having as many as 4,500,000 men under arms, which would mean a land army of 3,000,000 men. If we are going to try to put a million and a half or 2,000,000 men in Europe or available for transportation to Europe within a few weeks of Russian attack, this may not be unreasonable. But it would certainly increase the Armed Forces bill by another $20,000,000,000 to $30,000,000,000 a year. That money would have to be borrowed and we would be perpetually on a deficit basis. I do not believe it is possible to prevent inflation with an annual deficit of $20,000,000,000.

Even with the smaller bill, price and wage controls will probably be necessary and they may be effective to stabilize prices if we are balancing the budget and not creating inflation, but even controls cannot prevent inflation and decrease in the value of the dollar if we permit such a tremendous deficit through an increase in Army expense for any considerable number of years.

Furthermore, the larger the Army with very little to do, the more difficult it will be to maintain its morale. Before Pearl Harbor the morale of our Army was exceedingly low, with frequent desertions and a complete lack of understanding of the necessity for keeping numbers of boys in camp. Russia could desire nothing more than an indefinite condition of economic weakness and inflation, with millions of men taken out of productive work and the inevitable dissatisfaction which will result in turning the United States into a garrison state.

Incidentally, no matter what the program may be, there are certain principles which I think should be impressed on our Army officials. Is it necessary for this country to provide from sixty to seventy thousand men in uniform and half as many more civilians in order to put a division of 18,000 men in the field? Every day industry is creating improvements to increase the efficiency per man of the American population. Every day our inventors are saving manpower. Is not the Army wasting a vast amount of manpower in its operations? Does any other country use as many men to get war power into the front lines? Could we not provide twice as many divisions at the front with the same number of men? Every Senator hears daily stories of the waste in Army procurement and in the methods by which that procurement is carried out. This whole problem has become of infinitely greater importance than it ever has been before, because we undoubtedly face a long period of heavy militarization such as we have never faced in the history of this country. It should be made the subject of intensive study by men who have had some experience in industrial operations.

Under any program, the American people are going to be called on for vast sacrifices. Nearly every boy of 19 is going to be drafted for 2 years' military service. Tremendous taxes will be imposed which will reduce the income and standard of living of every American citizen. Surely, they have the right to insist upon a program as economical as it can be made to accomplish the purposes on which I hope we may all agree.

The key to all the problems before this Congress lies in the size of our military budget. That determines the taxes to be levied. It determines the number of boys to be drafted. It is likely to determine whether we can maintain a reasonably free system and the value of our dollar or whether we are to be weakened by inflation and choked by Government controls which inevitably tend to become more arbitrary and unreasonable.

How shall we convince the people of the world that liberty is a better way of life than communism can ever be?

Before the advent of communism the best method of showing the benefits of liberty was to set an example by our own policies. Under a free system we have brought about in this country the greatest production, the greatest productivity per person, and the highest standard of living the world has ever seen. Generally speaking, we have successfully maintained liberty and equality for the individual.

But communism has introduced a new spirit of aggression into the world. It has inspired fanatical zeal in its advocates. It has adopted a combination of deceit, propaganda, and strong-arm methods, which has spread its control over hundreds of millions of men and over many countries. Now we are forced to use the same methods which communism has adopted, even if we do not like those methods, or be swept away. I have outlined the military preparation which I think necessary. I have supported aid to foreign countries in order that they might more successfully combat the attacks of communism. But I also believe we should adopt aggressive methods of propaganda. We have something to sell. Liberty has always been a more appealing philosophy to the people of the world than totalitarian communism can ever be. We have to convince ourselves first that we really believe in the benefits of liberty, but if we do that we have all the arguments and all the results to point to. If we are sufficiently intelligent and understand the thinking of other people, we should be able to win the battle against communism in the minds of men, by setting up an organization to win the appeal against communism.

Finally, I believe we should use the same methods of infiltration as have the Russians. We need a much more effective intelligence force. We need to study the methods by which those millions who yearn for liberty in satellite countries may be organized to size power wherever they have the support of their fellow citizens. We can back Chiang Kai-shek in his operations in China among the free Chinese and the underground. Today, so far as I can see, there is no central agency anywhere to organize the lovers of freedom throughout the world, and keep in communication with them and their pro-

grams; no over-all direction of the appeal against communism.

CONCLUSION

The threat of communism is real. Those who are directing its affairs are brilliant and unprincipled. America must be the leader in the battle to prevent the spread of communism and preserve the liberty of the world. In the field of military operations our strongest position is in the air and on the sea, and we should not attempt to be also a controlling power on the land. We should not be a military aggressor or give the impression of military aggression or incite a war which otherwise never occur. Operations on the continents of Europe and Asia, if any, should be undertaken only with the greatest care and under careful limitation. We must not so extend ourselves as to threaten economic collapse or inflation, for a productive and free America is the last bastion of liberty.

And finally the policy we adopt must be approved by Congress and the people after full and free discussion. The commitment of a land army to Europe is a program never approved by Congress, into which we should not drift. The policy of secret executive agreements has brought us to danger and disaster. It threatens the liberties of our people.

Mr. DOUGLAS. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER (Mr. O'CONOR in the chair). Does the Senator from Ohio yield to the Senator from Illinois?

Mr. TAFT. I yield.

Mr. DOUGLAS. I should like to be permitted to say first that the Senator from Ohio has made a characteristically able speech, and I join with him in the hope that this may be a preface to a thorough discussion of foreign policy. I believe the President has the constitutional power, as Commander in Chief of the Armed Forces, to send troops to the continent of Europe. I believe that under the Constitution, since the power of Congress being limited to a declaration of war, the President can take steps to resist aggression. I developed this point at length on July 5 of last year. But I think this issue is so important that it is necessary to clear the air and to have the various alternatives discussed, and I hope very much that the Senate and, if possible, the House of Representatives, may come to some clear conclusion. So while I agree with much that the Senator has said and disagree with a good deal also, I wish to say that I think he deserves to be congratulated for raising the issue and for pitching the debate on so high a level.

Having said that, I hope I may in good temper and in good spirit be permitted to ask the Senator a series of questions on what I believe to be the fundamental sequence of his arguments.

Am I correct in assuming that the Senator from Ohio is saying in effect that we should not commit ourselves to appreciate land forces in either Europe or Asia, but should instead hold island bases off those continents from which we can launch air attacks as a deterrent to land attacks by Russia and its satellites, and as a protection for those continents if such land attacks take place?

Mr. TAFT. I certainly would not contemplate air attacks unless we were involved in war some place. If we were at war, yes, I would say that such bases should be used where they are. We would not have a great many bases, I imagine.

Mr. DOUGLAS. Then, the Senator would favor island bases for Asia and for Europe, from which, if a military movement by the Chinese Communists in Asia or by the German or Russian Communists in Europe took place, he would then have our Air Force take action?

Mr. TAFT. Yes, if we are at war. If Russia should attack any member of the Atlantic Pact, we would be at war, and I certainly would advocate air attacks upon Russia in that case. I suggest that we might just as well be at war with the Chinese Communists today. We read only yesterday an article by a well-informed columnist, in which he stated that the Communists are almost certain to attack Indochina tomorrow, or within a short period of time. If so, is it not better to be at war and try to have the Chinese Reds from the attempt to conquer Southeast Asia and possibly the islands beyond?

Mr. DOUGLAS. Do I understand the Senator from Ohio to say, if an attack is launched against Western Europe, France, or the countries of Western Europe, by the German Communists or the Russian Communists or by some combination, that we should be obligated to help defend those countries?

Mr. TAFT. We would be obligated to declare war on Russia, as I see it. As to how such a war should be fought ought to be a question of strategy at that time. Once we are involved with Russia we are involved everywhere. It might be found that land forces would be required. I do not think we ought to commit ourselves to do that to a greater extent than I suggested.

Mr. DOUGLAS. Is it not true that the Senator places his chief reliance upon deterrent or retaliatory bombing from island bases or from the continent of Europe? I have the text of his speech here, and that is the only inference we can draw from page 11.

Mr. TAFT. So far as our part in a war with Russia is concerned it would be largely conducted by sea and air.

Mr. DOUGLAS. According to the Senator's speech, that is true.

Mr. TAFT. There may be various ways in which that can be done. Bombing would probably be the most effective way. I would not bar the sending of troops to Europe if that should prove at the time to be a feasible project with some hope of success. My doubt about it is more as to the practicability of today building up an international army for Europe, since the Russians would be able to overwhelm it at any time during its 3 years of preparation whenever they decided it would be too much of a menace to them.

Mr. DOUGLAS. I should like to ask the Senator from Ohio: Is it not true that Korea has pretty well demonstrated that an aggressive land army cannot be turned back by air power alone? There is no question that in Korea we have had complete dominance of the air thus far, but the Chinese Communists have broken our lines once and, as we debate, are apparently going to do so again?

Mr. TAFT. I think that is quite true. I do not think that bombing is going to stop an army. I opposed the President's suggestion of bombing the Chinese Communists, because I do not think it is true that an atom bomb is an effective tactical weapon against an army in the field. All that can be done is to weaken them by destroying their bases and communications and industrial potential. The Russian potential is not too great in any event, and we can hamper them so that other countries who are defending themselves can have a better chance of success.

Mr. DOUGLAS. Does it not follow from the Senator's statement that, if continental Europe does not build up a sufficient army to check the Communists on the ground, our threat of bombing from the air will certainly not stop the Communist armies if they start to move in Europe?

Mr. TAFT. Once war is declared it will not stop the Communist armies, no.

Mr. DOUGLAS. And will not the Communist armies therefore sweep through completely to the English Channel?

Mr. TAFT. Does the Senator think there would be any difference if we have 10 American divisions there?

Mr. DOUGLAS. That is something else.

Mr. TAFT. It is not something else again. It is exactly the question the Senator is asking. I am saying that the commitment of American troops will not substantially change that situation.

Mr. DOUGLAS. I am pointing out that the Senator would depend upon island bases to keep the Communists off if they are going to be kept off; and I presume that the Senator is chiefly referring to the British Isles as air bases.

Mr. TAFT. There are other places; such as Africa, Turkey, and other areas of the world.

Mr. DOUGLAS. Very well. But if the Communists were to sweep through to the Atlantic Ocean, does the Senator suppose England could be kept as an air base from which we could operate? What about rocket bombs, guided missiles, and air attacks by the Russians themselves? How could we hold those bases? Would not we need air bases from which to launch aerial attacks?

Mr. TAFT. My suggestion to the Senator is—as he will observe if he will read my speech—that we do not have the power to control the air and the sea and also the land.

Mr. DOUGLAS. We will if we have under arms 3,000,000 men, as proposed by the Senator, that will not be sufficient. But a 6,000,000 force plus the rearmament of Europe would give us a much better chance.

Mr. TAFT. From the area I have indicated we could best operate against the Russians, if we were involved in war against them.

Mr. DOUGLAS. Again I wish to point out that domination of the air does not stop a strong land attack.

Mr. TAFT. Of course not—it will not stop the attack.

Mr. DOUGLAS. If a land attack reached the English Channel, it would tend to cause the loss of the very bases upon which we would depend in connection with such aerial strength as we might develop.

Mr. TAFT. With all due respect to the Senator, let me point out that the question is a practical one. I should like to ask the Senator or anyone else. Why on earth should the Russians let us build up in Europe a vast army which would be a threat to them, when in the meantime the Russians are free to do whatever they wish to do?

Mr. DOUGLAS. Is it the Senator's contention that we should not arm at all, lest we offend the power which has superiority at the moment? That would keep us in a continued position of inferiority.

Mr. TAFT. I think the Atlantic Pact was a tremendous mistake. In my opinion, it could at least be interpreted as an aggressive move. It seems to me the Atlantic Pact and the present program, if carried out, create the greatest probability of war that could be created by any measure we could undertake.

The European nations themselves do not seem to feel that the Russians contemplate making an attack. As the European nations recover their strength, no doubt they will gradually build up their own military forces to a point where they will be effective. I suggest that at that time we could add further to what we may have done before that time.

I have not excluded the possibility of our giving them some assistance. I think the Atlantic Pact has involved us in a certain obligation which I do not desire to repudiate. However, we must consider the practical possibilities in this situation. We must consider the fact that this particular policy assumes first, that the Russians want to attack Western Europe. If that assumption is correct, they are not going to wait until this great army is built up. Why should they wait? If they have decided to attack Europe, why should not they attack before the army is built up? It will take 3 or 4 years to build it up. If we do not want to face the pos-

sibility of Communist invasion the Senator has outlined, it can only be by assuming that the Russians are not desirous of attacking Western Europe. On that assumption, these countries can gradually develop their strength.

Mr. DOUGLAS. I think the Senator from Ohio does rely on that assumption and I submit it is a very dangerous one to make.

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

Mr. TAFT. I yield.

Mr. LEHMAN. As I understand the Senator's speech, he is opposed to a preventive war and on that point I completely agree with him.

Furthermore, I understand that the Senator proposes complete reliance on our air and sea power. Is it not correct that if we stand idly by and allow the Russians to attack Western Europe and to reach the sea, as it may very well be the Russians have the power to do, they would immediately have both an industrial potential at least equal to our own; and a shipbuilding potential, in the event they took over England, as they undoubtedly would be able to do if they reached the Channel; and a potential in the building of planes, using the productive power of France, of Italy, of England, and possibly of Germany, at least equal to our own?

It would seem to me that we would be completely surrendering any possibility of protecting ourselves, even if we remained isolated in this country.

Mr. TAFT. In the first place, I wish to deny the premise that we stand idly by. We have not been doing any standing idly by. We have given billions of dollars' worth of economic aid in order that the countries of Western Europe can build up their industrial potential. We have given them billions of dollars, and are preparing to give billions of dollars more, for arms aid, to enable those countries to protect themselves. After all, there are 225,000,000 people in Western Europe—50 percent more than we have in the United States. We are helping them to defend themselves. They have more extra manpower than we have in the United States today.

I have only raised the question of whether we should commit an American land army to Europe.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The Chair must request the occupants of the galleries to refrain from making any demonstration.

Mr. DOUGLAS. Mr. President, will the Senator from Ohio yield for another question?

Mr. MCFARLAND. Mr. President, I ask that the Chair inform the occupants of the galleries that they are the guests of the Senate. If they insist on continuing such demonstration, I ask the Chair to direct that the galleries be vacated.

The PRESIDING OFFICER. The Chair will certainly do so in response to the suggestion of the Senator from Arizona, and must emphasize the fact that order must be maintained.

The Senator from Ohio may proceed.

Mr. DOUGLAS. Mr. President——

Mr. TAFT. I yield to the Senator from Illinois.

Mr. DOUGLAS. Continuing the question of the junior Senator from New York, is not true that on a standard basis of measuring steel production, our capacity for producing steel, when taken at the lower figure, is approximately 97,000,000 tons a year: that of Soviet Russia and her satellites is approximately 35,000,000 tons a year; and that of Western Europe, when we consider its capacity, is approximately 62,000,000 tons a year. These figures are substantially correct. Therefore, so long as Western Europe is in combination with the United States, the free world can surpass Russia in the capacity for producing the most essential military and industrial element, and can do so at the rate of about 4 to 1. But if Western Europe should fall under Russian control, 35,000,000 tons plus 62,000,000 tons will equal the 97,000,000 tons which constitute our total capacity. In that event, on the basis of current steel-production capacity, the totalitarian world will be on terms of equality with ourselves?

Mr. MILLIKIN. Mr. President, will the Senator yield, to permit me to answer?

Mr. TAFT. I yield.

Mr. MILLIKIN. I was going to suggest that the distinguished Senator from Illinois is not giving attention to the air power which the Senator from Ohio has said will destroy those plants in Western Europe.

Mr. TAFT. I quite agree that we do not want the Russians to take over the productive capacity of Western Europe, either in steel or in anything else. However, where would the Senator have the line to be defended? The best information I have is that for us to try to defend the line of the Elbe is almost impossible, and that therefore we would have to defend the Rhine. That means that we would have to abandon the Ruhr to the Russians. They already have Silesia. What would we do about it if we stood on the Rhine? We could bomb * * * and the Ruhr to prevent the production of steel there; but we could do that without being on the Rhine; we could do that from England or from Africa or from other places besides France and the Rhineland.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield to the Senator from Vermont.

Mr. AIKEN. Is it not a fact that our Air Force in the last war could have completely destroyed the Krupp Works and the other munitions works in Germany, had they been permitted to do so?

Mr. TAFT. As a matter of fact, they did destroy the Krupp Works, because I visited there after the war, and there was only one small building left in the corner of it. They were not destroyed as early as they might have been.

However, it seems clear to me that the entire question is one of practicability: If the Russians today have the determination to conquer Western Europe which the Senator assumes, why should not they do so tomorrow or the next day? Why should they wait until we provide a great many land troops? That is something I cannot understand.

Mr. LEHMAN and Mr. KNOWLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from New York.

Mr. LEHMAN. Mr. President, I do not have any idea whether Russia is going to wait or is not going to wait; but it seems to me that the theory enunciated by the Senator from Ohio is an extremely dangerous one.

I would repeat the question which was propounded by the Senator from Illinois; If it be true that the initiative lies completely with Russia, then why should we take any steps or any means whatever to strengthen either our allies abroad or ourselves?

Mr. TAFT. Is it not evident that neither England nor France is eager for this tremendous international army? Is not that a perfectly obvious fact? Is it not evident that those countries do not think there is going to be a Russian attack on them? Is it not true today that the idea of a Russian attack is much less accepted there than it is in the United States?

Mr. LEHMAN. May I answer that question?

Mr. TAFT. Certainly.

Mr. LEHMAN. Is it not true that France, England, Belgium, Holland, and Luxemburg are confused when they hear speeches made by a former President of the United States, seeking to prohibit the shipment of a single dollar or a single man, until the Western European countries erect a sure dam against aggression?

Mr. TAFT. That is not my interpretation of the former President's speech.

Mr. LEHMAN. That is the statement. I have quoted it. I believe, substantially verbatim. What possible incentive have the people of the countries of Western Europe to defend themselves with all their power, when they know that there is a school of thought in this country—which I pray God will never prevail—that we should withold all support from them, either material support or support in the way of human resources?

Mr. TAFT. Those countries are the ones who have held back, because, as I understand, our Government for more than a year has been pressing for an agreement of the kind that was contemplated in the Atlantic Pact, and they have dragged their feet. They have not been eager to enter into such an agreement. Ours is the country that has been trying to make them move. It seems to me this is their affair. The chief point of my speech was that, in any such program, they must take the initiative. They ought to take the initiative. If they do not feel so strongly about it, then there must be some good reason why they feel as they do; and it seems to be perfectly obvious that we have no business going over there and trying to draw a large number of people into a great military program which, in my opinion, is almost certain to produce war, if it actually develops in any large or effective way.

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

Mr. TAFT. I yield to the Senator from California.

Mr. KNOWLAND. Apropose of the statement made by the Senator from Illinois and other Senators, questioning the effectiveness of air power, and citing as an example the situation in Korea, is it not correct, in the Senator's judgment, that the responsible commanders of the United Nations forces in Korea have had their hands tied, so that they could not make effective use of the air power in striking at the arsenals, the depots, and troop-concentration points from which the reinforcements and supplies are being poured into Korea from Manchuria? They have been operating under those conditions, with an arm tied behind the back. So the situation in Korea cannot be correctly interpreted as showing a lack of the effectiveness of air power, if properly used.

Mr. TAFT. I think the Senator is entirely correct. I may say I think it doubtful whether air power can stop the actual physical advance of an army across a front of 200 miles; but unquestionably it can weaken the whole background of such an army. It can weaken it; it can destroy the plants which make the weapons; it can stop all the communications. The Air Force was a very effective element against the North Koreans so long as we could bomb their connections with Communist China in Korea, but, of course, the fact that we are not in a war with Communist China—supposedly—has prevented the use of air power against Communist China.

Mr. KNOWLAND. I wonder whether the Senator will permit, as part of his remarks in this colloquy, my placing in the RECORD the official report to the United Nations Security Council, made by Gen. Douglas MacArthur, on the 6th day of November 1950, in which he cites a long series of aggressions by the Chinese Communists, which started on the 22d of August, when antiaircraft batteries north of the Yalu River fired on the American planes which were flying south of the Yalu River in support of the United Nations resolution; going through to the 16th of October, when the first Communist aggressive forces from Red China were definitely identified in Korea; and down through the

4th of November, which was a day preceding the time he sent his report to the Security Council.

The PRESIDING OFFICER. Is there objection to the request?

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

NOTE DATED NOVEMBER 6, 1950, FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SECRETARY-GENERAL TRANSMITTING A SPECIAL REPORT DATED NOVEMBER 5, 1950, FROM THE UNITED NATIONS COMMAND IN KOREA IN ACCORDANCE WITH THE SECURITY COUNCIL RESOLUTION OF JULY 7, 1950

The representative of the United States to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to refer to paragraph 6 of the resolution of the Security Council of July 7, 1950, requesting the United States to provide the Security Council with reports, as appropriate, on the course of action taken under the United Nations command.

In compliance with this resolution, there is enclosed herewith, for circulation to the members of the Security Council, a special report dated November 5, 1950, from the United Nations command operations in Korea.

Following is text of special report from commanding general United Nations command:

"I herewith submit a special report of the United Nations command operations in Korea which I believe should be brought to the attention of the United Nations."

INTRODUCTION

"The United Nations forces in Korea are continuing their drive to the north and their efforts to destroy further the effectiveness of the enemy as a fighting force are proving successful. However, presently in certain areas of Korea, the United Nations forces are meeting a new foe. It is apparent to our fighting forces, and our intelligence agencies have confirmed the fact, that the United Nations are presently in hostile contact with Chinese Communist military units deployed for action against the forces of the united command.

"The fact of intervention:

"Hereafter, in summary form, are confirmed intelligence reports substantiating the fact that forces other than Korean are resisting our efforts to carry out the resolutions of the United Nations:

"A. August 22: Approximately 50 bursts heavy antiaircraft fire from Manchurian side of Yalu River against RB–29 flying at 7,000 feet over Korea in the vicinity of the Sui-Ho Reservoir; damage, none; time, 1600 K.; weather, 10 miles visibility, high broken clouds.

"B. August 24: Approximately 40 bursts heavy antiaircraft fire from Manchurian side of Yalu River against RB–29 flying at 10,000 feet over Korea in the vicinity of Sinuiju; damage, none; time, 1500 K.; weather, 20 miles, visibility.

"C. October 15: Antiaircraft fire from the Manchurian side of Yalu River against a flight of four F–51's flying near the Sinuiju airfield on the Korean side of the river; damage, one aircraft total loss; time, 1445 I.; weather, overcast at 8,000 feet; 8 to 10 miles visibility.

"D. October 16: The Three Hundred and Seventieth Regiment of the One Hundred and Twenty-fourth Division of the Chinese Communist Forty-second Army, consisting of approximately 2,500 troops, crossed the Yalu River (Korean border) at Wan Po Jin, and proceeded to the area of Chosen and Fusen Dams in North Korea where they came in contact with UN forces approximately 40 miles north of Hamhung.

"E. October 17: Approximately 15 bursts heavy antiaircraft fire from Manchurian side of Yalu River against RB–29 flying at 10,000 feet over Korea in the vicinity of Sinuiju; damage, none; time, 1200 I.; weather, 8 miles visibility, low clouds 2,300 feet.

"F. October 20: A Chinese Communist task force known as the Fifty-sixth unit consisting of approximately 5,000 troops crossed the Yalu River (Korean border) at Antung and deployed to positions in Korea south of the Sui-Ho Dam. A captured Chinese Communist soldier of this task force states that his group was organized out of the regular Chinese Communist Fortieth Army stationed at Antung, Manchuria.

"G. November 1: A flight of F–51's was attacked early in the afternoon by 6 to 9 jet aircraft which flew across the Yalu River into Manchuria. No damage was done to United States aircraft. A red star was observed on the top of the right wing on one of the jet aircraft.

"H. November 1: Antiaircraft fire from the Manchurian side of the Yalu River directed against a flight of 13 F–80 aircraft was observed in the vicinity of Sinuiju at 1345 hours. This resulted in the total loss of one United Nations aircraft.

"I. October 30: Interrogation of 19 Chinese prisoners of war identified two additional regiments of One Hundred and Twenty-fourth CCF Division and the Three Hundred and Seventy-first and the Three Hundred and Seventy-second in the vicinity of Changjin.

"J. November 2: Interrogation of prisoners of war indicates the Fifty-fourth CCF unit in Korea. This unit is reported to have same organization as Fifty-fifth and Fifty-sixth units, but to be drawn from the One Hundred and Twelfth, One Hundred and Thirteenth and One Hundred and Fourteenth Divisions of the Thirty-eighth CCF Army.

"K. November 3: Further interrogation of Chinese prisoners of war indicates Fifty-sixth CCF unit organized from elements of One Hundred and Eighteenth, One Hundred and Nineteenth and One Hundred and Twentieth CCF Divisions of the Fortieth CCF Army.

"L. November 4: As of this date, a total of 35 CCF prisoners had been taken in Korea.

"The continued employment of Chinese Communist forces in Korea, and the hostile attitude assumed by such forces, either inside or outside Korea, are matters which it is incumbent upon me to bring at once to the attention of the UN."

Mr. KNOWLAND. I would ask the Senator from Ohio whether he believes, in addition to the fact that air power has not yet been effectively used in the Korean theater, whether he believes that we have used sea power effectively, when for a period from the 24th day of June, when the North Korean aggression took place, down to the time when it was demonstrated that the Chinese Communist forces were definitely involved in the Korean episode, we have permitted, day after day, month in and month out, shipments of strategic war supplies into the port cities of Shanghai, Tsingtao, and other ports, which supplies have come not only from Hong Kong, not only from the Middle East, but also from the United States of America? If the United Nations had been alert to this aggression from Red China, as they very properly were concerned with the aggression across the thirty-eighth parallel, would not an effective use of sea power brought about an immediate sea blockade so as to prevent the Chinese Communists from getting oil and equipment with which to try to destroy our forces in Korea?

Mr. TAFT. I think without question a more effective use of sea and air power could have been made, had we not been deluded by the idea that the United Nations was doing something. That is the thing which put us in a weak spot. That is the thing which today prevents our waging war on Communist China, namely, that we are acting only as representatives of the United Nations. I suggest we simply must abandon that theory. We have to engage in our own wars when we think we should engage in them, and not at other times.

Mr. FULBRIGHT and Mr. MORSE addressed the Chair.

The PRESIDENT OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from Arkansas.

Mr. FULBRIGHT. Before I ask a question I should like to say that the dragging of the feet of the western European countries was not, as I believe, properly described as such. They were in disagreement as to the part the Germans would play, as the Senator well knows, and the French, in view of their history. I think might have some reason to question German participation. I, myself, for my own part, did not agree with the French, though I can understand why they would be nervous about that point. But it is my understanding that generally the French and the British and the Italians, insofar as they are permitted to express an opinion, being under a rather different situation, were in favor of the creation of a land army. The main question I wanted to ask the Senator was this: Did I correctly understand that under his approach to the problem, if Russia moved by land army—which he says we could not stop by air power—and occupied Western Europe, he would then feel that it would at that time be necessary for us, ourselves, to destroy the steel-making capacity of Western Europe, in order to prevent the Russians from making use of it?

Mr. TAFT. We would undoubtedly do so. For example, consider that today we are destroying the port of Inchon, after having made such effective use of it yesterday. Anything that helps the enemy in war is destroyed, there is no question about that. We would, of course, first try to destroy Russian sources of production before destroying the things which they might acquire from other sources. But let me ask the Senator, supposing this land army is set up in Europe, where is the line of defense? So far as I can ascertain from the best military authority, it would probably be the Rhine. To begin with, why would the Germans be interested in a defense on the Rhine? And if we defend the Rhine, the Russians take over all the rest of Germany. It is very difficult to define the line of the Elbe and Czechoslovakia and Austria to the Danube.

Mr. FULBRIGHT. I would agree with the Senator that any line is difficult to defend. This whole situation is a very difficult one. However, I think that the policy which the Senator has expressed is very startling, in that we would have Western Europe looking to the possibility of being destroyed, if not by the Russians through their own occupation, by us, in order to prevent it. I think it is a very shocking thing for the Europeans to realize that we are willing to contemplate their destruction.

Mr. TAFT. They surely realize it because that is what happened to Korea. We have saved Korea at the expense of the destruction of every city in Korea and the killing of an infinite number of Korean civilians. I do not believe that we are so welcome in Korea today, and I do not believe we shall be so welcome in Europe tomorrow, if war ever occurs, and if we are the main instigators of the war, or actively cooperating in a war on European soil in which European cities are being destroyed.

Mr. FULBRIGHT. I do not agree with the Senator at this point. I wish to associate myself with the Senator from Illinois in saying that I think the Senator from Ohio is entirely correct in raising these questions

in his own speech, which was devoted to principles and not personalities, and I congratulate him on his original speech. However, the Senator from Ohio has also stated that he does not know, as no one knows what is in the mind of the Kremlin. I believe we will have to assume that those in the Kremlin are planning to advance over Europe, and we have a reasonable, legitimate right, along with the western Europeans, to build an adequate defense for ourselves.

I realize we are dealing with things which there is no way to prove ahead of time. But I believe that for the future of our own country, and for the moral standing of the United States not only before western Europeans, but before all the other peoples of the world, South Americans and everyone else, we must take the position that we will undertake to build a legitimate defense line in Western Europe. Otherwise, the effects would be disastrous to all free people.

Mr. TAFT. The startling thing is not the position I have taken, for what I have stated has been my position on the question we are discussing for the past 2 years, but that we suddenly find ourselves swept into a policy of sending millions of American troops to Europe without any consideration whatever by the people of the Nation as to whether they want to do anything of the kind. That should be the startling thing.

Of course it is proper for me to raise the question. The question is whether we are to drift into a policy or be swept into a policy which is contrary to everything we have done heretofore, and is in no way implied in the Atlantic Pact, and are to be swept into it without even a discussion. I have been complimented by the Senator for raising the issue. It seems to me it is the duty of every Senator to raise the issue.

Mr. FULBRIGHT. The point I was making was that the approach of the Senator is entirely different from the attacks of some of our colleagues, which have been devoted, not to the issues involved, but entirely to the personalities of the men involved. That was the real point I was trying to make.

Mr. TAFT. I thank the Senator.

Mr. FULBRIGHT. The Senator misunderstood the significance of that particular point.

Coming back to the issue which I think is the central one, so far as I know we have not made any positive commitment as to troops. That is what we are in the process of trying to determine now, in this debate, and in speeches which have already been made by Mr. Hoover and others. The debate is already in progress. I merely desire to make my position clear that I do not agree that, certainly at this point, we should adopt a policy which would prohibit our sending any assistance to Europe, whether it be joined in with and dependent upon assistance which may be forthcoming from other nations.

In other words, in order to illustrate what I mean, suppose the Europeans say, "We are quite willing to raise 50 divisions, but we think you ought to raise 15 or 20."

Mr. TAFT. I do not know whether or not I would be in favor of prohibiting the sending of troops to Europe. I did not go that far. I merely say that Congress should decide how many we are to send, just as when we entered into the United Nations Charter we were very careful to provide expressly that the President could not send troops to help the United Nations except after agreements made, to be approved by the Congress, specifying the number of troops. That was in the United Nations Charter, and that is proper. That is the principle which should apply to the sending of troops to Europe under the Atlantic Pact. It ought to be done, if at all, only under an agreement which meets the approval of the Congress of the United States. I suggest, however, that if that is done it should be limited to something more in the nature of a token force than a leading, key part of an international army.

Mr. FULBRIGHT. I understand the Senator to feel that we should not send a land army to Europe. I thought that was his point.

Mr. TAFT. I suggest that we have a few divisions there, and I would not object to having a few more if we got to the point where it was practical, if the other nations would cooperate, so that we would not sacrifice our boys if the Russians attacked the next day. That was my point.

Mr. President, the Senator from Oregon has been on his feet for some time, and I now yield to him.

Mr. MORSE. Mr. President, I desire to ask the Senator from Ohio a few questions, but before doing so I wish to say to him that I think he has delivered the most able address that has been made to date in the presentation of the point of view that we should place our major reliance upon the naval and air defense of the country, rather than upon the use of ground troops abroad. Although I do not share the point of view that is set forth in his major emphasis and major thesis, nevertheless I respect this point of view and his great sincerity in expressing it. I agree with him that it is the duty of every Member of this body to make his position clear in this historic debate. But I do desire to say that I believe the Senator from Ohio has made the most objective and enlightened contribution to the debate on his side of the issue that has been made to date. I disagree with the position he has taken in respect to the implementing of the North Atlantic Pact.

I have some questions in regard to certain assumptions which I think are inherent in the Senator's speech, about which I should like to carry on a brief colloquy with him. The first question goes to the assumption whether the Senator from Ohio and the Senator from Oregon would be right if we assumed that Russia to date has given much indication that she intends eventually to take over Europe. Does the Senator from Ohio share that point of view?

Mr. TAFT. I share the point of view that they intend to take it over by Communist infiltration and persuasion. Assuming something I trust will not happen, assuming they took Germany and swept the opposing armies back to the borders of France, I suggest that Russia would stop, that in all probability they would rely on France turning Communist by itself, and that they would probably rely on making some sort of trade arrangements with British socialism, to which Soviet Russia may not object. I doubt very much if Russia would attack France or Britain in a military way.

Answering the Senator's question, I do not believe it is at all clear that the Russians contemplate a military conquest of the world. In the first place, I believe they know it is impossible. It would take them at least a hundred years to build up their sea power so as to enable them to get across the seas. I do not believe they even contemplate a military aggression with their own soldiers against the other nations. In fact, I would not be surprised, if they ever take over Germany, to see them attempt to do it with satellite troops, rather than with the Russian Army.

Mr. MORSE. Then the Senator thinks that Russian conquest of Europe would be by infiltration, if it could be successful, and that it would be doubtful. If she failed by infiltration, that she would proceed militarily?

Mr. TAFT. I am getting into a field which is so largely speculation that I would hesitate to make any statement; but I have stated the direction of the opinion which I entertain.

Mr. MORSE. I know it is in the field of speculation, but from the standpoint of American military policy, we are going to have to speculate as to which of two courses of action Russia may take. I think Russia intends a military defeat of the United States if she can take over Europe.

My next question is, Assuming that Russia should take over Europe either way, by infiltration or by military conquest, does the Senator from Ohio believe that after the conquest of Europe by Russia, America would be in a more weakened position in the world than she would be in if the freedom of Europe could be preserved?

Mr. TAFT. I quite agree with the Senator in his implication, but it seems to me that what is being proposed is not a practical policy. I do not believe it would prevent the calamities which the Senator has in mind.

Mr. MORSE. Does the Senator from Ohio think that there is still a possibility of checking Russian expansion in Europe if we make clear to the Kremlin that we intend to resist Russian expansion in Europe?

Mr. TAFT. I do not think it makes very much difference to the Russians whether we have troops in Europe. Frankly, if we made it clear to them that we were going to help Europeans in every way and that we would go to war if Russia attacked the European countries, it would be as big a deterrent as if we added 10 divisions of troops. I do not think our military participation would deter the Russians. In fact, I think it is a little more likely that it would induce them to start another war.

Mr. MORSE. Mr. President, that is the point I wanted to dwell on in a moment. If we are wise in trying to check Russian expansion by whatever means we adopt, whether it be by means of the Senator's proposal or by means of a proposal by those of us who do not agree fully with the Senator, the time element becomes very important. In that connection I recall that the Senator from Ohio several times raised the question: What is stopping the Russians from proceeding now? If she intends to attack Europe, what is stopping her now? I ask the Senator whether he thinks the great advantage we have over Russia in our stockpile of atomic bombs may be in part what is stopping her from moving now.

Mr. TAFT. It may be a part of the explanation, but I do not think it is the only explanation, or that it is sufficient. After all, we can make atomic bombs faster than the Russians can make them.

Mr. MORSE. As of now.

Mr. TAFT. We can make them faster than the Russians as of now and as of any time. Certainly we would always be able to outproduce them and to outdo them. Our industrial capacity is greater, and we can move quicker and more efficiently.

Mr. MORSE. But would that not depend on the fortunes of war?

Mr. TAFT. The Russians may have waited until they had the atomic bomb, but I think they will be deterred no matter how many bombs they have. I think the deterrent of our power to bomb Russia will be just as effective.

Mr. MORSE. Would that not depend on the fortunes of war? I refer particularly to the fact that in the early stages of the war they could perhaps destroy our capacity to manufacture bombs.

Mr. TAFT. We should have as good a chance to destroy the Russian capacity to manufacture as they would to destroy the manufacture of bombs in the United States. Our airplanes can fly farther than their airplanes. We should keep ahead of them in every way, including the manufacture of bombs.

Mr. MORSE. I hope that is true, particularly with reference to our air power, but there is beginning to be some doubt about it, it seems to me. However, let us assume that it is true. Does the Senator agree with me that Russia at least will try to take Europe by infiltration? I think she will try it. I think she will try to take Europe by conquest if she fails to take it by infiltration as soon as she feels strong enough and Europe is weak enough. However, did not the

Senator overlook the danger of an unfavorable reaction on the part of the free peoples of Europe, if we should take the position that we will rely chiefly on our Navy and Air Force, and will look to them to do all the bleeding on the ground?

Mr. TAFT. I think that has always been the fact. It is not so helpful to them, but neither might the sending of an army to Europe be helpful to them in the end, any more than it has been helpful in Korea.

Mr. MORSE. Keeping in mind the danger of infiltration, which I think is a real danger, and the apparent hesitancy on the part of some of the European countries to adopt an all-out defense program because they are uncertain as to what we will do and because they fear we will not send in troops to help them if they are attacked, it becomes clear to me that we go through with implementing the North Atlantic Pact including some manpower aid. I think some manpower aid under Eisenhower's command is the best evidence we can give them of our determination to see through with them this contest with communism. I ask the Senator if he does not think that to join manpower with them on a reasonable basis under the North Atlantic Pact is not better rather than to say to them, "We will use only the Navy and Air Force, in the first stages, at least, and leave the dying on the ground for the populations of your countries, and much of that dying caused by our bombs"?

Mr. TAFT. For the past 4 years we have been proceeding on the theory that what we must meet in Europe is Russian infiltration, with which the Senator is concerned. We adopted the Marshall plan with that in mind. I supported economic aid to Europe. I believe such economic aid has helped to build up France and Italy, and has made it possible for them to stand up against communism. I am quite prepared to do anything else which would assist in that general field. So far as Italy is concerned, I think we shall have to continue Marshall-plan aid. That was the whole basis of the Marshall plan, and that whole basis is wiped out the moment we say Russia is going to make a military attack on the European nations.

Mr. MORSE. I believe that is correct.

Mr. TAFT. If we are to proceed now on the basis of a military attack, we have wasted our money under the Marshall plan, because Russia will simply move forward and take over in Europe.

The sending of American soldiers to Europe is a new concept. It is true that one of the reasons I made some concession in sending troops to a limited extent is that once a subject such as that is discussed, it is in a way assumed to be a fact, then to back out causes a bad moral effect. I am willing to go along to some extent because, for one reason, I do not like to give that impression. If the subject had never been mentioned, I do not think there would be any criticism of our not sending troops to Europe. However, the subject has now been discussed, and if we do not send any at all I think it may hurt morale.

Mr. MORSE. As the Senator said in referring to the debate on the North Atlantic Pact, he took exactly the same position at the time the North Atlantic Pact was debated as he takes this afternoon. I think the Senator will recall that at the time of the debate on the North Atlantic Pact he and I engaged in a colloquy, along wih several other Senators. At that time the junior Senator from Oregon agreed with the Senator from Ohio that the moral obligations of the pact carried along with them the military implementation of the pact. I never agreed with the former Senator from New York, Mr. Dulles, when he said on the floor of the Senate that the pact would not carry along with it the clear moral obligation to implement it militarily.

Mr. TAFT. With equipment that is.

Mr. MORSE. With equipment and with men.

Mr. TAFT. That question practically never arose. Except for the one statement by the Senator from Texas (Mr. CONNALLY) I could not find anywhere in the debate any suggestion or thought that we were being committed to send soldiers to Europe; and the Senator from Texas denied any commitment.

Mr. MORSE. I shall be glad to go over the RECORD at a later time and discuss the subject further with the Senator from Ohio. The junior Senator from Oregon took the position that the Atlantic Pact carried along with it the clear moral obligation to stand together with the countries of Europe in case of an attack on any one of them by Russia.

Mr. TAFT. I will add to my statement. I did not mean to say that, if an attack were made on Europe by Russia that we would not send troops to Europe. What I insisted on was that, if that time should ever come, we should have complete freedom to fight the war as we wanted to fight it. In the light of the great changes in military tactics and practices we should not tie our hands to fight a particular kind of war in a particular way, such as sending soldiers to Europe.

Mr. MORSE. I desire to be accurate and fair in referring to some assumptions which I think the Senator from Ohio has made in his address today. I think an assumption he made is to the effect that we could not, under the Atlantic Pact, if we fully implemented it, as is contemplated under the Brussels discussion, check the Russians from a military conquest of Europe. That is different from saying that we can march to Moscow. I think there is a serious doubt about the assumption of the Senator from Ohio that we not check a Russian advance over Europe if we were properly to implement the North Atlantic Pact.

Mr. TAFT. I think that possibly after 3 or 4 years of building up our Armed Forces we could do it. I wondered why the Russians should allow us to do it.

Mr. MORSE. My reply to the Senator is that I think there is every evidence that the reason is that they know that if they attack now they would become involved in an atomic war. I am satisfied that they are not ready to fight an atomic war now. They are afraid of the tremendous devastation which would occur to Russia, if they attacked Europe now. That is why I think the next 2 or 3 years are precious and important in bringing about an implementation of the North Atlantic Pact on the ground, because if we do not take advantage of our opportunity, in 3 or 4 years we may not have superiority in atomic bombs.

Mr. TAFT. I do not agree with the Senator. I do not think the Russians are being held back today simply because they do not have enough atomic bombs. That seems to me to be an improbable explanation, although I cannot deny it absolutely.

Mr. MORSE. If I may ask the Senator from Ohio one more question, I agree with him that so-called executive agreements which involve foreign commitments must be brought to an end. I think the President of the United States has the good-faith responsibility to the people of the United States to submit proposed commitments or understandings to Congress for approval in advance of entering into them, because in my opinion, every time the President enters into such an agreement, in view of present world condition he circumvents the advice-and-consent clause of the Constitution with respect to treaties, because such an agreement amounts to an alliance and is in effect a treaty.

Mr. TAFT. I fully agree with the Senator.

Mr. MORSE. In the light of that agreement with the Senator from Ohio, I should like to ask him another question. Does not the Senator from Ohio believe, turning to Asia for a moment, that so far as China and the United States are concerned, the leaders of Communist China consider themselves at war with the United States?

Mr. TAFT. They do. I do not think they talk about the United Nations. I think they represent to their people in their propaganda and their broadcasting that it is the American aggressor against them they are directing their armies.

Mr. MORSE. Does not the Senator agree with me that we should proceed, through our Chief Executive and the State Department, to an immediate understanding with our allies in the United Nations as to what their position is concerning United Nations treatment of Communist China, which today is killing American boys by the thousands?

Mr. TAFT. I think so. However, I still feel that regardless of what we do about the United Nations, we should not now change our military policy, whatever it may be, because of some reliance on what the United Nations may do.

Mr. FLANDERS and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I think perhaps the Senator from Vermont was first on his feet.

Mr. FLANDERS. Mr. President, it strikes me that at this moment, under the intelligent initiative of the senior Senator from Ohio, we are witnessing the beginning of one of the great historic debates in the Senate. I should like to make a suggestion, if I may, to the leaders on the Democratic side as well as the leaders on the Republican side, that after the President has delivered his message, this debate be regularized in what is perhaps a new way. I suggest that a unanimous-consent agreement be reached between the leaders on both sides of the aisle so as to allow an adequate amount of time, not for the discussion of some particular measure, but for the discussion of the foreign policy of the United States. I ------ that this debate be conducted -------- the leadership of two Senators from opposite sides of the aisle, representing opposing points of view, with time restricted and allocated in the same way that it is done when we are approaching a vote on a given measure.

Mr. SALTONSTALL. Mr. President, will the Senator from Ohio yield for a question along the lines of the questions asked by the Senator from Oregon?

Mr. TAFT. I yield.

Mr. SALTONSTALL. First, I congratulate the Senator from Ohio for the thoroughness and ableness of his speech.

Secondly, I entirely agree with him that we should have open debate on the subject, and that the President should not go ahead and do things by executive authority when the subjects with which he deals should properly be considered by the Congress.

The Senator from Ohio has said that he agrees that we would be weaker if Europe were taken over by the Communists, either by infiltration or by conquest. The Senator emphasizes the importance of sea and air power. It seems to me that the entire basis of the discussion has been rather on a pessimistic note—that Europe will probably be taken over unless we put exclusive manpower into Europe.

I agree that Europe cannot be defended by us if the Europeans will not defend themselves. But at the present time must we not give them the spirit and feeling that we are going to support them. If they are necessary and helpful to us in the long run and to our way of life here? Must we not give them, by whatever means is within our power, the feeling that we are going to help them in the present situation if they are willing really to help themselves?

Mr. TAFT. Have we not already done so?

What is the difference, so far as morale is concerned, between promising 5 divisions and promising 20 divisions? If we promise 5, it will be said that that is not enough, that we must furnish 20 divisions to uphold their morale—or 30 or 40 divisions. We could go on indefinitely. We started by aiding them economically. Then we proceeded to aid them with arms. Now it is proposed that we aid them with men, in order to uphold their morale. Where are we to stop? I have tried to suggest a place where I think we must stop. I have suggested that there is a limitation on the number of men we can hold in a permanent land army in this country. There is a limit to the economic strength we have to support such an army. There is even a limit to the will of the people to support such an army. If we impose a limit, we cannot commit the entire American Army to Europe. If we are to have an army of 1,500,000 men, we cannot undertake to commit them all to Europe, and we ought not to commit any very large part of them to Europe, in my opinion, and leave none for our own defense or for other sections of the world.

Mr. SALTONSTALL. Is it not better to make perfectly clear to Europe what we are willing to do, and call upon the Europeans to add sufficient of their own forces to give us the feeling that they mean business, rather than to give them the feeling that they cannot count on any assistance from us on the ground? Is it not better to make clear what we are willing to do, within reasonable limits?

Mr. TAFT. I have not suggested that the Europeans cannot count on any assistance. I have suggested that there should be some assistance, provided the program is practical, and that we would not be merely sacrificing a large number of American boys. I dislike to send many more divisions to Europe. At the present moment there are no divisions to send, so we shall not have the problem for some time to come; but I do not think we ought to promise to send them when we have them.

Mr. SALTONSTALL. We cannot afford to be anything but practical. We must not make promises which we cannot keep. I entirely agree with that position. As I understand the Senator from Ohio, he believes that we should be practical in our aid and make clear what aid we can give over a long period of time, and that we should make perfectly evident to the people of Europe what we will do, and then see what they will do.

Mr. TAFT. I do not wish to assume the initiative. If the Europeans want this help, I think they ought to come and ask us for it. I think they ought to assume the job of making up the international army and come to us and say, "We would like to have you provide so many divisions." I think we make a mistake in butting into Europe and assuming the leadership of the entire European community, particularly when it is to a large extent beyond our power.

One of the things which I have tried to emphasize is that the initiative ought to come from the Europeans. We ought not be pushing them every minute to build up their military budget and build up a great army against Russia, we will say, whether for defense or for attack.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question along that line?

Mr. TAFT. I yield.

Mr. SALTONSTALL. As I see it, we are all agreed that what we must do is to protect our country and our way of life. We must take the initiative for that objective. Is it not fair to ask, How far does that initiative go outside the limits of this country?

Mr. TAFT. Surely it is a question of degree; but it certainly seems to me that we should not assume the initiative in this particular project in Europe. That is why I dislike the idea of having an American commander in chief of such an army as is finally set up. Then it will be the Americans who will be leading. Our action will be represented as American aggression. We shall be constantly called upon for more and more troops, because we are the ones who are pushing the project. That is one of the difficulties.

Mr. SALTONSTALL. Does not the Senator agree that we must take whatever practical steps are necessary to defend our own country to the best of our ability?

Mr. TAFT. Oh, yes.

Mr. SALTONSTALL. So it is a question of degree, really, as to how far to go—a question of degree with respect to initiative, and a question of degree with respect to what is practical in going forward outside this country. It becomes a question of how to be most practical in the defense of our country.

Mr. TAFT. It is a question of how much we can do, and whether what we are proposing to do is going to be effective, or will lead only to the sacrifice of a large number of American boys. There are a dozen questions to determine, among which is the question of how large a permanent army we can maintain for 5 or 10 years. That is a serious problem.

Mr. SALTONSTALL. I agree entirely with the Senator that when we are dealing with the practical question of how to go about our own self-defense in this country and in Europe we should have the fullest debate and should have the fullest information from the executive department.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. (Mr. HOLLAND in the chair). Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. TAFT. I yield.

Mr. O'MAHONEY. Mr. President, like all those who have interrupted the Senator from Ohio, I wish to express my own personal appreciation that he has initiated this debate upon a high plane. I should like to say, however, that there were two assumptions, it seems to me, implicit in his address which, so far as I know, are not borne out by any facts which have been revealed to me. The Senator seems to assume that we are preparing to form a huge land army to send to Europe to defend European nations who are unwilling to defend themselves. I happen to be a member of the Appropriations Committee.

Mr. TAFT. No; with due respect to the Senator, I will say I have assumed always that if we send an army to Europe, there will be some agreement on the part of other nations to provide troops, too. I would not assume that they are not willing to defend themselves. I say they do not seem to be eager to rush out and increase their military forces themselves, and that shows perhaps that the whole program was not so necessary as we thought it was.

Mr. O'MAHONEY. The Senator then wishes to be understood as not indicating a belief that there is any present plan to raise a huge land army of American boys to be sent into Europe, there to be the victims of Communist aggression?

Mr. TAFT. My impression is that the program is very vague, I must say. But I have heard as many as 20 divisions mentioned. If we are going to try to maintain 20 divisions in Europe, we will need for that purpose, as I figure it, about 1,000,000 men under arms for that purpose alone, without anything to do with the rest of the world or garrisoning this country. So it looks to me as if it involves a pretty heavy land army.

Mr. O'MAHONEY. As the Senator himself has just said, that is a vague conclusion. Of course, there have been suggestions of various kinds. But I want to tell the Senator and the Senate, and make the record here, that as a member of the Appropriations Committee I have interrogated all the leading officials of the Department of Defense from Secretary of Defense Marshall down, before the Committee on Appropriations, and I can say that I definitely did not receive from any of them in response to my questions, some of which were on the record and some of which were off the record, any impression that there is any plan to raise an army of American boys to defend a Europe which was unwilling or unable to defend itself.

I quite agree with the Senator from Ohio—and I have stated this over and over again upon the floor of the Senate—that we ought to depend upon the most complete development of our Air Force, the most complete development of our submarine forces, and of our antisubmarine vessels. We ought to understand clearly that we cannot by any possibility compete in manpower with Soviet Russia and its satellites, the people of which the Russian dictators seem to be willing to use as cannon fodder. I know of no respectable opinion in the Government which wishes to commit American boys to any such futile effort as that.

It ought to be understood that if we are deficient in air power—and I am ready to say now that we still have the best air force in the world in spite of the fact that the Russians have been building up—if we have not built up our air and naval power as it should have been built up, it is not possible to attempt to place the blame without remembering how ready so many of us were ready only a short time ago to economize at the expense of military power. There was widespread hope for early peace through the United Nations, and a great desire to cut the cost of Government.

I have in my hand, Mr. President, the report of the Hoover Commission on National Security Organization, which was made to the Congress of the United States in February 1949. From page 11 I read these two paragraphs:

"The present budget of the Armed Forces represents about $100 per capita for the Nation as contrasted with some two and one-fourth dollars before the First World War. Our task force reports that the current preliminary budget estimates of the three military departments for the fiscal year 1950 were for more than $30,000,000,000.

Such a budget—

The Hoover Commission went on—

would be justifiable only if the Nation were actually involved in war. It would require a sharp reduction in production from certain consumption, precipitate the needs for controls over the economy, and enormously increase inflationary pressure. It reflects a lack of realistic understanding by the three military departments of the economic and social factors of national security."

The conclusions which are expressed there in the Hoover Commission report as to the effect of high expenditures are perfectly correct. An appropriation of $30,000,000,000 for defense would produce inflationary pressures and would require controls. But at that time the desire for economy in Federal expenditures was so great that even though the then Secretary of Defense, Mr. Forrestal, was seeking to increase the Air Force and modernize the Navy, the great pressure for economy throughout the United States was such that Mr. Forrestal was compelled to take his budget back. It was reduced from $30,000,000,000 to $24,000,000,000, then to $18,000,000,000, and then, as I recall, to about twelve and one-half billion dollars.

Mr. TAFT. The Senator from Wyoming suggests that the Army says they are not contemplating sending any troops, but I call his attention to the fact that before we heard of the Korean War the Army had not the slightest intention of sending any soldiers to Korea. That was done overnight without even notifying the Congress that it was being done.

Mr. O'MAHONEY. That was done through the United Nations, under the United Nations organization, and the action was applauded on this floor.

Mr. TAFT. I do not know what the program is going to be, but I see it coming; and all I want to do is to raise this question and have the issue debated before we get ourselves so committed that our hands in Congress are practically tied.

Mr. O'MAHONEY. I am very haappy, indeed that the Senator has opened the debate upon that plane. We all want a factual discussion. I do not want to commit American boys to warfare in Europe because I do not believe we can begin to compete with the manpower of the masses who are under the domination of the Kremlin, and we should not attempt to do so.

I call attention to the fact, Mr. President, that it is not of the present year alone or of last year that we were slow to realize what technological improvement and technological defense are. I remember very well when as a member of the Appropriations Committee of the Senate at the beginning of World War II the then Secretary of War, Mr. Stimson, was definitely of the opinion that our air forces were strong enough, though we had practically no air force at all. At the suggestion of the Secretary of War, the Appropriations Committee refused to adopt an amendment which I offered in the committee, to make an increased appropriation for building up our air power. I took that amendment to the floor of the Senate. I was pleased when the Senate adopted the amendment, and that the appropriation bill went to the House of Representatives with unbudgeted funds which the Secretary of War had not approved, for the building up of an American Air Force. The appropriation was stricken out in conference.

Only 16 months ago, in August 1949, we had the same debate all over again, namely, whether the United States Air Force should be expanded.

It is true, as the Senator from Ohio has said in his speech, that the Finletter Commission had suggested a 70-group air force. It is true that the Congress in the appropriation bill that year provided funds for a 58 group air force. It is true that, even though that appropriation was made, the money was not spent by reason of an Executive order of the President of the United States; but it is also true that, when the matter was voted upon on the floor of the Senate, there were only 9 Members of this body who voted against reducing the appropriation from one sufficient for a 58-group air force to one sufficient for a 48-group air force. The record of that vote will be found on page 12315 of the CONGRESSIONAL RECORD of August 26, 1949.

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

Mr. O'MAHONEY. I yield.

Mr. TAFT. I ask unanimous consent that I may be permitted to take my seat while the Senator from Wyoming completes his question. [Laughter.]

The PRESIDING OFFICER. The Chair did not understand the request of the Senator from Ohio.

Mr. TAFT. I ask that I be allowed to take my seat during the remainder of the question.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. O'MAHONEY. Mr. President, I do not object, but I wish to say that I had asked my question, and the Senator from Ohio had answered it; and he then was kind enough to indulge me while I was making some remarks on my own.

However, I am very glad that the Senator remains in the Chamber, because I think it is very important that in the development of this debate we should have clearly in mind the various factors which have controlled our action as we have gone along step by step.

I was saying that the record of that Senate vote on the size of the United States Air Force appears on page 12315 of the CONGRESSIONAL RECORD of August 26, 1949. The nine Senators who that day voted for a 58-group Air Force, and voted against a reduction to a 48-group Air Force, were the Senator from Alabama [Mr. HILL], the Senator from Texas [Mr. JOHNSON], the Senator from California [Mr. KNOWLAND], the Senator from Oregon [Mr. MORSE], the Senator from South Dakota [Mr. MUNDT], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Maine [Mrs. SMITH], and the Senator from Alabama [Mr. SPARKMAN]. Three other Senators, including the Senator from Connecticut [Mr. MCMAHON], who is now on the floor, were absent on that day, but were paired against the reduction of the Air Force. The others were the Senator from Washington [Mr. MAGNUSON] and the Senator from South Carolina [Mr. MAYBANK]. My colleague the Senator from Wyoming [Mr. HUNT] was absent by leave of the Senate on official business in Europe. I recite this, not to criticize any of the Senators who voted against the larger Air Force—and that vote occurred only a year ago last August—but merely to point out how difficult it has been to comprehend the great problems of international relationships which confront us and how necessary it is now not to forget what was done and not done in years past.

If the United Nations should be a delusion, if the United Nations should not be effective to preserve the peace of the world—although there is no indication to date that it will not finally be effective, that it will not continue to resist aggression, and that the Assembly of the United Nations will not, indeed, prove to be what the great senior Senator from Michigan (Mr. VANDERBERG) called it, namely; the Town Meeting of the World—but if the fact should be otherwise, then we shall indeed be condemned to become a garrison state, the dangers of which the Senator from Ohio, if I understood him correctly, clearly comprehends—a garrison state compelling us to take young men out of normal pursuits, out of industry, out of science, out of various educational pursuits, and put them under arms, with the manual of farms in their hands, instead of training them in science and other peacetime professions and callings. Then, indeed, the world may be condemned to the most terrible bath of blood mankind ever was forced to endure.

Mr. President, I am happy that the opportunity has come to us to discuss foreign-relations problems in good temper, with all the intelligence we can command. I think it is a very fortunate circumstance that the debate has opened in the tone in which it was launched by the Senator from Ohio.

Let us not assume that in the past all the mistakes were on one side. They were not. Let us not assume that there were men of great vision and public responsibility whose voice were raised but disregarded, because that is not the fact. We have been motivated by conflicting purposes. The people of America have never wanted war and they have accepted it only when it seemed unavoidable. They do not want to go to war now. Of course, they seek to avoid everything of a militaristic character. But, above all else in the world, the people of America desire freedom and liberty.

When the appropriate time comes, Mr. President, I shall seek to take the floor to make some observations upon steps which I think the Government of the United States may take to convince peoples throughout the world that they can obtain without war the things the human mind and heart and body desire; but we must not permit ourselves to drift, as the Senator from Ohio says, or to be driven into a false concept that only war can be the solution of our problems.

I thank the Senator from Ohio for having permitted me to make these remarks in this time.

Mr. TAFT. Mr. President, I yield the floor.

COMMUNITY DEVELOPMENT CORPORATIONS AND GOVERNMENT PROCUREMENT

Mr. JAVITS. Mr. President, I have just seen a proposal for assistance to community development corporations which I believe deserves thoughtful consideration. This initiative is urged in a thoughtful study entitled "A White Paper on Black Capitalism," by Theodore L. Cross, a New York attorney who has been active for some years in programs for minority enterprise and community development. Cross is the author of an earlier book entitled "Black Capitalism: Strategy for Business in the Ghetto." He has also been instrumental in the formation of the Opportunity Funding Corp., an OEO funded organization active in financing minority business efforts.

The basic thesis of his paper is that the power of Federal procurement should be used consciously and constructively to assist the growth of minority enterprise through locally based and operated community development corporations. Such use of Federal procurement powers could enormously boost the economic self-help efforts of the poor.

Funding to date for community development corporations has been effected through grants made by the Office of Economic Opportunity. Cross argues that the community development units could command substantial additional resources from private money markets provided they were able to bid for these resources in competition with forces in the general economy. To this end, the Opportunity Funding Corp. has been organized to guarantee, rediscount, and insure private investments in self-help units organized by the poor and to make incentive payments to encourage private debt and equity funding of community development units.

As an "inevitable next step," Cross now argues for harnessing Federal procurement as a new means of strengthening the community development units. He proposes a broad new program of Federal nonracial subcontracting quotas in favor of community corporations of the poor and other development units in urban and rural areas of economic distress. Under this proposal, all Federal contracts and federally assisted work involving more than $1 million would call for a modest but mandatory subcontracting effort in favor of the employment of the poor by channeling Federal purchasing to the self-help endeavors of the community development units.

I ask unanimous consent to have excepts from this paper printed in the RECORD.

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

In a free state the most important economic force that the sovereign can get a grip on is its own purchasing power. For our

special purposes here in America, this power is a very remarkable thing to behold. First, the purchasing power of the United States is a vast reservoir of highly controllable economic wants. Last year, outside government payrolls, the executive branch spent 99.7 billion dollars on direct purchases of goods and services for housekeeping and defense. Yet, of this money, 25 million dollars (or about one dollar per year for each black and brown citizen in the country) was allocated to minority enterprise or to community-based self-help efforts of the white and black poor.

Should the government purchase a three hundred million dollar computer, as it recently did, without requiring a *reviewable good faith effort* on the part of all bidders (competing on equal terms) to subcontract a small but fixed percentage of the prime contract in favor of self-help enterprises in hard core areas of poverty or distress? (Ten percent of the value of this single contract would exceed all of last year's federal procurement 'set asides' for community development units or for minority enterprise.) And if the prime contractor cannot find a qualified community-based supplier, is there any serious objection to requiring the contractor to demonstrate instead that its purchasing department is subcontracting the equivalent value elsewhere in ghettos, barrios, reservations, or in white Appalachia? Failing that, why not require, for the duration of the contract, the prime contractor to keep a small percentage of the procurement award as fully protected working capital deposits in inner city banking institutions serving only areas of concentrated blight?

I urge a broad new program of federal *Non-Racial Subcontracting Quotas* (N.S.Q.) in favor of community corporations of the poor and other development units in areas of economic disadvantage. Such a plan would be applied to all government contract awards exceeding one million dollars. By way of preliminary exporation an experimental NSQ effort—a *Southern California Procurement Demonstration Plan*—would be shaped in the Los Angeles area serving large groups of segregated black, Chicanos and travelling ghettos of migrant whites.

The agenda should be very broad. Should federal funds be used to build a multi-billion dollar transportation system in the District of Columbia without requiring that a portion of the work be subcontracted to inner city contractors. Should the Department of the Interior let contracts for harvesting or planting national forests, or for maintenance work in its parks, without seeing that a portion of the award has been subcontracted in favor of rural development corporations organized by and employing the poorest of the poor—the seasonal and migrant agricultural workers? Would there be any fundamental objection if the Navy called on its installations near big cities to purchase a fixed amount of soft drinks at established prices from inner city bottlers who train and employ the unemployable? As long as prices and quality are in order, isn't the Army procurement officer in Santa Fe who, like most of us, is more interested in his own tenure than in the long-term objectives of federal procurement policy, better off if he were required (not asked) to allocate a fixed percentage of beef or lamb purchases to cooperative feed lots serving the Spanish-speaking low income cattle herders of northern New Mexico?

The government is bashful about disclosing how much it spends. Government procurement has a second face that the Office of Budget and Management does not measure or predict. Hasn't the time come to shape a new policy at the Federal Communications Commission which would award, under expanded doctrines of fairness, one of every ten new TV, cable TV, or FM licenses to community corporations of the poor? Will hundreds of millions of dollars in value of new microwave data transmission station licenses be handed out in the next few months by the FCC in the usual way to established telecommunications companies? Shouldn't our government cease to confer valuable rights to develop publicly-owned resources except in favor of those who, in a very specific way, also agree to look after, or affiliate with those who attend to, other national goals and needs? Total isolation from the means of mass communications is one of the most serious aspects of the impotence of the poor. Cleveland's Hough Development Corporation, and Brooklyn's Bedford-Stuyvesant Redevelopment Corporation, and dozens of similar reconstruction units, act for hundreds of thousands of constituents who are currently powerless to speak effectively to the many except through riots, boycotts and sit-ins.

No one has even begun to explore the vast opportunities for the creative use of federal economic power. Why not award a community development corporation in a poor white section of Boston a preferential right on the disposal of surplus federal property? Would it be possible to give neighborhood development corporations everywhere a first crack at the licensing of the 20,000 patents owned by the federal government and at the concessions at federally assisted highways and airports? Consider, too, the many ways in which the corporations of the poor could import money and resources into their communities by participating in the exploitation of government-owned timber, shale oil and off-shore oil deposits.

Many governments abroad as West Germany, Netherlands and Japan—countries not known for their fondness for collectivist approaches to economics—regularly use their central bank as a force for internal development and change. Shouldn't we in America—where thirty millions are racial minorities and seventeen millions are white and poor—work toward the allocation of more banking resources to inner city communities where the credit markets are ruled by criminal loan sharks who, each year, siphon off hundreds of millions of dollars of federal welfare payments? Only one five-thousandth of the five hundred billion dollars of America's banking money are currently working for minority enterprise and for community corporations set up by the poor. If bank holding company privileges, federal deposit insurance benefits, and federal loan guarantees influenced an allocation of only 1% of the nation's bank deposits to urban and rural self-help enterprises, a new development fund of five billion dollars would be created. There has been consistent resistance in the Treasury to linking government deposit balances to economic development loans. yet, all big banks perform government fiscal functions with equal skill. No longer can we afford to ignore other criteria for receiving the benefit of deposits of public funds.

THE PORTSMOUTH NAVAL SHIPYARD EMPLOYEES ONCE AGAIN PROVE THEIR CAPABILITY

Mr. McINTYRE. Mr. President, no organization is stronger than its personnel. If those who work for a company, a business, or the Government lack ability, perform poorly, or fail in their dedication to their job, the organization will suffer and no matter how worthy its purposes it will fail.

I am proud of the dedication, the ability, and the performance displayed by the employees of the Portsmouth Naval Shipyard. They are continually displaying their capability in their performance at the shipyard. Examples follow examples and the latest is the award of the Department of the Navy Safety Commendation to employees of the production department's electronics shop 67.

This award recognizes the fact that shop 67 has not had a disabling work injury for 20 years, representing nearly 5½ million man-hours of safe work. This is a record that no other shipyard can match.

Mr. President, I want to compliment each and every employee of shop 67 now and in the past who has achieved this remarkable record, and I ask unanimous consent to insert in the RECORD at this point a report on this accomplishment from the May 14 issue of the Portsmouth Periscope.

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

EMPLOYEES OF ELECTRONICS SHOP ARE AWARDED NAVY SAFETY COMMENDATION

Employees of the Production Department's Electronics Shop have received recognition for a remarkable safety record spanning over 20 years without a Shop 67 employee suffering a disabling work injury. This record represents approximately 5,400,000 manhours of safe work and no Electronics Shop in the other Navy shipyards can approach the achievement. In addition, Portsmouth's Shop 67 has the best safety record of any group of employees at PNS.

Captain Donald H. Kern, Shipyard Commander, commended Shop 67 workers for their achievement at a ceremony held in the Electronics Shop. He presented a Department of the Navy Safety Commendation to Richard C. Staples, Superintendent, who accepted it for the employees. Staples stated that he "was happy to accept this award for all employees of the Electronics Shop, past and present, who made it possible to achieve this outstanding record."

Portmouth's Electronics Shop evolved gradually from the Electrical Shop. Just before World War II, radar and sonar equipment was developed and, during the War, became more and more refined, with most ships in the Fleet equipped with such devices.

After World War II, technological progress continued and the Fleet obtained increasingly more sophisticated electronics equipment. The Electrical Shop gradually found it necessary to assign certain skilled and experienced employees to electronics work. August 18, 1948, these specialized craftsmen were grouped into a separate unit designated the Electronics Shop.

The Electronics Shop is responsible for installation, repair, overhaul and testing of all electronic, fire control, gyro and similar systems aboard ships. Most of the work is done on ships; however, there are various phases of work accomplished in Shop 67.

In addition to the normal hazards of shipboard work, Shop 67 employees are constantly exposed to the danger of handling high voltage equipment. Carelessness by Shop workers could result in serious injury.

FARM LABOR LEGISLATION

Mr. THURMOND. Mr. President, the question of farm labor legislation has been one of intense interest to many members of this legislative body and has aroused a great deal of legislative controversy. Because of this I recommend to

my colleagues the results of a public opinion survey on farm labor legislation and compulsory unionism forwarded to me by Senator CURTIS.

The survey, taken by the respected Opinion Research Corp., shows that by nearly a 5-to-1 majority Americans oppose any legislation that would permit the firing of farmworkers for their refusal to pay union dues or fees.

What the American people are saying, and loud and clear, is that there should be no farm labor legislation unless the right to work of all farmworkers is protected. It is true that there are some who hold the view that Congress would refuse to pass needed farm labor legislation unless it includes an authorization for compulsory unionism as a "sweetener" for union bosses. This, of course, is precisely the same position taken by many supposedly knowledgeable persons in connection with the proposal for postal reform legislation introduced in 1969.

As we know, Congress passed a postal reform reorganization bill in 1970 that included a right-to-work protection for all postal workers.

Mr. President, I am hopeful that this Congress will pass meaningful farm labor legislation—but to be meaningful it must include right to work protection for the worker against compulsory unionism. The American people believe this, also.

Mr. President, I ask unanimous consent that the public opinion survey be printed in the RECORD.

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

THE U.S. PUBLIC'S ATTITUDE TOWARD RIGHT TO WORK

(Research findings prepared for National Right To Work Committee)

FOREWORD

This report presents the findings of a personal interview research survey conducted among 2,061 men and women 18 years of age or over living in private households in the continental United States.

Interviewing for this Caravan survey was completed during the period January 27 through February 20, 1971, by members of the Opinion Research Corporation national interviewing staff. All interviews were conducted in the homes of respondents.

The most advanced probability sampling techniques were used in the design and execution of the sample plan and the results, therefore, may be projected to the total U.S. population of men and women 18 years of age or over.

Only one interview was taken per household, regardless of the number of people 18 years of age or over in the household. Weights were introduced into the tabulations to ensure proper representation in the sample.

As required by the Code of Ethics of the American Association for Public Opinion Research, we will maintain the anonymity of our respondents. No information can be released that in any way will reveal the identity of a respondent. Also, our authorization is released in any way will reveal the identity of a respondent. Also, our authorization is required for any publication of the research findings or their implications.

Caravan Surveys, a division of Opinion Research Corporation, is a syndicated, share cost data collection vehicle. Caravan reports, such as this one, are presented in tabular form. Interpretive analysis is provided by Caravan, only if specifically contracted for by the client.

This year Congress may consider legislation dealing with the unionization of the Nation's farmworkers. There has been some discussion about a provision which would permit the firing of farmworkers for their refusal to pay union dues or fees. Would you want your Congressman to vote for or against such a provision?

[In percent]

	Number of interviews	For	Against	No opinion
Total U.S. public	2,061	14	68	18
Men	1,031	16	70	14
Women	1,030	12	66	22
18 to 29 years of age	528	13	74	13
30 to 39	359	16	67	17
40 to 49	348	14	70	16
50 to 59	323	14	67	19
60 years or over	498	12	62	26
Less than high school complete	747	14	60	26
High school complete	679	14	72	14
Some college	623	14	77	9
Professional	290	12	77	11
Managerial	232	11	77	12
Clerical, sales	261	12	70	18
Craftsman, foreman	394	15	70	15
Other manual, service	421	18	62	20
Farmer, farm laborer	66	7	66	27
Nonmetro:				
Rural	263	11	69	20
Urban	391	10	74	16
Metro:				
50,000 to 999,999	583	14	69	17
1,000,000 or over	824	16	64	20
Northeast	464	14	62	24
North Central	611	12	76	12
South	599	13	66	21
West	387	19	67	14
Under $5,000 income	485	13	62	25
$5,000 to $6,999	309	14	65	21
$7,000 to $9,999	421	13	72	15
$10,000 to $14,999	492	15	71	14
$15,000 or over	311	17	72	11
White	1,828	13	70	17
Nonwhite	198	21	49	30
No children in household	1,032	13	66	21
With children under 18	1,026	15	70	15
With teenagers 12 to 17	463	15	69	16
Own home	1,383	12	71	17
Rent home	667	18	63	19
Union members	319	26	58	16
Union families	297	17	65	18
Nonunion families	1,423	11	71	18
Political affiliation:				
Democrat	910	16	63	21
Republican	467	12	74	14
Independent	515	13	76	11

THE POSTAL SERVICE

Mr. McGEE. Mr. President, I ask unanimous consent to insert in the RECORD at this point, a statement by the Honorable Lawrence F. O'Brien, former Postmaster General of the United States, concerning the current administration of the U.S. Postal Service.

Larry O'Brien's remarks emphasize the decline in the postal service which has characterized the post office for nearly 2½ years—a decline not caused by increasing mail volume, inadequate manpower, or the lack of funds to pay the bills, but by a deliberate series of policies adopted by the Postmaster General to reduce services at the same time that he has increased the cost of postal services to the public.

The CONGRESSIONAL RECORD does not permit the publication of drawings or cartoons, but this morning's Herblock in the Washington Post depicts the situation accurately. For instance, it costs twice as much to mail a special delivery letter today as it did when Postmaster General Blount came to office, and the difference in the service given a special delivery letter today is that the Postmaster General changed the schedule of special delivery to require reduced service.

Now the Postmaster General has announced that the "bureaucratic bumbling" of the Postal Service will be corrected by removing approximately one-third of the employees in headquarters and regional offices. Although I am sure many who have no knowledge of postal operations will celebrate this reduction, several questions come to my mind: How much money will that save? How many more postal services will be reduced? How much more work will be delayed because there is inadequate manpower to do the job? Is this, in a very real sense, being penny wise and pound foolish?

The Postmaster General has been silent to criticism, particularly to these policy changes. A few weeks ago when he announced a major change in airmail postal service, I pointed out on the floor of the Senate that overnight delivery of letters was common 3 years ago at ordinary first-class rates because the transportation service provided by the Post Office in 1968 was designed to improve service, not to save money. It appears that the Postmaster General has no answer and so, perhaps wisely, he says nothing. But the mounting, specific criticism of specific postal practices should awaken the Postmaster General to the attitude of the public and the Congress; or perhaps it will come to the attention of his absentee employers, the Governors of the Postal Service, who have the actual responsibility to see that congressional policy is followed. We have tried to make it clear to the Governors that the purposes of the Postal Reorganization Act did not include a mandate to see how the wishes of the people in regard to postal services, as expressed by their elected representative, can best be ignored.

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

STATEMENT BY HON. LAWRENCE F. O'BRIEN, FORMER POSTMASTER GENERAL

As the author and first public advocate of the concept of the postal corporation, and as co-chairman of the citizens' committee working arduously to secure congressional approval of the corporation plan, I can no longer remain silent in the face of my mounting concern over the future of the U.S. Postal Service.

I do not speak today for my party, as Democratic National Chairman. My efforts toward postal reform were conducted on a bi-partisan basis. I speak, therefore, as a former postmaster general who, as originator, became deeply involved in what was intended to be a movement to bring the postal service abreast of modern times and technology, to move the U.S. Mail in a competent, businesslike, and professional manner.

After closely following the transition period, however, I am, quite frankly, deeply worried. Now that postal reform has become law, my hopes—and those of millions of Americans who believe in the corporation concept—have been shaken by some disturbing events, some disquieting signs that could severely handicap the fledgling corporation before it even gets off the ground.

Let's look for a moment at what our hopes were when postal reform was first proposed in March, 1967—and what has happened to those hopes under the Nixon administration.

First, it was my intention that the postal service and its management be totally removed from the arena of partisan politics.

Today, the aura of political partisanship continues to engulf the postal service and

make it virtually indistinguishable from its pre-August, 1970 status.

Not only did the postmaster general—a political appointee of President Nixon—secure appointment as the new postmaster general of the U.S. Postal Service, but he also became chairman of the board of directors of the new corporation—a board that supervises the activities of the postmaster general and other corporate officers. In other words, Mr. Blount is reporting to himself.

Furthermore, Mr. Blount recommended the appointment by President Nixon of a board of directors whose makeup violates the spirit of the new law in terms of bi-partisan representation by including the maximum number of Republican appointees, and only a minimum of Democrats—Democrats whose identification with the party has been minimal in terms of bipartisan representation.

Politics remains a significant factor in regional and headquarters personnel selection. Not only did the postmaster general dismiss all regional directors holding career appointments from past Democratic administrations, but he replaced them in virtually every case with non-career employees—with emphasis on mostly retired Republican business executives. He has not named one regional director who is a recognizable Democrat. And there are continuing reports that higher-level promotions (GS–13 and above) at headquarters still require clearance by Republican officials in the Bureau of Operations and the Office of the Postmaster General.

A second goal of our postal reform effort was to set the stage for a dramatic improvement in postal service to the public, free of the political and economic pressures of other agencies and political entities.

But instead of improving mail service, the trend of the past two years has been toward a drastic reduction in existing service. The postmaster general has introduced a series of plans and budget cuts that have made the past two years one of the bleakest periods in the history of the U.S. Mail.

Not only has the nationwide program of same-day delivery in downtown business districts been abandoned, but drastic and often unpublicized cuts have been made on a regional basis in collection services, business deliveries, forwarding service, special delivery, window, Saturday and other weekend services.

In 1967, we broke new ground by providing space-available air mail service to first class mail on an enormously extended basis. This has now been nullified in several areas with the restriction of its use to distances in excess of 600 miles.

Today, it seems to be commonplace for first class mail to take six to seven days to travel between cities, and four to five days within metropolitan areas. The Postal Service's own studies indicate a serious deterioration in service—even when measured against its own standards of performance a year ago. Undoubtedly, the fact that thousands of postmaster vacancies went unfilled for an unprecedented two years, while the incumbents remained in an "acting" status, has contributed greatly to the decline of service.

Most serious of all, in my view, is the apparent abandonment of our goal of ultimately eliminating air mail as a separate category, moving all first-class mail by the fastest available means of transportation, and giving special service to special delivery mail. This program appears to have been replaced by a low-quality substitute that would provide ordinary first-class service for air mail, and second class service for first-class mail—all at much higher rates.

All of these reductions in service have occurred before the corporation has officially gone into operation. But the signs are ominous. Unless this trend toward outdated service is given top-priority attention by a public service-minded board of directors, the corporation is headed for deep trouble. No amount of public relations gimmickry—such as special air mail service for congressmen—will help the new service in the eyes of its primary client—the public.

Thirdly, we had hoped to open a new era in postal-labor relations by providing unrestricted scope for good-faith bargaining, a neutral source for final appeal, and a chance to be innovative in postal labor-management relations.

First we witnessed a crippling strike of nationwide significance—the first in postal history. We also are seeing the development of the poorest relationships in memory between a postmaster general and hundreds of thousands of employees. The turnover of Mr. Blount's top labor relations personnel has been extraordinary. The general resentment generated by the so-called "Blount gag" order, barring postal personnel from communicating freely with Congress, has further worsened postal labor relations. Postal management's public statements and its attitude toward negotiations have exacerbated the problem.

The new corporation simply must not begin under a cloud of acrimony between management and labor over such issues as communicating with Members of Congress. The problem of proving management's overriding concern for the welfare of postal employees must be given urgent attention.

Fourth, we had envisioned a vastly improved method of obtaining urgently needed improvements in postal plants and equipment under more economical procedures.

Mr. Blount recently announced a much-needed $1.5 billion construction program to provide critically needed postal facilities. What was *not* announced was the hundreds of new facilities needlessly delayed or possibly dropped because of the nine months long freeze or new postal construction, imposed by the postmaster general in response to the President's inept battle against inflation. That freeze served only to increase the deficit in adequate facilities that must be borne by the new corporation.

Furthermore, the staggering cost overrun incurred in building a New York Bulk Handling Facility in Secaucus, New Jersey, has greatly shaken confidence in the ability of the same officials to undertake the enormous building programs needed in the postal system. Another such fiscal disaster could seriously inhibit the new corporation's ability to market its securities; the responsible officials should not be awarded positions of similar authority in the U. S. Postal Service.

Fifth, in the *financial* area, we had hoped to place the postal service on sound economic footing, with due regard to public service.

Mr. Blount has come up with the most staggering postal deficit in history—projected to reach more than $2.2 billion by June 30. This administration's failure to secure from the Congress any kind of a rate increase in the past two years has placed the new corporation at a disadvantage even before it opens its doors. Even more disturbing is the attitude of the management toward the legitimate requests of the new Postal Rate Commission for basic financial information and an opportunity to observe postal processing methods. So far, the Postal Service management has not even been able to agree on what the Rate Commission's mandate is.

Finally, we foresaw the opportunity through postal reform for a cooperative and constructive relationship with the Congress, with mail users, and the public, through frequent consultation and appropriate legislative oversight.

Unfortunately, the attitude of Mr. Blount and his colleagues toward Congress and the public has been one of disdain. They have indicated that they simply do not understand the legislative process and the proper role of legislative oversight. As a result, the postal service has reached an all-time low in congressional relations. It cost Mr. Blount a postal rate bill—and would have cost us postal reorganization. As it is, he and his top staff have cost the new corporation vital congressional, public, and employee good will at the outset.

The Nixon administration and postal management must stop playing politics with the new postal corporation. Mr. Blount should make non-partisanship the rule rather than a mere slogan. He should recommend a board of directors that meets the spirit of the law. He should consult fully with appropriate congressional committees and members, as well as with mailers and groups representing the public. He should stop playing stamp politics. He should give immediate attention to ending the deterioration of the quality of service. He should make every effort to restore favorable management-labor relations. As a construction expert, he should take special pains to see that future Secaucuses are averted through careful planning.

This corporation can succeed—and U. S. mail service can flourish—only with the most carefully cultivated good faith between the Postal Service and the American public. The most disquieting sign of all, to date, has been that Mr. Blount and his colleagues are taking the public for granted.

THE INTERNATIONAL PETROLEUM EXPOSITION

Mr. BELLMON. Mr. President, May 15–23, 1971, marks the 16th International Petroleum Exposition. Tulsa, Okla., the Oil Capital of the World, has had the honor since the first exposition was held in 1923 to host this industrial event. At a time in our Nation's history when domestic energy sources can no longer supply the needs of our country, it is encouraging to see a trade exhibit with its principal objective one of discovery and recovery of new energy sources. The 1971 International Petroleum Exposition was honored to have as its opening speaker, the Honorable Rogers C. B. Morton, Secretary of the Interior. His remarks on that occasion should be of interest to all Members of the Senate. I ask unanimous consent that excerpts from the remarks of Secretary Morton made at the opening of the IPE be printed in the RECORD.

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

EXCERPTS FROM REMARKS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON BEFORE THE INTERNATIONAL PETROLEUM EXPOSITION, TULSA, OKLA., MAY 15, 1971

As we gather here on opening day of the International Petroleum Exposition, let us pause for a moment to mark what will surely stand as one of the great challenges of the 20th Century—namely to find and produce the energy we need and to do so in a way that we do not increase the world's almost unbearable pollution burden.

President Nixon, I assure you, joins us in our concern and respect for the magnitude of this challenge.

The President asked me to extend his warmest greetings to all who are here. He expressed the hope that everyone will benefit from the activities conducted at this Exposition since it is one of the most important trade shows held in this Nation. I am happy to relay the President's words to you.

The importance of energy in general and of petroleum energy in particular is brought sharply home to anyone looking around this great hall—on all sides. One sees a complex of equipment which eloquently defines man's ever-more sophisticated search for energy sources.

Oil and its impact on mankind are totally international in concept, effect and operation. More than 50 nations produce oil and every nation on earth comsumes it in some form or other.

Equipment on display here is seen on the seas around the world, in the wastelands of the Sahara, along the North Slope, in the Andes, in downtown Los Angeles, and in the shadow of the capital of Oklahoma. Oil is everywhere—so it seems—and so are oil men.

And as we view our world neighbors in this context, the sea, the air and the land serve to remind us that the earth is a closed system.

My point is that the technology that has telescoped time and knocked down the barriers of distance has given us all a common interest in how the earth's resources of land, water, air, and minerals are used.

In our closed system we are hostages to the good behavior of one another. This has always been true of neighbors. It is now becoming true of peoples separated from one another by hundreds and even thousands of miles.

But the impact will be even more for future generations. With the world population increasing from 3½ billion to 7 billion by the turn of the century, the increasing demands of people will not be for the requisites of a marginal existence, but for a truly better quality of life.

By 1990, these people are expected to demand 100 million barrels of oil a day.

A consumption rate of this magnitude means that the world oil industry will need to find 500 billion barrels of oil between now and then which is more oil than the world has yet consumed.

These requirements pose a tremendous challenge to those whose business it is to find, develop and transport the supplies that will be needed.

I am greatly impressed with the recognition being given these challenges at this Exposition. Displays at the Ecology Hall of Science are interesting, instructive, and highly encouraging. I want particularly to commend the approach taken by petroleum companies and their supporting industries to meet petroleum's responsibilities in this critical period of rapidly expanding production and use of energy.

When one focuses on this exhibit and the efforts to accommodate demand for oil and the environmental needs of the world, it seems realistic to assume that energy will cost more in the years ahead. In part, this reflects the fact that cost normally increases for exhaustible resources as the most accessible deposits are found and exploited. But it also results from the fact that, for the first time, the price of the resource will begin to reflect its full cost. For years the practice of all industries—not just the oil industry—has been to carry only a part of the cost of the product down to their profit and loss statements.

In the future we shall charge the product with these external costs. Unfortunately, products of the future will also be burdened with the cost of making restitution to the past. At least, however, we are now aware of these costs, which is the first step toward a pay-as-you-go plan.

Correction of past mistakes and avoidance of future ones will be costly. But it will cost a great deal more to go on the way we have been going. The problems of obtaining more energy with less pollution must be solved at all levels—technical, commercial, social, political and international.

In the United States the solution of these problems has been hampered in the past by the lack of an integrated organization at the Federal level for formulating and carrying out a coherent, long-range energy policy. President Nixon has proposed a reorganization of the Executive Branch of the Federal Government which would, among other reforms, center the major responsibilities for energy development in a Department of Natural Resources. We are certain that this concept will abolish ambigious and inconsistent agency missions, fix responsibility and accountability, provide an overall approach to the natural resources area, and focus on results rather than programs. It is the best single promise we have of coordinating the actions required for the development and use of energy with each other, and with the requirements for environmental preservation.

We all live in a world that is not the open-ended preserve we so long believed it to be. Flawed and imperfect as it is, it's all we've got. For years, men have pillaged and abused it and it didn't matter because nature's capacity to heal was greater than man's capacity to hurt. This is no longer true. The Good Earth which nourishes us deserves far better than the treatment it has received. If we respond promptly and sensibly we may yet be in time to preserve those qualities which distinguish living from mere existence. But we shall have to move fast to change our destiny. I commend you on the progress you have made in the ecological arena. In the name of our planet's natural resources, I call upon you to investigate and use every possible tool for insuring man's tenancy on his earthly abode.

As I have said on other occasions, it is no exaggeration to suggest that one of the most valuable contributions from our moon flights was the new look by astronauts at our own planet.

As you will recall, the photographs taken by those intrepid spacemen showed earth as a solitary ball, suspended in a seemingly endless void with no horizon beyond. It is all together and all interrelated. From the astronauts' view of the world has come a greater realization that lives in a finite system—and that what we have in land, air and sea—is all there ever will be for man on earth.

Senator Bellmon, what I have seen here today reflects to some degree, the heritage of your state. It is my firm expectation that the influence, enthusiasm and competition of the "Sooner's" 1889 land rush will be repeated by the international oil industry in reaching the goals of abundant energy consistent with environmental conservation.

NATIONAL SMALL BUSINESS WEEK

Mr. SPARKMAN. Mr. President, I am pleased to join the 4½ to 5 million small businesses in celebration of National Small Business Week. This is a time when our national Government needs to join hands with small businesses and search for the answers to their many needs.

The small businessman is the backbone of our "free enterprise system." He is the first to feel the effects of adverse situations, but the last to receive any help.

The estimated loss in gross national product in the last half of 1970, due to the automotive strike, was more than $16 billion, and most of this was lost by suppliers, who are small businessmen.

Mr. President, in the face of great adversity, the small business firms of our country continue to contribute immeasurably to both our gross national product and to employment. I congratulate the Nation's small businessmen.

Earlier this week, our distinguished colleague, Senator BIBLE, the chairman of the Select Committee on Small Business, spoke to the members of the National Small Business Advisory Council at their annual meeting here in Washington. Senator BIBLE's speech recalled the difficult experience that small business has faced in recent years, particularly recalling the difficulties experienced by the Small Business Administration in carrying out its programs for the benefit of small business firms. I was most pleased to see that, in his speech, Senator BIBLE defended the continued independence of the Small Business Administration, and made a strong plea for the Small Business Administration's direct loan programs.

Mr. President, Senator BIBLE's speech was an excellent one, and I ask unanimous consent that it may be printed at this point in the RECORD.

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

Mr. Chairman, my colleagues, distinguished Members of the House Small Business Committee and your staff, Mr. Administrator, your associates, and ladies and gentlemen of the National Small Business Advisory Council: It is a pleasure to welcome you to Capitol Hill this morning. We understand that one of your interest areas during this National Small Business Week is: "The future of the Small Business Administration."

In this lovely Capital City, where the cherry blossoms and azaleas bloom, hope springs eternal every year, and we always hope for the best. But, even the small businessman, who is one of the nation's hardiest perennial optimists, cannot meet his payrolls, pay his taxes, or buy his own youngster's shoes with hope alone.

As it should, the SBA this week will be putting its best and most hopeful foot forward in describing its programs.

I feel you would also want me to speak frankly. We always try to take a balanced view of events—to see the good side and the bad. But we try always to see the facts as they are, so that we can be effective as advocates of small business.

From my experience, I would have to say that the future of the Small Business Administration is never very secure for very long.

Small business is one area in which it is especially necessary to distinguish noble thoughts and fine rhetoric from actions ultimately taken and their impact upon day-to-day and long-term small business prospects.

When the Small Business Act was passed in 1953, it took determined effort to make the SBA independent and to keep it from being placed within the Commerce or Treasury Departments. It has taken continuous vigilance and extraordinary effort by Congress and the small business community to keep SBA independent and functioning.

Then, in March, 1969, the new Secretary of Commerce expressed his feeling that SBA "logically belonged" within the Department of Commerce. That urge-to-merge was halted shortly thereafter.

Last March 20, the Administration released a Task Force Report entitled "Improving the Prospects of Small Business" about which the President said many nice things.

However, the next Administration proposal was to merge the SBA within the Department of Economic Affairs, an idea which remains a current danger.

This merger proposition was followed by a more formal "Reorganization Plan No. 1" which proposes to detach the highly successful SBA volunteer management assistance programs—SCORE and ACE—and place them in a new multipurpose agency called "ACTION." The only connection between

SCORE, ACE, and the other components of "ACTION"—which would include the Peace Corps, Foster Grandparents, Retired Senior Volunteers, VISTA and National Student Volunteers—would be that they all contain volunteers.

I do not regard this as persuasive reasoning. For instance, 35% of SBA's management assistance interviews are handled by SCORE and ACE representatives, a task which would cost the Federal Government more than $2 million a year if these volunteers were on the payroll. SCORE's National Planning Committee, speaking for the 3,996 members, adopted a Resolution unanimously opposing any transfer.

To me these are persuasive reasons for opposing the transfer of this function from the SBA.

Perhaps the heart of SBA is its business loan programs. In December of last year, Senator Sparkman and I wrote to the White House requesting that the Administration's fund request for the Fiscal Year 1972 budget approximate the levels approved by Congress for Fiscal Year 1968, particularly as to direct, participation, community development and SBIC loans.

We noted with concern that the number of SBA direct loans fell from over 2,400 in 1968 to 635 in 1969 to 42 in 1970. We recognized then, as we do today, that a record number of guarantees on private loans were issued last year. Perhaps guarantees are the answer, but we expressed our reservations about over-reliance upon the guarantee bank approach.

We were chagrined to see that the subsequent Administration request for Fiscal Year 1972 SBA business loan funds stood at $99 million, a cut of more than ⅔ from the $307.4 million authorized by Congress for Fiscal Year 1968.

Although the SBA revolving fund is taking in about $20 million a month or ¼ of a billion per year, it is proposing to lend out only 40% of that income. Thus, looked at upon a cash basis, it seems ironic that small businessmen participating in the SBA loan program may actually be subsidizing other Government programs such as the proposals for a $125 million guarantee to Pennsylvania Central and a $250 million guarantee to Lockheed, two of the biggest giant corporations in the country. These amounts would be about enough to help 17,000 businessmen affected by the Wholesome Meat, Poultry and Egg Acts.

On the positive side, we are pleased to commend SBA on several recent studies: on crime and small business; on the impact of the Wholesome Meat Act; and upon numerical control. SBA's disaster work has been outstanding, and it is cautiously entering the small business advocacy role within the Federal establishment itself. These can form the basis of important policy, decisions and relief actions.

As I said, we always hope for the best, and we warmly welcome the appointment of the Honorable Tom Kleppe, who is of proven ability and experience, and who comes to his position from the Congress with the confidence of the White House. Mr. Kleppe, I know I speak for my colleagues when I say we want to help you, the SBA, and small business.

However, it will take more than hope to assure a future for the Small Business Administration, the small businessmen of this country, and the free enterprise system. If we want to see these institutions and values preserved, we will have to look forward to a lot of hard work, to frequent contact and mutual education, and to the coordination of our efforts in the face of the many problems and competing forces in American life.

Members of the Advisory Council, these are some of your challenges and your plaudits.

CUTBACK IN EUROPE

Mr. HATFIELD. Mr. President, during the course of this debate on the Mansfield amendment, several have noted editorials in such newspapers as the New York Times and the Washington Post, which has advised against the approach advocated by Senator MANSFIELD.

The largest newspaper in my own State of Oregon is the Portland Oregonian. This is a newspaper which has been generous in its editorial support of the President and his foreign policy, including his course of action in Indochina. Thus, I think it is most noteworthy that on Monday, May 17, an editorial appeared in the Oregonian providing a solid rationale for the unilateral reduction of our troops in Europe. I ask unanimous consent that this editorial be printed in the RECORD.

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

CUT-BACK IN EUROPE

Sen. Mike Mansfield's resolution for a major reduction in U.S. armed forces in Europe—mainly Germany—would have come to a showdown in the Senate long ago had not the Soviet Union rolled its troops into Czechoslovakia to crush a Communist liberalization policy and restore Soviet hegemony.

Now the Mansfield pitch is back in contention and his call for a 50 per cent reduction in the U.S. garrison in Europe—from 300,000 troops to 150,000—has the Nixon Administration aroused and fighting back with all its strength.

But Secretary of State William P. Rogers was singularly unconvincing when he told the Senate Foreign Relations Committee that a 50 per cent cut in U.S. forces in Europe would mean the "end of NATO" and would be a mistake of "historic proportions." If the NATO "shield" against Soviet aggression is that fragile, after 20 years of European recovery—including booming prosperity in West Germany—it is time to give our allies a shock treatment.

It is the Nixon Administration's firm position that if any more American troops are to be taken out of Europe it must be in reciprocation with the withdrawal of Soviet troops from Moscow's eastern European satellites. But assertion of the "Brezhnev Doctrine" in Czechoslovakia shows this to be a possibility so remote as to be no major factor in considering the U.S. problem of maintaining our European garrison.

The intervention in this debate of the Soviet Communist Party secretary, Leonid I. Brezhnev, needs to be considered, but not exaggerated. Brezhnev pointedly asked the NATO nations to "start negotiations" on "reduction of armed forces and armaments in central Europe" in a speech Friday.

Senate Republican whip Robert P. Griffin of Michigan leaped on the Brezhnev proposal as an argument against Mansfield's troop reduction resolution. He said the Mansfield resolution would "pull the rug out from underneath our negotiator just as he's about to sit down at the table."

That assumes that the Russians are more willing to reduce armed forces in Europe in concert with NATO than they are willing to move in the stagnating Strategic Arms Limitation Talks (SALT) which are getting nowhere in the nuclear arms field.

It assumes that Moscow is willing to weaken its military control of East Germany, Czechoslovakia, et al, when all the evidence is to the contrary.

It assumes that the United States could use a 300,000-man force for bargaining, but not a 150,000-man force.

It assigns no value to a unilateral arms reduction—though it be in American self interest and not intended as a negotiating gesture—in bringing both our NATO allies and the Communist opponent to a greater recognition of their responsibilities for peace.

The time is near, if it is not already at hand, for Europe to man its own defenses behind the real deterrent which is not American troops in Germany but U.S. nuclear second-strike power. It is time for the U.S. government to consider the perilous situation this nation has got itself into by spending billions of dollars more overseas than it can receive in sales. The dollar is not out of trouble, our gold reserves are not safe, and the costs of winding down the Vietnam war are far from ended.

The Administration has not made a convincing case, so far as the American public is concerned, for maintaining indefinitely a costly military force in western Europe.

ROYAL COLLEGE OF PHYSICIANS REPORT ON SMOKING

Mr. MOSS. Mr. President, in the spring of 1959, the British Royal College of Physicians set up a committee to "report on the question of smoking and atmospheric pollution in relation to carcinoma of the lung and other illnesses." After reviewing the evidence the committee concluded that, although air pollution and smoking might be related in some respects, the preventive measures for the two hazards were so different the two hazards should be considered separately.

Thus, even before our Surgeon General's Advisory Committee issued its landmark report on the health hazards of cigarette smoking, the Royal College of Physicians issued an authoritative report entitled "Smoking and Health" which outlined and detailed the effects of cigarette smoking on health.

The Surgeon General's Advisory Committee on Smoking and Health issued its historic report in January 1964 and called for "appropriate remedial action" to combat the health hazard of cigarette smoking. The Congress subsequently passed the Federal Cigarette Labeling and Advertising Act which called on the Department of Health, Education, and Welfare to issue annual followup reports on the health consequences of smoking. These reports have broadened our knowledge of the hazards of smoking, helped us to better understand the complex mechanisms involved in the disease-causing processes of cigarette smoking, and have provided important epidemiological data detailing the scope of the health problem of cigarette smoking.

The Royal College of Physicians has this year issued a most authoritative followup report entitled "Smoking and Health Now." This study presents the British perspective on the epidemiology of cigarette smoking as well as examining the effects of advertising, the psychologically addictive component to smoking, and methods of disease prevention through increased restrictions on smoking and the promotion of cigarettes.

Because of its importance and relevance to similar problems which we face in the United States. I ask unanimous consent that the summary of "Smoking and Health Now," be printed in the RECORD.

There being no objection, the sum-

mary was ordered to be printed in the RECORD, as follows:

SMOKING AND HEALTH NOW

The Royal College of Physicians drew attention to the dangers of cigarette smoking in its report *Smoking and Health* in 1962. In spite of all the publicity it received, most smokers are still unaware of the risks they run: but doctors and other professional men are stopping smoking in large numbers.

Successive Governments have done little to combat a habit which costs the country many thousands of premature deaths every year. Is revenue from taxation of cigarettes more important than the continued increase of the crippling diseases they cause?

Has cigarette smoking really been proved to cause lung cancer, bronchitis and emphysema and to increase the risk of heart attacks? What other harm does it do to health, and why do people smoke cigarettes?

How may your smoking affect you? Are there less dangerous ways of smoking?

Smoking and Health Now is a new report which answers these questions and suggests what should be done by Government and individuals to meet the biggest challenge to preventive medicine which the country faces now.

SUMMARY

(Figures in parenthesis refer to the numbered paragraphs in the text of the Report.)

1. Introduction

Premature deaths and disabling illnesses caused by cigarette smoking have now reached epidemic proportions and present the most challenging of all opportunities for preventive medicine in this country. The challenge has remained unanswered since the first report, *Smoking and Health*, by the Royal College of Physicians was published in 1962. The Government has done little to curb cigarette smoking, which continues to increase. The present report reviews the evidence of the effects of smoking on health and makes proposals for action in the hope that the public conscience will be aroused and that effective preventive action will be taken.

History of smoking (1. 4 to 1. 5). Since its introduction in the sixteenth century, smoking has always had its advocates and opponents; only recently has scientific study produced valid evidence of its effects upon health. Cigarettes have largely replaced other forms of smoking in the past seventy years; the level of consumption rose steeply over this period, has now levelled off in men, but is still rising in women (Figure 1. 1).

Smoking habits (1. 6 to 1. 10). After publication in 1962 of the Royal College Report, *Smoking and Health*, there was a sharp drop in the number of men smoking cigarettes but, though reduction is maintained in social classes I, II, and III, the numbers of cigarettes smoked by men overall is still close to the 1961 level. Fewer women than men smoke but their numbers are rising (Figure 1. 2). Filter-tipped cigarettes have become increasingly popular and more cigars are now smoked than formerly (Figure 1. 3). Smoking is continuing to increase among girls, but not boys, at school.

Since 1951 cigarette smoking by doctors has steadily declined and in 1965 only one-third smoked cigarettes compared with two-thirds of other men (Figures 1. 4 and 1. 5).

Tobacco advertising (1. 11, 1. 12). Despite prohibition of cigarette advertising on TV after July 1965, sales promotion for tobacco by advertising and by gift coupons with cigarettes has continued to increase (Table 1. 1 and Figure 1. 6), but a code of more ethical advertising has been adopted. In 1968, £52 million was spent by the tobacco industry on sales promotion.

Research into the effects of smoking has been supported by the Medical Research Council and the Tobacco Research Council but little research has been initiated into the prevention of diseases caused by smoking (1. 13, 1. 14).

Action by Government (1. 15 to 1. 20). This has been virtually confined to an annual outlay of up to £100,000 on health education about the dangers of smoking; this may be compared with £1,300,000 spent on education about road safety. The small number of anti-smoking clinics set up after 1962 have had little official support and most have been discontinued. Ministers, without reference to the fatal effects of cigarette smoking or to the economic loss it occasions, have stated that the large revenue from taxation provided by undiminished sales of cigarettes is indispensable.

2. Smoking, illness, and shortening of life

Death rates in relation to smoking habits. The fatal effects of tobacco smoking are almost restricted to cigarette smokers, and increase with the amounts smoked. Cigarette smokers are about twice as likely to die in middle age as are non-smokers and may have a risk similar to that of non-smokers ten years older. It is estimated that over 20,000 deaths in men between the ages of 35 and 64 are caused every year by smoking in the United Kingdom. The chances are that two out of every five heavy cigarette smokers, but only one out of every five non-smokers, will die before the age of 65. The man of 35 who is an average cigarette smoker is likely on average to lose 5½ years of life compared with a non-smoker (2.2 to 2.7, Figures 2.1, 2.2 and 2.3).

Those who discontinue smoking cigarettes run a steadily diminishing risk of dying from its effects, even after many years of smoking, and attain the level of non-smokers after ten years of abstinence (2.8). The effect of this is shown in the declining death rates from disease related to smoking among British doctors as compared with others. Doctors are now smoking much less than others (Table 2.3). Most of the excess risk of the cigarette smoker is due to his smoking habits and not to other characteristics that might render him more susceptible to illness (2.10). The diseases to which the smoker is most liable not only may be fatal but may also cause much sickness and disablement (2.11). Cigarette smokers are therefore much less likely than non-smokers to enjoy retirement unspoilt by illness (2.15).

3. The chemistry and pharmacology of tobacco smoke

Tobacco smoke has a complex composition. Its most important components are substances that can cause cancer in experimental animals, irritants that may cause bronchitis, nicotine that has many adverse effects on the heart and blood vessels and is probably responsible for tobacco habituation, and carbon monoxide that interferes with the blood's capability to carry oxygen to the tissues of the body. Lung cancer has now been produced in animals which have inhaled tobacco smoke.

4. Smoking and cancer of the lung

The world-wide rise in the number of deaths from lung cancer has continued. Although in British men under the age of 65 the number is now declining slowly, it is still increasing at older ages and in women at all ages. Expert committees in many countries are all agreed that cigarette smoking is the cause of this modern epidemic (4. 1, 4. 2).

Many surveys have established a clear, quantitative relationship between numbers of cigarettes smoked and incidence of lung cancer (4. 3 to 4. 6).

The risk is raised by habits, such as inhaling, that increase the lungs' exposure to the smoke (4. 7 to 4. 9). It may be reduced but not removed by changing to filtered cigarettes (4. 10) and declines rapidly during the ten years after smoking is discontinued (4. 11, 4. 12) (Figure 4. 3).

Pipes and cigars appear to play only a small part in causing lung cancer, as does general pollution of the air. Several agents encountered in industry may bring on the disease but contribute little to its overall incidence (4. 13 to 4. 16).

Interpretation of the evidence. There is no doubt of the close association between exposure to cigarette smoke and lung cancer. Certain objections to the conclusion that cigarette smoking is a cause of lung cancer are examined and found to be without substance (4. 18 to 4. 28).

If present smoking habits continue, it has been forecast that there will be some 50,000 deaths from the disease each year in England and Wales in the 1980s. If cigarette smoking were to cease there might in twenty years time be no more than 5,000 annual deaths from the disease.

5. Smoking, chronic bronchitis, and emphysema

Chronic bronchitis and emphysema are responsible for many deaths, especially in men, and are a major cause of sickness, absence from work and chronic disability (5. 1). Cigarette smokers are much more often affected by these diseases and more often have impaired function of the lungs than nonsmokers or smokers of pipe and cigars (5. 3 to 5. 6). Their risk of dying from these conditions and the damage found in their lungs after death increase in direct relation to the number of cigarettes smoked (5. 8, 5. 9). The harm done by cigarettes is to some extent offset by the benefits from improved treatment and social environment, the combined effect being shown in recent trends of deaths from these diseases (5. 10). If smoking is given up, mild degrees of bronchitis and impairment of lung function improve rapidly, but severe damage to the lungs cannot be repaired (5. 7). There are other causes of bronchitis which act particularly on cigarette smokers (5. 14, 5. 15).

Cigarette smoking is now the most important predisposing cause of chronic bronchitis and emphysema. Much of the widespread disablement and many deaths from these diseases would be prevented if the habit were discontinued (5. 12, 5. 17).

5. Smoking and diseases of the heart and blood vessels

Coronary heart disease is responsible for about one in every three deaths in men between the ages of 35 and 64 and one in seven of deaths in women at these ages. Liability to this disease is approximately twice as great in cigarette smokers as in nonsmokers, and is related to the numbers of cigarettes smoked, to inhalation, and to the age of starting to smoke (6.1 to 6. 3). The excess risk of cigarette smokers from the disease declines steadily after cessation of smoking (6. 10, 6. 11).

Non-fatal attacks of coronary heart disease, angina pectoris, and disease of the coronary arteries found post mortem are also related to cigarette smoking independently of other important causative factors that have to be considered (6. 4, 6. 6 and 6. 7).

Heredity may make some people both more prone to coronary disease and more liable to smoke cigarettes, but stopping smoking mitigates this dangerous combination (6. 9 to 6. 12).

Experimental evidence of the effects of cigarette smoking and of nicotine on the heart and blood shows how smoking could damage the coronary arteries and increase the chance of dying after a coronary thrombosis (6. 13 to 6. 15).

Pipe and cigar smokers have only a small increase of risk from coronary disease (6. 16).

It is concluded that cigarette smoking is an important factor in causing coronary heart disease and that the general avoidance of cigarettes would greatly diminish the number of deaths from this condition (6. 17).

Other diseases of the circulation, including

arterial disease of the leg and strokes, are also related to cigarette smoking (6. 18 to 6. 20).

7. Smoking and other conditions

Mothers who smoke during pregnancy tend to have smaller babies than non-smokers and may be more likely to lose their babies from abortion, still-births and deaths in the first days of life (7. 1 to 7. 5).

Cancers of the mouth, larynx and esophagus are more frequent in smokers of all kinds of tobacco than in non-smokers. Cancers of the bladder and pancreas are commoner in cigarette smokers than in non-smokers (7. 6 to 7. 9).

Smoking does not appear to cause gastric or duodenal ulcers but it delays their healing, so that they are more persistent and more often fatal in smokers than in non-smokers (7. 10 to 7. 16).

Cigarette smokers are more liable than non-smokers to develop tuberculosis of the lungs. This may be due to their greater consumption of alcohol (7. 17).

Smokers are more prone to accidents than are non-smokers. Fires traced to smoking are responsible for great economic loss and some 100 deaths every year in Great Britain (7. 18).

Smoking may enhance the risk of some rare forms of blindness (7. 19).

Cirrhosis of the liver, due to heavy drinking, is associated with smoking because most heavy drinkers smoke (7. 21).

Diseases of the teeth and gums are more frequent in smokers than in non-smokers (7. 22), who incidentally tend to be heavier. Those who give up smoking often put on a lot of weight, but this does not counteract the benefits to health otherwise gained (7. 23 to 7. 25).

Smokers have impaired athletic fitness compared with non-smokers (7. 26).

8. The smoking habit

Most smokers begin the habit in adolescence and dependence is soon established. The reasons for this are complex. In some, satisfaction of inner needs, and in others social factors seem to be most important. Smokers tend to differ from non-smokers in personality and social environment. Dependence appears to be due to the action of nicotine (8. 5 to 8. 14).

Reasons for giving up smoking are also complex: expense and effects on health predominate. The influence of family, friends, and associates is also important. Withdrawal effects are often reported but are not usually prolonged. More effective public information about the effects and consequences of smoking might persuade many to give it up—especially if there were less social acceptance of smoking. Dependent smokers may need the help of new techniques which should be developed by research in special smoking-control clinics (8. 15 to 8. 21).

9. Prevention of diseases due to smoking

The reality of the psychological and social benefits of smoking is suggested by the world-wide growth of the habit, but they are outweighed by the harm done to health and preventive measures are now essential. Every effort must be made to encourage people not to smoke cigarettes and at the same time to develop less dangerous products for those who cannot abstain (9. 1 to 9. 6).

Although most smokers know about the danger of the habit they reject its relevance to themselves. They must be convinced of the dangerous effect of cigarette smoking on health (9. 7 to 9. 11).

Doctors should abstain from smoking and take every opportunity to urge their patients to follow their example. Medical students should be instructed about the effects of smoking and their responsibilities in this matter must be brought home to them (9. 12 to 9. 18).

The public too should be more thoroughly informed of the dangers of smoking and the Government should consult the Broadcasting Authorities and newspaper industry on how to achieve this (9. 19 to 9. 21).

Better means of educating children about smoking must be developed. Teachers should set an example to their pupils. Regulations forbidding the sale of cigarettes to children should be strengthened and cigarette vending machines should be removed from public places (9. 22 to 9. 26).

Advertisements of cigarettes and gift coupon schemes should be prohibited (9. 27 to 9. 30).

More restrictions on smoking in public transport and places of entertainment should be enforced (9. 31).

Employers' organisations and Trade Unions should agree on wider restrictions of smoking at work (9. 32).

Life insurance companies should consider reduced premiums to non-smokers (9. 33).

Warning notices should be printed on packets of cigarettes and, if they are allowed to continue, on cigarette advertisements (9. 34, 9. 35).

More effective techniques for helping unwilling smokers to stop must be developed in special research clinics, and when this has been done smoking-control clinics should be established in hospitals, health departments, factories, and offices (9. 36, 9. 37).

Pipes and cigars appear to do little harm to health. It is likely that cigarette smokers who change over to these would benefit. Since there is evidence that cigarettes with a lower content of nicotine and tar may be less dangerous, the amounts of these in all marketed brands should be published and a public statement made on the possible effects on health of smoking them. The Government should consider imposing statutory upper limits to the nicotine and tar content of cigarettes. The Medical Research Council should consult with the tobacco industry with regard to tests of cigarettes which are likely to be less hazardous and should conduct research to determine the effects on health of smoking such cigarettes (9. 38 to 9. 46).

Meanwhile those who continue to smoke cigarettes should be encouraged to: smoke fewer cigarettes; inhale less; smoke less of each cigarette; take fewer puffs from each cigarette; take the cigarette out of the mouth between puffs; smoke brands with low nicotine and tar content (9. 47).

The Government must look beyond an easy source of revenue to the reality of the injurious effects of cigarettes on the health and economy of the country. Differential taxation of different types of tobacco should be imposed to discourage more hazardous forms of smoking. An official inquiry should be made into the economic consequence of present smoking habits and of the results of a general reduction in cigarette smoking (9. 48 to 9. 51).

Success in the prevention of diseases caused by smoking can be achieved, but only if that attack is effectively organised and made on many fronts. The goal is the preservation of the lives and health of thousands of smokers who would otherwise continue year after year to become ill and to die before their time (9. 52 to 9. 54).

TRIBUTE TO DR. ROBERT R. WILSON AND PROGRESS AT THE NATIONAL ACCELERATOR LABORATORY

Mr. PERCY. Mr. President, at a time in our history when cost overruns, schedule slippages, and failure to perform against specifications are almost a way of life, it is refreshing, and cause for acclaim, when a multi-million-dollar project is running below its cost estimate, is ahead of schedule, and will perform well in excess of specifications. I wish to commend to my colleagues at this time the leadership and the work of a distinguished scientist, Dr. Robert Rathbun Wilson, Director of the National Accelerator Laboratory.

Dr. Wilson undertook, with funds provided through the Atomic Energy Commission, to direct the design and construction, in the State of Illinois, of what will be the world's largest single instrument for basic research—a proton synchrotron.

It should be emphasized that this project is certainly not just "another construction job." It is unique in terms of its scope, its complexity, and its purpose. The laboratory occupies a 10-square-mile site, and the "main ring" of the machine is approximately 4 miles around and about 1.24 miles in diameter. The site is 35 miles from downtown Chicago.

The ring is buried beneath the ground. More than 1,000 powerful magnets have been fabricated and placed inside the ring and will serve to move the beam of particles around the ring, increasing their energy to the highest levels available in the world.

Although the appropriated funds, through the years, have been reduced to such an extent that a lowered intensity appeared inevitable in this high energy physics accelerator, Dr. Wilson and his staff applied ingenuity and tenacity to preserve the full intensity in their design and to provide in it a capacity for protons of increased energy, all within the reduced budget. Dr. Wilson's proposed construction schedule for achieving all of this was so shortened that it was believed by many to be unreasonably optimistic. And this was arranged in the face of inflationary spirals affecting construction costs, severe weather problems and other difficulties.

Now, 4 years later, Dr. Wilson and his staff are well within their budget and within their estimate of time. Architectural engineering activities are over three-fourths complete on the project, and construction is over half completed. A beam of particles is now anticipated from the main ring about 1 year earlier than had been expected. In fact, it is hoped that initial experimentation with the beam can be undertaken sometime this summer. This may be possible both because work has proceeded so expeditiously and because magnet tuning has been done as the magnets were set into place.

In addition to these accomplishments, Dr. Wilson and his staff expect to be able to deliver not only the promised 200 billion electron volts of energy originally contemplated, but a considerably higher energy—perhaps as high as 500 billion electron volts or more. And that would be more than 2½ times the amount of energy on which the original authorizations were made by Congress.

In doing this, Dr. Wilson has not damaged the pastoral prairie Illinois environment in and surrounding the laboratory site, which borders the Fox River in the populous DuPage and Kane Counties of northeastern Illinois. Nor has he overlooked the interests of underprivileged people.

On the contrary, he is building beauty

into the facility by conserving its trees and wildlife, by insisting on esthetically appealing architecture and by the introduction of humanistic qualities into what otherwise might have been a bland, gray, impersonal laboratory. He also has achieved important goals in helping members of racial minorities by training them, hiring them, by requiring subcontractors to do likewise and by giving minority contractors opportunities to compete for subcontracts.

It might be interesting to note here, parenthetically, that a Chicago "inner-city" black businessman has been awarded nearly $750,000 in contracts for work in the construction of the main accelerator at the National Accelerator Laboratory. Word of this businessman's efforts for the laboratory became internationally known and he recently was invited to Japan to be considered for a large contract to produce components for Japanese automobiles to be sold in the United States. It would seem, then, that this effort at assisting minorities might provide an interesting and rewarding spin-off effect by assisting our balance-of-payments picture.

In addition, the laboratory has been playing an important role, through its Equal Employment Opportunity office, in the advocacy of low- and moderate-income housing for employees in the growing industrial areas surrounding it.

I would like to quote a paragraph from a minority rights policy statement signed by Dr. Wilson and his Deputy Director, Edwin L. Goldwasser, who for many years was a distinguished professor of physics at the University of Illinois:

It will be the policy of the National Accelerator Laboratory to seek the achievement of its scientific goals within a framework of equal opportunity and of a deep dedication to the fundamental tenets of human rights and dignity.

I want to congratulate the Universities Research Association, Inc., the consortium of 52 universities which operates the National Accelerator Laboratory for the U.S. Atomic Energy Commission, for its successful effort to lure Dr. Wilson to Illinois from Cornell University, where he had achieved a reputation as one of the world's leading accelerator builders.

His efforts in Illinois have further demonstrated that Dr. Wilson is not only an accomplished and creative physicist, but that he is also an innovative, sensitive, budget-minded administrator for a major research center.

GENE KELLY—I.Q. NATIONAL CHAIRMAN

Mr. MOSS. Mr. President, Gene Kelly, world renowned actor, director, and dancer has been named the new national chairman of the American Cancer Society's I.Q. program. He will be featured in upcoming television and radio spot announcements and will work through national media to further the objectives of the Society's I Quit program begun in 1969.

In a statement issued by Mr. Kelly upon being named I.Q. chairman, he stated that one of his objectives will be to get his lovely wife, Jeanne, to give up smoking. Mr. Kelly was a smoker at one time, and as many millions have learned, getting along without cigarettes makes life much more pleasurable and prolongs life expectancy.

I ask unanimous consent that Mr. Kelly's statement and the I.Q. fact sheet be printed in the RECORD.

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

I.Q. FACT SHEET

What is I.Q.? I.Q. stands for: "I Quit" . . . smoking cigarettes. It also is a program of the American Cancer Society, designed to spur a grass roots movement to demonstrate to the American public:

(1) That millions are giving up the habit;

(2) That adults and young people can be reached and motivated to stop smoking cigarettes.

I.Q. seeks to get people of influence to identify themselves with this movement, publicly and positively.

How do I qualify? Very simply—by giving up the habit for one month.

Who is the leader? The National Chairman is Gene Kelly, famed actor, director, dancer, who gave up cigarette smoking 11 years ago.

How many people smoke? The Public Health Service estimates 45 million Americans smoke cigarettes.

How many have quit? The P.H.S. says that 29,000,000 Americans have quit smoking.

Why I.Q. buttons and pins? The American Cancer Society believes that the person who has quit should get recognition. The buttons and pins also catch the interest of persons who still smoke and are interested in quitting. The buttons and pins provide visible evidence of ex-smokers which can encourage the trend against smoking cigarettes.

The opposition: The tobacco industry has inaugurated an intensified drive in newspapers and magazines, following the ban on TV and radio cigarette advertising.

What is the problem? "Cigarette smoking is the greatest preventable cause of illness, disability and premature death in this country."—Surgeon General of U.S. Public Health Service.

"Cigarette smoking is now as important a cause of death as were the great epidemic diseases such as typhoid, cholera and tuberculosis."—Royal College of Physicians.

What can I.Q. do? Recognition of those who have quit is not the lone goal. The I.Q. program is meant to stimulate interest in quitting cigarette smoking and to motivate smokers to quit, and non-smokers not to start.

What else is being done? The risks involved with cigarette smoking continue to be pointed up by the Society. It is producing new anti-smoking materials for use on TV, radio and in print media. It is campaigning to make certain that its messages on this subject continue to get exposure on the air lanes. The Society has distributed over 200,000 copies of a handy guide, "If You Want to Give Up Cigarettes," which suggests ways for people to deal with this problem. The Society provides materials and programs for secondary schools throughout the country, encourages the establishment of cigarette withdrawal clinics, works with industry in presenting educational programs to employees. It supports extensive research, including studies of mechanisms through which smoking damages the body, attitudes towards cigarette smoking in teenagers and adults, and smoking dependence and addiction.

What else can be done? The Society is on record as favoring the end of cigarette advertising in *all* media on a voluntary basis. It feels efforts must be made to eliminate or reduce cigarette smoking in films and on television programs. Mr. Kelly will give us much needed impetus and leadership in motivating entertainers and personalities in the movies and on TV, and in public appearances, not to smoke cigarettes.

How do I get my button? Go to your American Cancer Society Unit. While there, pick up a copy of "If You Want to Give Up Cigarettes," and other material.

GENE KELLY'S STATEMENT TO THE PRESS, APRIL 21, 1971

I want to thank the American Cancer Society, not only for the honor of the position, but also for giving me the chance to do something I really want to do—keep our youngsters from being trapped by the cigarette habit.

You see, I.Q. to me means not only getting people to quit—that's certainly vital—but also making certain that our youngsters don't start.

I confess, as a parent, I am horrified by the recent figures which showed that more young Americans took up cigarettes in 1970 than in the previous year. This at a time when the total of former cigarette smokers in this country has gone up to 29-million.

My youngsters, I'm happy to say, are involved, because of what they have learned in school, plus what they have heard and seen on television. Both Timothy, who's 9, and Bridget, she's 7, really gang up on my wife, Jeanne, when she lights a cigarette.

Yes, I confess—one of my jobs as National I.Q. Chairman will be to continue to try to get Jeanne to quit cigarettes. She is trying.

I know this myself—and I'll tell you more about my own story later.

I first want to continue to outline some of the problems as I see the picture.

I mentioned more youngsters smoking—next, the cigarette industry's drive—and it's a mammoth one—to lure more women to cigarette smoking is now in full force. In every newspaper and magazine, you'll see some lovely ads—lovely to the eye, that is. There's nothing lovely about increasing the amount of lung cancer among women—and in the past few years, the lung cancer rate has soared.

Next, there are the 40-million or so people in this country who will smoke. They are, thank goodness, a minority now.

However, not only print advertising is luring new smokers—and also perhaps causing some people to go back to the habit. There is another menace—the free distribution of cigarettes. In California, not long ago, there was a mailing of free cigarettes—and happily this was knocked out by an alert citizenry.

Yes, the bundle of money the tobacco people are pouring into magazines and newspapers is creating a real problem. The American Cancer Society is on record—and I go along with this stand—that there should be an end to all cigarette advertising, but on a voluntary basis. I think these ads should include the warning statement printed on the side of the packs.

Frankly, I'm a realist—and I don't think we're going to see the tobacco interests cut down voluntarily on advertising. They have a lot of those 240 million dollars they used to spend each year on TV and radio.

As National I.Q. Chairman, I would like to tell every cigarette smoker that we of the American Cancer Society are ready and willing to help him quit smoking.

Cigarette smoking is a strange habit—I remember when I first tried, I just couldn't stand it. I tried again when I got into high school. I still didn't like it. It's as tough to learn to smoke cigarettes as it is to give them up.

Why did I keep trying? Well, in my day and in my neighborhood, it was a sign of masculinity, of virility, of maturity.

In my case, I didn't really get hooked on cigarettes until I was in my last two years

of college. That was when it really became a habit.

In 1960, I was feeling terrible. I was getting headaches every day. And so I decided to quit cold.

Right away, I felt better, less irritable.

One of the things I want to emphasize to cigarette smokers, is that it isn't as hard to quit as you think it is. I quit and I was a very heavy smoker. I didn't climb walls, I didn't have the jitters, I didn't have withdrawal symptoms. The American Cancer Society believes that a great many smokers don't try to stop because they feel they'll fail. More and more smokers who try to quit, succeed. The fact is public attitudes towards smoking are changing and the new attitudes make it easier to kick the habit.

But I'll admit that today, eleven years later, I get an urge, every once in a while, to take a cigarette. But I don't because I know if I take even just one, I might fall back into the habit. It reminds me a little of those great TV ads the late Bert Lahr did for the potato chip people—remember? "No one can eat just one."

Anyway, that is my story. I am ready now for your questions.

NEED FOR A MEANINGFUL POVERTY DEFINITION

Mr. BELLMON. Mr. President, considerable interest has been expressed, recently, in the Census Bureau report that the number of Americans living below the poverty line went up sharply during calendar year 1970. An article in the May 24 issue of U.S. News & World Report sheds considerable light on this matter by pointing out:

The standard for determining poverty has been criticized because it does not take assets into consideration or count as income such things as money from sale of property, borrowed funds, gifts, and lump-sum inheritances and lump-sum insurance payments.

Thus, a retired couple who own their own home and have stocks or other investments may be classified as poor even though they are able to live well by cashing in part of their assets from time to time.

Federal officials who work with the official poverty definition acknowledge that it is a purely statistical concept, while poverty is a relative matter. But they see it as a useful indication of progress—or lack of it—among Americans at the bottom of the economic ladder.

I believe, Mr. President, every effort must be made to assist Americans in all low-income levels to improve their lot. In order to know whether or not progress in this direction is being made, I believe it is essential that a more meaningful poverty definition be devised. Present information is grossly inadequate and may produce a misleading result. I ask unanimous consent that the full copy of the above mentioned article be printed in the RECORD.

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

25 MILLION "POOR" IN U.S.—REALLY?

Inflation, slow business put more Americans below the "poverty line." Yet some authorities ask if statistics tell the whole story.

A sharp increase in the number of poor people in America has just been reported by the Bureau of the Census.

There now are 25.5 million people officially classified as living below the "poverty line." That is an increase of 1.2 million—or 5.1 per cent—in one year.

These figures, drawn from income data for 1969 and 1970, were reported on May 7. They come as quite a jolt to Government officials, even though some of these officials have themselves questioned the concept of a poverty line based on income alone.

For years, the number of poor Americans, as determined by federal statisticians, had been declining.

In 1960, there were 39.9 million persons listed as living on poverty-level incomes. By 1969, this had dropped to 24.3 million.

The increase of 1.2 million in 1970 was the first significant rise since 1959.

WHAT HAPPENED?

Federal officials say they do not have any solid explanation for the sudden increase in the number of Americans below the poverty line. But economists familiar with the data that determine who is officially poor say two basic factors probably explain what happened:

1. The 1970 business slowdown cut employment and working hours enough to pull the income of many more people below the poverty level.

2. The cost of living rose by 6 per cent in 1970—the largest increase in any year since statistics on the definition of poverty income have been kept. Since the poverty line rises as the cost of living goes up, more families apparently fell below the line.

The current official definition of poverty varies with the size of the family, age of the family head, and place of residence—farm or nonfarm.

Thus, a man under 65 years of age, living in a nonfarm residence, was classified as poor if his income was less than $2,092 in 1970. But a man 65 or older was designated poor only if his income was less than $1,879. The basic reasoning is that the older man would be less active and thus spend less for food.

Another example: The poverty line for a nonfarm family of four in 1970 was annual income of $3,968. That compares with $3,743 in 1969. And 10 years earlier, in 1959, the poverty line for a family of this size was drawn at $2,973.

WHO THE POOR ARE

Out of the 25.5 million Americans officially designated as living on poverty incomes last year, 17.5 million, or 68 per cent, were white, and 7.7 million, or 30 per cent, were black. The rest—392,000, or 2 per cent—were of other races.

In 1970, 50.9 per cent of poor families lived in metropolitan areas, and 49.1 per cent in nonmetropolitan areas.

About two thirds of poor black families were in the South, while 38 per cent of poor white families lived in this region. Over all, the South had 46 per cent of the poor families in America. Next-highest proportion was in the North Central States, with 22.4 per cent designated poor.

DRAWING THE POVERTY LINE

The concept of an official definition of poverty originated in 1959. President Lyndon Johnson popularized it when he launched his "War on Poverty" in 1964. At that time, his Council of Economic Advisers stated:

"By the poor we mean those who are not now maintaining a decent standard of living—those whose basic needs exceed their means to satisfy them."

Later, the Social Security Administration refined the concept by taking into account family size and composition. At the heart of the new definition was an "economy" food plan prepared by the U.S. Department of Agriculture.

CRITICISM OF CONCEPT

The standard for determining poverty has been criticized because it does not take assets into consideration or count as income such things as money from sale of property, borrowed funds, gifts, and lump-sum inheritances and lump-sum insurance payments.

Thus, a retired couple who own their own home and have stocks or other investments may be classified as poor even though they are able to live well by cashing in part of their assets from time to time.

Federal officials who work with the official poverty definition acknowledge that it is a purely statistical concept, while poverty is a relative matter. But they see it as a useful indication of progress—or lack of it—among Americans at the bottom of the economic ladder.

OFFICIAL FINDING: A SUDDEN INCREASE IN POVERTY

	Number of People in U.S. Living Below Government-Set poverty line	Change from previous year
1967	27,800,000	−741,000
1968	25,400,000	−2,400,000
1969	24,300,000	−1,100,000
1970	25,500,000	+1,200,000

NOTES

Classified as poor in 1970—12.6 percent of all Americans. 9.9 percent of all whites. 32.1 percent of all nonwhites.

Poverty level is based on annual income and varies according to number in family and place of residence. In 1970, a nonfarm family of four with annual income of less than $3,968 was considered to be living below the "poverty line."

Source: U.S. Bureau of the Census.

SENATOR EAGLETON'S TESTIMONY ON INDOCHINA

Mr. MUSKIE. Mr. President, last week, the distinguished Senator from Missouri (Mr. EAGLETON) testified before the Foreign Relations Committee on his recent trip to Indochina. He dealt with two increasingly troublesome problems; what is the administration's plan to end the war in Indochina and what are the implications of that plan?

Briefing after briefing, and the opportunity to talk to the men who run the war on a day-to-day basis led Senator EAGLETON to conclude that there is no plan to end the war, only one to continue it at a lower level. And he concludes that such a policy is terribly dangerous; for the soldiers and airmen left behind and for our prisoners of war who will remain in prison as long as American men, planes, and helicopters continue to kill North Vietnamese. But perhaps the greatest danger and the greatest tragedy is that such a course will continue to divide American from American, and divert our energies from the important business we must be about here at home.

That evening on CBS Eric Sevareid reflected on the implications of Senator EAGLETON's testimony.

I think that Senator EAGLETON's testimony and Mr. Sevareid's comments on it are worthy of the attention of my colleagues in the Senate. Both are an important contribution to the important public debate over how to extricate this Nation from Vietnam.

Senator EAGLETON concludes, as I do, that disengagement can best be achieved by passing the McGovern-Hatfield amendment to end the war which sets a firm, final, and public withdrawal.

Mr. President, I ask unanimous consent that Mr. Sevareid's commentary and Senator EAGLETON's testimony together with an insertion, be printed in the RECORD.

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

CBS EVENING NEWS

SEVAREID. Back in '68, Governor George Romney seemed to prove the suspicion among politicians that it's their little mistakes, especially those honest little mistakes, that are a public man's undoing. Romney said he'd been brainwashed while in Vietnam. Today, Senator Eagleton of Missouri, recently back from Vietnam, said, he, too had been through the briefing process there, but he concluded something different. He thinks our leaders in Vietnam are brainwashing themselves, or are in serious danger of so doing.

He makes the cautionary observation, the truth of which most of us learned long ago in Vietnam, that there are no experts on this complex war, instant or otherwise, and he includes our military public relations people with the remark that if wars were won in briefing rooms, this one would have ended long ago. Briefings, he says, boil down to progress reports, emphasizing advances, downplaying reverses, concentrating on statistics rather than on their meaning.

By every statistical measure the enemy is near the end of his rope, said Eagleton; yet both the generals and the journalists he consulted out there agreed there is no lessening of the enemy's will to fight on.

If that is so, then great difficulties lie ahead for the American withdrawal plan, because the latest evidence filtering through the intelligence screen is of a big recruiting drive in North Vietnam, and preparation for heavier use of the infiltration routes than is normal in the wet season there. All this suggests the likelihood of enemy offensive efforts this fall, and, in Mr. Eagleton's view, in the summer of '72, when our troop strength there will be far down and our election imminent.

And what do we do at that point? Would we stop the troop withdrawals, bomb the North again, send more troops back in, or just pull everybody out in a hurry? Eagleton's questions are speculative, of course, but by no means unreasonably so.

During the Cuban missile crisis, President Kennedy remarked that that was the week when he earned his pay. It seems entirely likely that such a week is going to come. some time next year, for President Nixon.

INDOCHINA

SENATOR EAGLETON, COMMITTEE ON FOREIGN RELATIONS

I do not claim to be an instant Indochina expert because of my recent trip to Vietnam and Cambodia. There are no experts, instant or otherwise, on this long and complex war.

However, my observations while in Southeast Asia leave me even more convinced that the McGovern-Hatfield bill setting a firm, final and public date for withdrawal from Indochina is responsible and necessary.

I come back convinced that the President . . . foresees an indefinite United States presence in Vietnam to insure the survival of a friendly Saigon regime; . . . predicates the safety of those U.S. troops left behind on an overly optimistic assessment of South Vietnamese capabilities and an unfounded hope for North Vietnamese inaction; . . . has taken a risk, by allowing American soldiers and prestige to be held hostage to Saigon's survival, that is neither wise nor acceptable in view of what can be gained.

I would like briefly to elaborate on those observations.

First, despite public announcements that eventually there will be a total American troop withdrawal from South Vietnam, none is currently planned, and an indefinite extension of United States air and logistical support is assumed.

Recent comments by Sir Robert Thompson, President Nixon's British Southeast Asia adviser, are an accurate reflection of Administration policy as I discerned it in briefing after briefing, as well as in private conversation. Thompson describes the April 7 troop drawdown, which will leave 184,000 American troops in Vietnam next December, as "just right," and counsels that ". . . the South Vietnamese will be ready to stand alone soon *with only logistic and air support* from the Americans."

According to an article by Alvin Shuster in yesterday's *New York Times*, Ambassador Ellsworth Bunker apparently agreed with my reading of United States intentions.

The article stated:

"He (Bunker) forsaw the need for American advisers in Vietnam for several years more and for American air power for at least two or three more years."

The South Vietnamese army has become so "Americanized" that it no longer feels it can fight without sophisticated logistical and air support although the enemy can and does. There are no Administration plans to Vietnamize Vietnamization—to force the South Vietnamese army to fight within the limits of its technical capabilities.

What are the implications of indefinite involvement?

For our prisoners of war, it means indefinite imprisonment. The North Vietnamese are not going to release them while American planes and helicopters continue to kill North Vietnamese.

For pilots and support personnel left behind, it means continued hazards in a discredited cause.

For our country, it means continued division.

* * * * *

My second observation deals with the men who run the war on a day-to-day basis. To alter Senator Fulbright's phrase, they seem concerned with "new myths" but overlook or disregard "old realities" that are nonetheless real.

Anyone familiar with "Diem's popularity," the "capabilities of specially trained U.S. advisers to deal with counterinsurgency," the potentialities of "strategic hamlets," "land reform" and "free elections" for winning "the hearts and minds of the people," recognizes that reality is often sacrificed on the alter of the easy phrase.

Myths aren't created by accident. They are produced by a briefing and public relations system that puts a premium on progress and optimism. In every sense of the word Vietnam briefings are progress reports—emphasizing progress while downplaying setbacks . . . emphasizing statistics rather than trying to understand what they mean.

If wars were won in briefing rooms, this one would have ended long ago. During a week of briefings in Vietnam and Cambodia I watched a new and dangerous myth in the making: "Vietnamization." Vietnamization is the way a slow U.S. withdrawal leaving only a residual force to supply air and logistic support is rationalized. Under Vietnamization the enemy will be defeated and our residual force will be protected.

During a week of briefings, I was told that:

Ninety-eight percent of the South Vietnamese are "pacified," safe to travel, live, and work;

"Vietnamization" is a success—so successful, in fact, that South Vietnamese troops are fighting not only in South Vietnam, but in Cambodia and Laos as well;

Over one million South Vietnamese in the regular army, four million in the rural and popular forces, and one hundred thousand in the national police are all eager to do battle with the slightly more than two hundred thousand North Vietnamese and Viet Cong believed to be operating in South Vietnam;

The economy of South Vietnam is making rapid strides, with inflation down and unemployment low;

Recent operations in Cambodia and Laos have seriously disrupted enemy supplies and the staggering numbers of enemy dead has swollen their 10-year toll in human lives to 739,897;

The South Vietnamese Army is learning to use the modern tools of war far more rapidly than anticipated;

Bombing already 2½ times as heavy as the total U.S. effort during World War II continues against a rag-tag enemy that has neither air power or sophisticated logistics.

Indeed, never has so much been done, by so many, for so long, to so few.

By every statistical measure the enemy is near the end of his rope. And yet the war continues to continue.

South Vietnam is probably better off today than it was a year ago.

But "Vietnamization" is oversold.

High enemy casualty figures are constantly cited as accurate measures of progress. Yet in private, almost every General I talked with agreed that the North Vietnamese value their lives less than the cause for which they fight. Suicide squads of sappers continue to attack in the face of withering firepower. And more significantly, both reporters and generals agreed that there was no diminution in the enemy's will to fight despite heavy casualties.

Similarly, "time bought" and supplies destroyed are always cited. Time is far more important to an impatient, war weary people than to men who have pursued a cause for over 30 years. Supplies are essential to a heavily mechanized army far from home, but how important are they to a guerrilla, living off the land and bent on terror?

How does the "briefing syndrome" work? During my visit to IV Corps, the delta showcase of the pacification program, I was told that . . . the ARVN had taken over full responsibility for security in the region;

Rice production was up and enemy activity was down;

This former Viet Cong stronghold was 98% pacified;

Now the ARVN was so strong that it could simultaneously invade the Yuminh Forest, (a Viet Nimh and Viet Cong stronghold since 1945) while maintaining several divisions in Cambodia;

Enemy supplies entering IV Corps from Cambodia were greatly diminished.

Reason for optimism? Yes, until while questioning I discovered:

20,000 United States "advisers" were still in IV Corps, only 4,000 fewer than in December 1969;

Since the Laos invasion began, 40 IV Corps outposts or watchtowers had been overrun as compared to only 63 for the entire preceeding years;

At most 60% of IV Corps was safe to drive at night;

Four out of five helicopters used in the Yuminh invasion of this March and April were American, flown by Americans;

Most of the IV Corps helicopter support is supplied by U.S. pilots flying more U.S. helicopters than the South Vietnamese are programmed to eventually get for the entire country;

The guerrillas had broken down into small units capable of supplying their own food and needing little ammunition to conduct terrorism activities.

Instead of taking the optimistic briefing picture with me from IV Corps, I left with a different perspective. The delta may not literally be up for grabs, but it is far from pacified, computer ratings notwithstanding. Over 30,000 enemy troops, mostly indigenous Viet Cong, control the level of fighting and engage in terrorism which the Saigon government cannot prevent.

I don't believe there is any longer a danger that the Pentagon's interpretations will sell the public on an unwise policy. The real danger is that the military will believe its own propaganda and act accordingly. The ultimate danger is that the President will commit his power and stake his prestige on these biased interpretations.

He did during Lam Son 719—the Laos invasion.

Lam Son 719 revealed the way significant decisions are made, explained, carried out and analyzed.

President Thieu, in a classic understatement, described the operation as "limited in time and scope."

As originally conceived, the ARVN would have thrust further west after quickly taking Tchepone, would have "blocked" the major arteries of the Ho Chi Minh trail in an attempt to cut the "supply line jugular," would have stayed until approximately May 1 and would have cleared new territory on the way out.

In execution, the ARVN did not go beyond Tchepone—which itself was taken two weeks later after massive B–52 strikes completely destroyed the area, annihilating any possible opposition; temporarily disrupted some trails but failed to even touch the "jugular," and retreated more than a month early without clearing any new territory.

Charts growing high enemy body counts and destroyed enemy supplies were wheeled out, as usual, to demonstrate success. And even this type of "success" was achieved only with truly massive—I mean massive—American air support and with 80,000 American ground troops and even more air support across the border in South Vietnam to protect I Corps.

This limited success was partially offset by considerable South Vietnamese casualties, especially from several of their best units, and a memory of retreat that can only haunt the ARVN in the future. The U.S. lost almost 1/6 of the helicopters involved and many more were disabled. Other supplies were also lost.

The most that can reasonably be claimed for Lam Son 719 is that South Vietnamese ground forces, with massive American air power and with massive American ground backup across the border, maintained, for a short period of time, a measure of success against North Vietnamese ground forces in Laos.

What went wrong? When General Vogt briefed this committee on Lam Sam 719 on February 9—and I checked the truth of this specifically during an extensive briefing on Lam Son 719 when I was in Danang—the enemy capability in the area, the enemy troop movement toward the invading force and the intention of the North Vietnamese to fight all were well known.

General Vogt's expressions of confidence in the attainability of Lam Son 719 objectives on February 9 were another example of the briefing syndrome, with exaggerated estimates of South Vietnamese capabilities and/or underestimated enemy capabilities.

Lam Son 719 was either a blunder of major proportion or General Vogt's testimony widened the gap in candor between the President and Congress.

The President and the Pentagon predictably hailed Lam Son as a master stroke.

Sadly, Lam Son is not unique. All the classic faults that have plagued our Vietnam decisions were there: Overstating our capabilities, understating the enemy's, and rationalizing the outcome.

As we enter a politically volatile year here at home, fewer U.S. troops in Vietnam will be more dependent on the South Vietnamese for protection from likely North Vietnamese attacks.

The North Vietnamese, especially in 1972, will be able to call most of the shots in the war.

What are North Vietnam's intentions? The only certainty is that neither North Vietnam's leaders nor soldiers have lost their desire to keep fighting. Indeed, that is the only statement on which journalists and military men in Vietnam seem to agree, and it is extremely important when juxtaposed against our own war weariness.

The North Vietnamese well recognize the depth of American disillusionment over the war from the left and the more recent post-Calley disillusionment of the right; the volatility of the U.S. electoral process which begins in New Hampshire on March 14, less than 10 months away; and the influence of their actions on both American public opinion and politics.

I suspect that the North Vietnamese will stage something dramatic by the summer of 1972. This dramatic endeavor need not be as massive as Tet in 1968. It might be an assault on Phnom Penh or perhaps even Vientiane. It might be several systematic assaults on American-manned installations or a sweep through several "fire bases" or towns in an attempt to exact sizeable American casualties. Or it might be a terrorist blitz in Saigon.

Whatever the mode, the intent would be to force the war back on page one and at the same time force President Nixon to act.

An enemy offensive, depending on its nature, could force President Nixon to take escalatory action, send in U.S. troops or heavy air support, resume bombing of the North, or simply stop withdrawing soldiers. Or, far less likely, it could force him totally to withdraw, Dunkirk-style.

These are the dangers and risks of our present policy.

This leads to my third point. What can possibly be gained by allowing American soldiers and American prestige to be held hostage to the Saigon regime's survival?

Very few people in Vietnam talk about this anymore.

Is it to show Europe that we honor our commitments? Do they really think that after 17 years, 135 billion dollars, 55,000 lives 300,000 casualties and bitter and deep domestic division, we are wise to continue to support a regime whose survival means so little to United States security?

Is it to prove to other countries that we can handle communist-inspired wars of "national liberation?" If so, does any country anywhere in the world believe that after Vietnam the United States will soon engage again in so foolish a venture?

Is it to stop an expansionist China? I doubt even Dean Rusk believes that anymore.

President Nixon has said that we have fought "not for conquest, not for glory, but only for the right of a people far away to choose the kind of government they want."

A war between one people, in one country, over who governs, is a form of self determination like our own civil war.

I agree with President Nixon that the Vietnamese should determine their own future. That is, in essence, what the McGovern-Hatfield bill would permit.

BUNKER ASSAYS VIETNAM YEARS

(By Alvin Shuster)

SAIGON, SOUTH VIETNAM, May 9.—Ambassador Ellsworth Bunker has just completed his fourth year in America's most crucial diplomatic post, conscious of past mistakes here, proud of the progress, confident of the future but aware of the dangers that lie ahead.

He celebrates his 77th birthday tomorrow, feeling physically fit but clearly ready to move to other duties. He does not, as he says, "choose to run for another four-year term," and the expectation is that he will be leaving shortly after the South Vietnamese presidential elections in October

A slim man who looks taller than his 6 feet 2 inches because of his erect bearing, Mr. Bunker has served here longer than any of his predecessors, presiding as the supreme American influence here as American troops poured in and now, as they pull out. He was behind the policy of expansion of President Johnson, who sent him here, and he is a stanch supporter of the withdrawal policy of President Nixon, who won't let him go.

Sitting in an easy chair in his office, amid the pictures and mementos recalling a diplomatic career that began 20 years ago, after 25 years as a sugar-industry executive, Mr. Bunker marked the start of his final months in office with a rare and wide-ranking interview.

He foresaw the need for American advisers in Vietnam for several years more and for American air power for at least two or three more years. He said that American troop strength, now about 280,000, should drop to about 100,000 by next May 1. President Nixon has announced that the troop level would decline to 184,000 by Dec. 1.

"I thought from the beginning that if we stayed with it, it would come out all right," Mr. Bunker said. "My only doubts are whether we are going to stay with it, not because of the situation here, but because of the situation at home. I've never had any doubt that if we have the determination, the patience and the will, we would achieve reasonable success here."

On the political side, Mr. Bunker said that he thought constitutional government in South Vietnam had worked "remarkably well." On the military side, he said that there had been "very great progress."

PAST ERRORS ACKNOWLEDGED

But Mr. Bunker also acknowledged some past errors that helped feed the antiwar feeling and that in turn raised his own doubts about the determination of the United States to stay the course in Vietnam.

"I think we talked too much in the early days," he said. "I think that many of our mistakes were compounded by overoptimism as to how the situation was developing and how it could develop. My theory has been that the facts speak for themselves."

Because of the resentment at home over the war, Mr. Bunker emerged over his four years here as two men. One is the Bunker seen by the war's critics at home, a villain who has been responsible for the mistakes and miscalculations of American policy, who has resisted dramatic changes to bring about political accommodation and who has been overly protective of President Nguyen Van Thieu.

The other Bunker is the one seen in Saigon, a charming host, a courtly and skilled diplomat, an efficient administrator, and an envoy who aides say is more responsive to, than responsible for Washington policy, of which he undoubtedly approves. Barely does one hear a critical personal remark against Mr. Bunker here, even from those outside the embassy who disagree with him and think the American involvement has been a disaster.

A KEY MAN FOR NIXON

"He's one of the three or four men President Nixon listens to when he's got an important decision to make about this country," one embassy official said. "But he is way out here and obviously those closer to the White House probably have a better chance of being heard."

Another embassy aide said: "Bunker is probably important in shaping policy, if not in making it."

Mr. Bunker has held his public words to a minimum, reflecting the caution and tact that endear an envoy in a sensitive post to his colleagues in Washington. A few wrong words from Mr. Bunker could not only stir the critics at home but also upset the close relationship he has developed with the Saigon Government.

In his interview, Mr. Bunker said that he was frankly worried about the economic future of South Vietnam, that "difficult economic problems" lie ahead because of the departure of American troops and that "economic assistance on a major scale" would be

necessary from the United States for a considerable period of time.

CONCERN ABOUT ECONOMY

"I think that the economy will be a greater concern than the military situation," he continued. "The Vietnamese have confidence now in their ability to handle the military situation."

Mr. Bunker, who as chief of the United States mission here outranks Gen. Creighton W. Abrams, the military commander, also made the following points:

Among the mistakes of the past were the lack of official understanding of the type of war being fought here, a late realization that the United States could not finish the job alone and had to train the South Vietnamese to take over, and the tendency to oversell progress here.

"We really didn't understand the kind of war we were engaged in," he said. "So it was difficult, it took time to learn and therefore people became impatient with war. Then, at the same time, other problems arose at home—problems of the cities, racial problems, pollution, all of these crowded in and demanded attention. So the feeling developed, understandably, that domestic problems should have priority."

Chances for a political settlement may improve after the South Vietnamese presidential elections because Hanoi may decide to negotiate seriously when it sees a regime that "will be in power here for the next four years." Hanoi may also wait to see the outcome of the American elections next year, he said, but he did not rule out the possibility of an eventual outcome here of no settlement, no peace and no war.

While the recent allied thrust into Laos "had some effect," it was still too early to judge how much it succeeded in curbing Hanoi's efforts to supply the Indochina war. The operation showed that the South Vietnamese needed to develop better coordination in command.

President Thieu is a man of "considerable intellectual ability" who has grown in his job. But the United States will take no sides in the forthcoming political campaign here, although "we hope to see fair, honest elections." It would again be a "good idea" if observers from other countries, including the United States, came for the elections.

Despite the view of many war critics at home that President Thieu stands in the way of a settlement, it is not up to the United States to see that he is removed. The South Vietnamese "have a constitutional system."

RELATIONS WITH THIEU

The relationship of Mr. Bunker to President Thieu, who rose to power during the Bunker years, has often been a subject of controversy among critics of the war. Some of the ambassador's associates say that he represents "a father figure" to President Thieu and that Mr. Bunker tries to "persuade rather than push" him.

According to an aide of President Thieu, "Thieu and Bunker are open and frank with each other and like each other, but when Thieu says he doesn't like something and wants Bunker to ask Nixon about it, Bunker just sits there and nods and we never quite know what he's thinking. He never tips his hand."

As Mr. Bunker noted in the interview, American leverage on the Saigon Government is not what it was when half a million American troops were in the country. But Mr. Bunker said it would remain considerable because of the economic aid that Saigon will need.

The two men meet frequently, sometimes two or three times a week, depending upon the burning issues. They discuss, often with General Abrams on hand, the specific areas from which American troops would withdraw, the question of financial support, and last week, American proposals for an intensified campaign by the South Vietnamese to curb the alarming flow of drugs to American servicemen.

Outside the top levels of the Saigon Government, Mr. Bunker, as might be expected, has kept his contacts with the Vietnamese to a minimum. For example, he has never had more than a social conversation with Gen. Duong Van Minh, who is likely to be President Thieu's challenger in the election.

Accordingly, Mr. Bunker seems a distant, forbidding figure to the South Vietnamese who have had no contact with him. The local press has nicknamed him Ong Gia Tu Lanh or "Mr. Refrigerator." Sometimes the papers call him "the governor" of South Vietnam.

For the Ambassador to avoid showing partiality in the elections will take all the diplomatic skill he demonstrated as a troubleshooter in the 1965 Dominican crisis, where he supervised the transition to constitutional government, and earlier assignments in which he mediated the disputes between Indonesia and the Netherlands over Dutch New Guinea and between Egypt and Syria over Yemen.

Virtually every ambassadorial act—a visit to the palace, a trip to a ceremony with the President—will be seen by opponents of the Government as new gestures of American approval of Mr. Thieu.

CLOSE TIE WITH ABRAMS

Apart from the close relationship with President Thieu, Mr. Bunker has developed an effective and friendly partnership with General Abrams, the "political general" who understands that military actions of this war must often be governed by political considerations. When General Abrams succeeded the outspoken Gen. William C. Westmoreland, Mr. Bunker advised him against doing "so much talking about developments here and just see how it worked."

"I keep him thoroughly in touch with political developments and he keeps me thoroughly briefed on the military situation," Mr. Bunker explained.

Inside the embassy itself, Mr. Bunker has earned the respect and admiration of his staff, although some of the younger members sometimes complain that their views are not listened to in the higher councils and that, despite public caution about events at the top, they are expected to accentuate the positive in their reports.

Mr. Bunker and his wife, Carol C. Laise, who is Ambassador to Nepal, own a farm in Vermont. He said he would like to go back there for a while when this assignment ends, but indicated he would not object to returning to his old job as a trouble-shooter with ambassadorial rank—"it gives you a little more freedom."

Asked what his advice would be to his successor, Mr. Bunker replied: "Stand fast. And let the facts speak for themselves."

CAMPAIGN GM, ROUND II

Mr. BAYH. Mr. President, I am pleased to express today my full support for Campaign GM, Round II.

I support Campaign GM, Round II because I believe that the campaign raises issues that are extremely significant, issues which deserve serious and responsible consideration.

The question of corporate responsibility raised by Campaign GM is one of the most important matters of our time. We live, for better or for worse, in a nation whose economy is dominated by giant corporations. These corporations have produced for the American people a standard of living that is the envy of the world. The efforts of our corporate, free-enterprise economy have substantially alleviated material want for the vast majority of our people. Many corporations have been in the forefront of efforts to combat poverty, racial discrimination, disease, and environmental pollution. There is no question that American corporations have made great contributions toward significant improvements in the quality of life for all Americans. I do not believe that any other economic system could have accomplished so much for so many people.

There can also be no question, however, that the unprecedented expansion of our economic system has resulted in the creation of some extremely serious problems.

And though many of America's corporations have been extremely responsive to these problem areas, too many corporations have not been adequately heedful of the pressing social demands of our day.

Efforts such as Campaign GM seek to bring these issues before the shareholders of large American corporations, and before the general public—not in order to take over the corporations, or to destroy them, but in order to influence their conduct so that the public interest might be better served.

Mr. President, I think that these efforts are extremely worthwhile. For they focus attention on one of the most crucial issues of today—that of corporate responsibility.

I believe strongly that those who occupy public positions of power must be held accountable and responsible for their actions.

This can be no less true for a large corporation than for the government. Just as government officials must be responsible to the public, to those whom they serve, so too must corporations and their managers and directors be responsible to the shareholders and the public which they serve.

A giant corporation, such as General Motors, is an extraordinarily powerful and influential force in our Nation. General Motors' annual revenue totals more than $24 billion—nearly a billion dollars more than the combined annual revenue of our five richest States. GM employs almost 800,000 people. And the depressing effect upon the entire U.S. economy of the past year's strike against GM is evidence enough of the enormous impact which this one corporation has upon us all.

It is because this corporation is so huge, and so influential, that I believe Campaign GM is such an important effort. For the proposals of the campaign seek to introduce a greater measure of accountability and responsibility into the workings of this giant corporation.

The three proposals on which General Motors' shareholders will vote tomorrow involve two simple, and eminently reasonable concepts. They are first, that the shareholders and others vitally concerned with the company's operation ought to have a real choice as to who sits on the board of directors, and second, that shareholders are entitled to the kind of information they need in order to make informed judgments about their corporation.

We put great stock in the concept of democracy in this country. We pride ourselves in the way that free elections are the cornerstone of our political system. And yet, unfortunaely, "corporate democracy," the notion that boards of directors are "elected" much like public officials, is not a reality, but a myth.

I feel strongly then, that Campaign GM's first proposals, that elections to the board of directors be made true contests, ought to be approved. Elections to the board of directors of the large corporations are presently mere formalities, with no real choice exercised by the shareholders—save in the rare case of a full-fledged proxy contest.

And such elections are no choice at all for those who may not be shareholders but who are, nonetheless, as deeply affected—perhaps more affected—by the actions of the corporation as the shareholders themselves: employees, consumers, and in the case of GM, dealers, I recognize the legitimate questions raised by the notion that those other than shareholders—consumers, for example—have a voice in the direction of corporate affairs. But I feel that the proposal, especially in the case of a giant corporation such as General Motors, merits serious consideration and approval.

And I believe there is no real doubt that corporate shareholders are entitled to the kind of information which the campaign's third proposal would have the corporation furnish. For shareholders of a concern such as General Motors, such matters as corporate efforts in the areas of auto safety and air pollution are crucial to the kind of informed judgments that the shareholders—who are, after all, the owners of the corporation—ought to make regarding the corporation. And I believe that in these times, shareholders of all corporations are entitled to know what their corporation is or is not doing in the area of minority hiring and employment discrimination. Corporate shareholders are entitled to more information than a simple financial statement. I would like to see corporations make these sorts of disclosures on their own. But if they will not do so, it is clearly appropriate for the shareholders to take action to compel this kind of disclosure.

Mr. President, I believe strongly in the free enterprise system. It has done a lot for our country. But I also believe that the free enterprise system must keep its own house in order—just as I believe that government must keep its house in order. And just as I do not wish to see a government dominated by economic interests, so do I not want to see our economic system dominated by the Government.

The proposals of Campaign GM seek to insure the continued vitality of our economic system by encouraging corporations—which wield such immense power in our democratic society—to be responsible to their shareholders and to the general public.

Mr. President, these are worthwhile proposals, they are reasonable proposals. And I feel they are worthy of the full support of all concerned.

SENATOR HARTKE ASKS FUNDING FOR REA TELEPHONE LOAN PROGRAM

Mr. HARTKE. Mr. President, I wish to call attention to the vital services being performed by the hundreds of local rural telephone cooperatives throughout the country. In Indiana, for example, there are some 30 REA borrowers which are providing modern telephone service for over 70,000 rural subscribers. When the REA telephone loan program was initiated by Congress in 1949, only 61 percent of the farms in Indiana had telephones, and much of this service was obsolete in nature. Today, well over 90 percent of the State's farms have telephones, and much of this is modern dial service.

In spite of this outstanding record of service, local RTC's in Indiana and throughout the Nation are currently caught in the grips of a serious financial crisis. With a backlog of loan applications well in excess of $460 million, the REA telephone loan program has been operating on a budget of less than one-third of that amount.

While last year's appropriation by Congress of some $130 million for this program can scarcely be considered adequate, it has now become apparent that the administration is aggravating an already critical situation by placing a freeze on part of the 1971 fiscal appropriation.

Last month I directed a letter to the Office of Management and Budget strongly urging that this freeze on the 1971 appropriation be lifted.

Mr. President, I ask unanimous consent to have the text of that letter printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON FINANCE,
Washington, D.C., April 26, 1971.

Mr. WILLIAM GIFFORD,
Congressional Liaison Office of Management and Budget, The White House, Washington, D.C.

DEAR MR. GIFFORD: I am writing in regard to the REA telephone loan program of the USDA. As you know, many local RTC's are currently experiencing serious financial difficulties.

According to the National Telephone Cooperative Association, over $200 million in loan applications are filed with the REA each year. Currently, the back-log of loan applications is in excess of $460 million. Yet for fiscal year 1971, only some $130 million was appropriated by Congress for the REA telephone loan program.

It is this $130 million appropriation for fiscal 1971 that is of immediate concern to many of the local RTC's. It is my understanding that the OMB has authorized a freeze on some $5 million of the 1971 appropriation. In my opinion, this freeze can only serve to exacerbate the already existing financial deterioration of the REA telephone loan program.

Accordingly, I ask that the OMB give serious consideration to the lifting of this freeze so that the REA loan program might benefit fully from the appropriation which Congress authorized for the current fiscal year.

Sincerely,

VANCE HARTKE,
U.S. Senator.

POLLUTION OF LAKE MICHIGAN

Mr. HARTKE. Mr. President, in 1910 this Congress approved a bill making it illegal to "throw, discharge, dump, or deposit any refuse matter of any kind or description whatever other than that flowing from streets, sewers, and passing therefrom in a liquid state into Lake Michigan, at any point opposite or in front of the county of Cook, in the State of Illinois, or the county of Lake in the State of Indiana, within 8 miles from the shore of said lake, unless said material shall be placed inside of a breakwater so arranged as not to permit the escape of such refuse material into the body of the lake and cause contamination thereof; and no office of the Government shall dump or cause or authorize to be dumped any material contrary to the provisions of this act."

It has been 61 years since this act took effect, and in that time, no action has been taken to enforce its strictures. Governmental and industrial pollution is this very day being poured into Lake Michigan at a higher rate than ever before, creating pollution and contamination which threatens the life of one of the greatest natural bodies of water in the world.

Enforcement of the 1910 law has been so lax that it is undoubtedly unenforceable at this time. Little effort has been made to get local governments or industries to install recycling equipment or pollution control devices. If the Government were to make an about-face after more than a half century and begin to enforce the strict letter of the law, I doubt that its efforts would be successful. If we seek to enlist the support of the private sector in the war on pollution, we must establish firm but reasonable standards, and then enforce those standards on a uniform basis.

Clearly, Lake Michigan is the victim of human apathy. Despite the existence of Federal water quality standards, water quality in the lake has been deteriorating. Recent studies have indicated that, unless sweeping action is taken immediately, we may never be able to reverse the lake's slow death.

The 1910 law recognized that Lake Michigan is a special case. Because there is no significant flowthrough to allow the lake to be flushed of contaminants, pollutants which accumulate in its southern basin have no outlet. Existing water pollution standards merely legalize some discharges of deadly pollutants into the lake.

The Federal Water Pollution Control Act of 1956 authorized the convening of enforcement conferences to set water quality standards. The first such conference was held in 1965. Although that conference has produced many interesting reports and has been valuable as a vehicle for public discussion, the fact remains that, 6 years later, the water quality of the lake has not improved. In many instances, it has actually deteriorated.

Mr. President, I am well aware that the administration is hampered by procedures which are cumbersome and often unworkable, but—after 61 years—we

have a right to expect that conditions in Lake Michigan would be far better than they are. There may well be a need for new legislation, and I am happy to see that the distinguished Senator from Maine (Mr. MUSKIE) has introduced such legislation this session.

I fear, however, that the administration has yet to recognize that there is a sense of urgency about the fate of Lake Michigan. For too long, the Great Lakes have been ignored. Lake Erie may be lost forever as a source of recreation and livelihood, but Lake Michigan can, and must, be saved.

The 1899 Refuse Act and the 1910 act, cited at the outset of my statement, give the administration all the power and the authority they need to protect Lake Michigan. All that is needed—and all that has been lacking for so long—is the will to get the job done.

FORTY DAYS WITH THE ENEMY

Mr. MATHIAS. Mr. President, a book published today deserves the attention and careful reading of every Member of the Senate. It is entitled "40 Days With the Enemy" and is the story of a journalist held captive by guerrillas in Cambodia. It was written by Richard Dudman who is described by Walter Lippmann as "a first rate reporter on an unplanned assignment."

It is essential that a man know his enemy. This is an opportunity to meet the men we are fighting in Indochina. The stories Dick Dudman tells, to use his own words, "help explain why the men and supplies have continued to flow along the Ho Chi Minh trail from North Vietnam through the Laotian panhandle and into Cambodia and South Vietnam despite the thousands of tons of those blockbusters that the U.S. Air Force has dropped on this system of infiltration routes."

It is sobering to read Dick Dudman's conclusion that "On the basis of our observations, we believe that the invasion of Cambodia by American and Saigon troops cannot be successful. It had done nothing except to bring a bitter and prolonged war to a peaceful country and has made peace in Indochina even more difficult to achieve."

I urge the Members of the Senate to read "40 Days With the Enemy." It will widen their horizons and deepen their perspectives of the war in Indochina.

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 PRESIDENT pro tempore. The hour of 9 o'clock having arrived, debate on the SST amendments is now in order and time will be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Washington (Mr. MAGNUSON).

Who yields time?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that there be a quorum call with the time to be taken equally out of both sides.

The PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. MAGNUSON. Mr. President, I yield such time as he may need to the distinguished Senator from Georgia (Mr. TALMADGE).

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, in resolving controversy over the U.S. supersonic transport, we need to accept the fact that there already is an SST.

The British and French have it. The Soviet Union has it. The question, therefore, is whether the SST is going to be ours or theirs.

The SST is flying. Whether it flies under the U.S. flag or foreign colors is for us to decide.

This is the only issue of substance. It is an economic issue only to the extent that we may waste million of dollars already spent, or throw away future earnings. We cannot wreck an ongoing program, put many thousands out of work, and spend more money tearing down that building, and call it economy. We cannot increase the flow of American dollars abroad—when the dollar is already in serious trouble and Europeans already have more dollars than we have gold—and call it fiscal reasonsibility.

I fully understand there is widespread opposition to development of the SST prototypes.

Ever since mankind tamed the horse, he has sought more speedy and more efficient modes of transportation. There has been public opposition every step along the way. There was public opposition to the steam engine. People were against the steamboat. People opposed the automobile. They opposed the airplane. They opposed the jet airplane.

I hope the SST program does not fall victim to opposition based on environmental emotionalism and false economy.

It would cost the Government more to dismantle the SST program than it would to complete the two prototype aircraft as planned. We have already spent nearly $1 billion on the SST program. Another $300 million is all that would be required to complete the prototypes. To stop now is about like investing a sizable sum in the construction of a six-room house, completing five rooms, and then walking off and leaving it. If we walk off the SST job now, all we will have to show for nearly $1 billion is a mockup of the aircraft in Seattle and voluminous pages of rhetoric in the CONGRESSIONAL RECORD.

With the death of the SST program, also will die approximately 14,000 American jobs. Also wiped out would be the prospect of 150,000 new jobs that would be created when the SST goes into production.

I challenge whether such action as this can be taken in the name of economy.

Congress hesitates little, if any, to spend billions for make-work programs of dubious value. We defend foreign countries richer in manpower and monetary reserves than ourselves. We undertake the care and feeding of the American people from the cradle to the grave. Yet, we balk at preserving American superiority in the aerospace industry.

We back away from guaranteeing thousands of jobs for people who want to work for a living and who do not want to go on welfare or unemployment compensation.

We are already in the business of exporting American jobs in the textile industry, in footwear, in electronics, and in many other fields. Are we now going to add the aircraft industry to that list, and send more dollars and more jobs overseas?

The American aircraft industry is a plus industry. We claim 85 percent of the commercial aircraft world market. In the past 5 years alone, we earned a $10.7 billion aircraft trade surplus.

If we lose the world market and give up $10 billion in export sales and another $10 billion that would be paid out by American air carriers for foreign-built SST's, that could mean a $20 billion trade deficit in the next 10 years.

The environmental issue has been grossly overstated and exploited in order to play upon people's emotions. The Senate, with my support, passed legislation prohibiting supersonic flights over the continental United States. We have banned any aircraft, including the SST, that would exceed acceptable air and noise pollution standards.

Military aircraft have been flying at supersonic speeds for a decade, without any of the horrible atmospheric or ecological results portrayed by prophets of doom.

Thus, I support Government assistance for completion of the two SST prototypes.

I refuse to bow to rampant emotionalism. I fail to understand how we can serve the American economy by demolishing many thousands of jobs, by throwing away U.S. supremacy in the aircraft industry, or by sending more of our dollars abroad to be devalued.

I, too, am concerned about the Nation's economy and that is preciseiy why I favor completion of the SST program.

Mr. President, I thank my distinguished friend, the Senator from Washington, for yielding to me.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I yield myself such time as I may require.

I appreciate that it is a somewhat unusual situation in the Senate to discuss an amendment from 9 o'clock in the morning until 11 and then not vote on it until after 5 or 6 in the evening. Obviously, anyone would know there would not be very many Senators present. I do not think I will be very convincing to the Senator from Montana, the Senator from Wisconsin, or the occupant of the chair—Senator GRAVEL. However, I do think that I might be a

little persuasive with the Senator from Michigan.

I understand the situation. Had I been consulted about this matter when the unanimous-consent agreement was made, I would have suggested that before the vote on the Proxmire amendment there be at least 20 minutes on each side so that we could explain to the Senate what this matter is all about. However, that is not the case. And I do not know if the ultimate effect would be changed in any way. Therefore, my speech this morning will again consist of putting in the RECORD some of the arguments that have been made on this matter and are well understood by all parties.

It has been said in the last few days in the press that nothing new has been added since the cancellation of the contract by Congress some 7 weeks ago. There have been some new facts.

One that vitally concerns me involves not only the airplane, but certain statements and certain data and information which have come to the surface that prove the truth of the arguments we made earlier to the effect that the SST would involve an important positive setoff to our existing balance-of-payments deficits.

Mr. President, yesterday morning and this morning there have been a great number of news articles about our balance-of-payments deficits being at a new high. They were at a level of $5.5 billion for the first quarter of 1971. If that continues, it will total $22 billion by the end of the fiscal year.

Another new fact has been added. That fact involves the troop matter which we will vote on later in the day. It also concerns the balance-of-payments deficit. The fact is that Europeans have decided they have too many American dollars. Therefore, we have had this hassle and controversy going on in the financial centers of the world for the past 2 weeks. They say we have too many dollars in Europe and that it has seriously impaired the strength of the dollar.

Some comments have been made to the effect that our dollar is in second place in the world and that the mark is on the top side. I do not think that anyone could dispute the fact that if we do not build the SST, the American airlines will be forced to buy foreign SST's. They already have made orders. United has an option to purchase, as does Pan American, TWA, and others. The Concorde No. 1 is flying. There are always some arguments about bugs in anything any time a new sophisticated type of device is manufactured. It has to be tested. It is like the shakedown cruise of a ship.

The facts are as testified to by the Secretary of the Treasury and by many economic experts, that an American SST would have a positive effect in the future on our balance-of-payments deficit.

Instead of buying American SST's the airlines will be buying foreign SST's at a cost that will add more dollars to the oversupply of dollars already in Europe, which will add to our trouble.

In the development of a foreign SST, particularly the French and British Concorde, the Germans have now said they will enter into a consortium with France and Britain, for the three countries to develop what will be Concorde II. That will involve more dollars. According to the best experts I know, it may involve an $8 billion balance-of-payments deficit one way, or if we keep it here, $8 billion the other way, so we are dealing with $16 billion saving. With the balance-of-payments deficit now at $5.5 billion in the first quarter, I think this is a very important new factor in whether or not we have an American SST.

Many of the foreign lines have taken positions. They expected to buy our SST because it was a different type airplane. Even Air France and BOAC have orders. They naturally will fly the Concorde II. So we are talking about $20 billion one way or another. This is pretty important in these days because of the fiscal struggle we are in to keep the value of the dollar where it should be.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by James L. Rowe, Jr., published in the Washington Post of May 18, 1971, concerning the entire balance-of-payments deficit.

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

PAYMENT DEFICIT AT NEW HIGH—U.S. IMBALANCE, TRADE POSITION RAISE CONCERN

(By James L. Rowe, Jr.)

The United States recorded the highest quarterly balance-of-payments deficit in its history in the first three months of 1971, the Commerce Department reported yesterday.

At $5.5 billion, the deficit was $2.2 billion larger than that recorded in the fourth quarter of 1970. It would work out to a full year's deficit of about $22 billion if the difference between what the U.S. spends abroad and what it takes in continues at the same clip.

Treasury Secretary John B. Connally said: "Clearly, that level of deficit is not sustainable." But he said he was less worried about the balance-of-payments deficit—though he called it "bad news"—than about the nation's trade position.

The trade surplus—the excess of exports over imports—totaled $290 million in the first quarter. This was up from $150 million in the fourth quarter of 1970, but it works out to a full-year surplus or less than $1.2 billion, well below last year's surplus of $2.1 billion.

"More importantly," Conally said, the surplus "remains far below the levels of the early 1960s, and below the amount we need to achieve an equilibrium in our balance of payments."

The Treasury Secretary suggested that some modifications in anti-trust laws might be necessary to help American firms compete abroad. He also called upon labor and industry to hold down wage and price increases.

The $5.5 billion January-March payments deficit was recorded on an "official settlements" basis, which measures the dollar holdings of foreign central banks and certain other official institutions. Only these bodies can make claims against the U.S. gold stock—which now stands at slightly over $10 billion.

Foreign central banks currently have claims againt the U.S. about three times as large as the nation's gold holdings, Connally admitted to a Senate subcommittee on international trade, but said he is not as concerned as people might think.

Under the present arrangements with nations, he said, there is little possibility of a large-scale cashing-in of dollars for gold.

The official payments deficit, which Commerce said is "intended to be an indicator of immediate exchange market pressures on the dollar during the reporting period," would have been about $180 million larger but for an allocation to this nation's Special Drawing Rights account in the International Monetary Fund. Often called "paper gold," the SDRs function as an international reserve currency much the same way the dollar does.

On a "liquidity balance"—which is measured by changes in U.S. official reserve assets and in liquid, or cash, liabilities to all foreigners—the deficit was about $3.1 billion, $2.5 billion higher than in the fourth quarter of 1970.

Connally said "the major cause of these extraordinary outflows is transitory—interest rates here which are lower than those in Western Europe. That imbalance will be largely corrected as economies move back into phase."

During the first four months of this year billions of dollars flooded European markets to take advantage of higher short-term interest rates there. European central banks primarily the German Bundesbank, were forced to purchase large quantities of dollars to keep exchange rates within limits defined by the IMF.

Finally, Germany and Netherlands allowed their currencies to "float"—removing their tie to the dollar temporarily—while Austria and Switzerland revalued their currencies.

But Connally said the administration would not return to a policy of high interest rates to stem the movement of short-term capital. In response to a question from Sen. Russell Long (D-La.), he said he could envision nothing more damaging to the economy.

Connally told the subcommittee the nation's competitiveness in international trade must be improved. "I believe we have legitimate complaints about some of the practices of other nations—now in a strong position—that have the effect of blunting our competitive effort."

In response to a question, he said the nation might be forced to refashion some of its antitrust laws to enable American industry to compete; he did not outline these changes.

He noted that Japanese government organizations control a large number of the major companies and co-ordinate their activities. Because U.S. firms are usually barred from joint endeavors, they are often put at a disadvantage.

Connally said he was not pleading for other nations to break down their trade barriers for altruistic reason, but out of a "common interest in achieving new and balanced trading relationships."

Connally hit the private sector at home for not doing all it could "to hold down the rise in labor costs, to avoid unnecessary increases in interest rates, and to speed the return to price stability."

He said "stronger efforts have to be made to raise productivity . . . This nation—its industry and its labor—must help redress the decline in our competitive position and improve our economic performance in foreign markets."

Mr. MAGNUSON. Mr. President, what else has been happening? I must confess I do not know all the figures and I do not think anyone will know the situation until there is another analysis of the figures. I refer to the amount of money it will cost to terminate the contract. Actually, the contract has been technically

terminated. I doubt if anyone knows how much it will cost to revive it.

I have a statement from the people who should know at DOT, to the effect that the cost of termination will equal the cost of continuing or bringing it back, starting from the original contract that we canceled 6 or 7 weeks ago. I am not privy to the figures of the two companies involved. I am conscious of a statement made by the chairman of the board of the Boeing Co., last Friday, at the very time we were acting on this matter in the Appropriations Committee. He quoted some pretty large figures. I find, however, without looking at their books, because I am not privy to that information, that these figures were overstated.

However, Mr. President, the fact is that when you terminate a contract of this magnitude and then revive it, it is going to cost extra money. How much more would have to be determined by an analysis and given to the Committee on Appropriations by both companies, the administration, and those involved.

I personally do not think it will be anywhere near the amount suggested by the Boeing Co. Even the chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER), calculated in his mind what it would be and his figures were much less than that. The problem is that the figures for reviving the contract deal have to deal with the fact that the contractors have to go out and make new contracts with the subcontractors, of which there are many. I suppose the assumption is correct that the subcontractors would probably ask for a little more than what they got under the original contract a year or 2 years ago. Those figures are difficult to ascertain.

There would be no trouble in getting the subcontractors back to their jobs, because like most people in the aerospace industry in the United States they are out of work and out of contracts. I think they would snap at the idea, with reasonable give and take, at a reasonable cost to revive it. The aerospace industry is the hardest hit industry in the economy of the United States. I need not tell the Senate that we are faced with some serious unemployment problems in places where the aerospace industry is located. I appreciate that this has little to do actually with the merits of the SST one way or another. Unemployment in my State is running at approximately 16.5 percent. That is greater than what happened in the great depression in the 1930's. Unemployment insurance is costing us millions of dollars and I am sure all of us would like to do what we can to save the aerospace industry. It has been responsible for many, many years for our Nation's having air superiority in the world.

The SST fits into that picture as aviation's future. The SST is not going to go away. It is going to be here. The only thing that is going to go away, if we do not revive the contract or make some attempts to continue research, will be the American SST and American commercial air superiority in the world. Right now almost 84 percent of all airplanes flying in the free world are American-made commercial airplanes. One can go to any airport in the world and see those American built airplanes.

I know it costs money to develop anything with the sophisticated technology involved in this matter. I spent many years as the chairman of the Appropriations Committee in the development of our space program. I was astounded at the amount of money it has been costing us. We have kept American superiority in space and we are trying to keep it in civil aviation. We have now reached a point where perhaps we are ready to reevaluate the program as it relates to goals and objectives.

In effect, this is merely another adventure in space. This program was first started by NASA with a small appropriation to begin with. I repeat again that the Senator from Colorado and I were urged by then President John Kennedy to get the program going. We were then 4 or 5 years behind our foreign competitors. We have come to the point where we have invested—and I will get the exact figure for the RECORD—some $814 million, and with the termination cost we will be up to $1 billion into research for the prototypes. I think it is foolish not to go ahead and finish it, even at the added cost. All the extra cost will be added to the loan that has been given to the two companies. It is a loan that has to be paid back. I think it will be paid back. It merely adds to the amount they are going to have to pay back on the loan. Too little has been said on this fact by the critics of this program. Too little, or practically nothing, has ever been said on all the television shows and in all the articles is that the Government's cost was going to be paid back.

The airlines, of course, have put some of their own money into the program. Whether they want to continue on this rocky road, I do not know. I am concerned about American superiority on the basis that we want to keep up technologically in the world. We have a technological Appalachia going on in my State with some of the best scientific people being unemployed. It has been said, "Oh, they ought to be moved elsewhere to do something else." That cannot be done overnight. Some have said that these technicians ought to be moved into the urban transit field, the environmental field, and that sort of thing. Well, in time, the young people coming up will go into that, but top engineers in the aircraft field cannot be moved from Seattle to Philadelphia and put to work on mass transit. Thousands of young people are being trained in school, and some of those can be picked up for new fields, but it certainly does not meet the present situation, and will not meet it for a long, long time.

So I am hopeful we will not sustain the amendment of the Senator from Wisconsin.

I know that the vote will be close. Perhaps I am just reiterating something that the Senate is getting a little weary of hearing, on both sides, but I believe that we are going to be sorry that we are not proceeding with an American SST. The Russians are sending their SST to the Paris Air Show within 2 weeks, and it will be for sale. The Concorde is for sale, and there will be many orders by American airlines. The airlines do have an escape clause because, if we proceeded with our SST, they would buy it. To show their good faith, they put up some $80.5 million for the SST. Logically, if the program is terminated, I think they should get that money back. They based that risk capital on the fact that the only way they could lose their money would be if the technology of the plane was such that it would not be flyable or economical. They never assumed that the U.S. Government would unilaterally terminate the program.

In the meantime the Treasury has been using the money and getting interest on it. I think the airlines would forego that, but if they had it in their own treasuries, they would be getting interest from that money and probably buying some new airplanes that they need. So it has become a situation that is difficult.

The priorities in this country are not necessarily always involved in these matters. I know, from years on the Appropriations Committee, that if x number of dollars are cut from one program, they do not necessarily end up in another program. No one has done more, I think, in the Appropriations Committee of the Senate to provide sufficient money for human priorities—health, education, welfare, urban transit, and all the programs that we need. But that should not compete against America's proceeding technically to keep its air superiority. We ought to have both, and we should have all these other important programs.

One of the ironies of this program is that when we voted on the SST last time, just prior to the vote on the SST we had a defense appropriation matter that went through the Senate without a raised eyebrow. No one said a word about it. In the bill we had millions of dollars for the SST. When we passed the bill, the Air Force had flown 468,000 hours supersonically. It is probably 500,000 hours by now. That was done without the dire results predicted by SST opponents.

So we are going to develop a military supersonic plane, but we refuse to go ahead and keep our American superiority in the commercial field, even with a payback. Nobody mentions that. Every plan that was ever conceived by many fine commissions required a payback on research for what the Government advanced on the prototypes.

I do not subscribe to any suggestions by either Boeing or General Electric that we are going and be involved in production. I would vote, with the Senator from Wisconsin, "No" on that. What I am talking about is that we should be involved in the prototype phase.

Perhaps the better part of discretion would have been to cut the program down to building one prototype, instead of two. I do not know. We might have prevailed with one, but the experts told us we had to have two to find out the answers that they wanted to ascertain.

I suppose we can increase the value of the franc and the mark by buying

foreign SST's and putting more dollars into Europe, because our airline people are going to buy the supersonic aircraft.

I once went through all of this when we had our first jet airplane. People were against it because it would make too much noise.

I understand, from reliable press reports, that the Concorde landed in Paris the other day, and the comments were that it made less noise and landed in a smoother way than the big subsonic jets.

Every generation of airplane is less noisy than the preceding one. The 747 is less noisy than the 707 was and the Douglas aircraft before that. In fact, the noisiest plane we ever had was the DC–3. The DC–3's flew lower and irritated people. Yet the DC–3 was the workhorse of our fine American airline system.

I think it would be very embarrassing for our airline people to have to go to Paris and negotiate for the purchase of the SST to fly in various places, because airline officials will know that, if they are going to be competitive in the air 6 or 7 years from now, they will probably have to pay more for those airplanes than if the manufacturers there had expected some competition from our building the supersonic aircraft here.

So I am going to hope that the Senate will vote against the Proxmire amendment. In any event, if it does not, we have to go to conference again to see what the House might want to do. What the House is going to do, I just do not know. The vote in the House was very close. On second thought, I do not think the Congress wants to say that we are not going to have an American SST to maintain our air superiority in the future. I do not think Congress wants to do that.

The Air Force is now attempting—and rightly so, because it is its job to keep up in the air—some version of the B–1, which is supersonic. Some Members of the Senate and the House are against the Air Force buying this airplane.

But they never put their mark of disapproval on the Department of Defense or the Air Force using SST's. About 500,000 hours of flight time; and they have been very valuable hours. Most of us are not quite aware of where military SST's are at any given time, but they are flying, and they will be there for a long time, and we will be asked for more millions to develop this new type of aerial technology.

Even despite the large cost of the SST, we could be very penny wise and pound foolish in the future. And I say again, the companies are going to pay the money back. It is a little like building dams out in my country. That also was pooh-poohed in the beginning. We had a repayment schedule at 3-percent interest, and I am happy to report we are about 50 percent paid back. Fifty percent, from irrigation and power projects where there is a pay-back.

The SST program never at any time since it was conceived did not anticipate a pay-back for the Government research efforts. I know it is easy to stand up and say, "Well, why should we think about airplanes and people traveling in airplanes, when we need sewer systems and rapid transit systems? As if, when you stop the SST, you are going to get more money for those programs. I say you are going to get the same amount regardless. It has nothing to do with the SST program; no relevancy at all. I have been on the Appropriations Committee a long time, and I have fought to add funds for human programs and needs.

We ought to determine whether a nation with a trillion dollar gross national product can afford to spend a billion or a billion and a half to maintain American air superiority.

There is a lot of importance in the SST, too, in connection with employment. I know it has become a symbol. And I know some well-meaning young people who are concerned about the environment. I am, too. I am concerned about oil spills and a better environment. But many of them thought, that if we killed the SST, then we would solve all our environmental problems, everything is going to be fine, and there will not be any further environmental problems at all.

Mr. President, you cannot make any airplane that is not noisy. But the companies have done a pretty good job. You can fly in a jet plane today and, sitting inside, you hardly know there are engines outside. They can do the same job on the SST, and I think they are going to prove it. I think they are.

As I say, the Russians are going to show theirs off—at the Paris air show. Some of our Members are going over from the Commerce Committee, the CAB, as well as others, to look at it. They are going to present it; and they are going to have a "For Sale" sign on it. If this is what we want to do, fine, but the Senator from Washington is going to make the RECORD.

Before the time is up, while I do not want to embarrass anyone, I have a very substantial, well-thought-out statement that the Senator from Wisconsin once made in behalf of the SST, saying that we needed to move ahead in technology. But he changed his mind. He has a right to change his mind, as it moves along. But, by golly, that was a speech that I might have made; you could not tell the difference except that he favored in that statement the use of private financing.

So, Mr. President, I do not want to belabor this further. I repeat again, the SST's are not going to go away. The only thing that is going away is an American SST. And we can fight for all these other things, too, with a balance-of-payments deficit running $20 billion this year, or maybe more; but with a gross national product of a trillion dollars, it seems to me we can afford to proceed to keep American air superiority where it is now, and keep the dollar solvent.

Part of the new SST startup costs will be to change that engine, which we put pretty strict standards on. The costs are not too substantial to change the engine, and they can do it. They say they know how to whip the problem. There is a little added cost there, to make it conform to the standards that we, all of us, voted for unanimously. They are pretty tough standards. I do not know if the standards of the Russian plane and the Concorde are similar, but we have a right to set standards, and I hope the House committee favorably reports my bill. They have it over there, and they are willing to hold hearings.

Mr. President, I have a further statement for the RECORD which I wish to put in, and some further remarks that I have made before. When we talk about people changing their minds, there has been a lot said about the question of just what the administration position has been on this issue. There has been a lot of controversy down below, among interagency committees and others. Actually, some of them thought the SST would not fly. It was like the old fellow I know who saw his first airplane, and said, "I don't think it can fly."

So they went up in the air, and then he said to his friend, "Yeah, but it won't get down."

There is no question about its feasibility, economically or otherwise. Some mention has been made that this is for the jet set. Mr. President, the ticket fares will be the same. You get on any airplane, and see how many jet-setters are aboard. They are ordinary people. Because we have great airplanes available at low cost, common, ordinary people can use them to take their vacations or to visit their friends. And another thing: Supersonic planes are going to be a very important part of our defense in this country, and one plane's technological advancements add to the state of the art.

The military will tell you there is a great spinoff from this technology. The reverse was true some years ago with the jets. The spinoff from the military plane was the commercial jets. They are all part of the same technology. We are going to lose that, and American air superiority, and we are going to be sorry for that. There is great spinoff.

But there was not a word said here about that technical spinoff. This happened just before the vote on the SST. There was no mention of dollars in that budget—the Senator from Louisiana handled the bill—for military supersonic planes.

We are falling behind, Mr. President, on a matter, I think, buried on false assumption regarding priorities. We ought to be able to do the things that I want to do and support and work hard for and at the same time do this, too. One should not be stacked up against the other, because, actually, they have no connection.

Someone said we can only get so much for sewer systems, while we are putting so much into an SST. We could get only so much for the grants for sewer systems in the Appropriations Committee, and I moved to increase it and had some trouble; and if the SST goes away, we are going to have the same arguments and are not going to get more sewer dollars. It is not going to change anything at the Treasury, either.

The SST has a payback in taxes and employment and all the things we talk about—not only employment during its construction, for which there are subcontractors in every State in the Union; but also during the prototype phase. All these subcontractors need some of this

business. The technological spinoffs are terrific, as they were from the space agency.

If we had to make a hard choice, and this is all the money we had for space and for this, I think it is much more desirable that America retain its air superiority, its jobs, too, and keep up with aviation technology.

So I think sometimes we are getting our priorities reversed.

The Senator from New York is going to have an amendment on this bill, which I am going to support, to do something with respect to summer jobs for youth. We could not get all the money we wanted from the budget. The SST has nothing to do with that program, whether it is terminated or whether it goes on. Those moneys do not move that way, unless someone is completely misinformed as to how the appropriation processes work in the House and in the Senate.

Mr. MAGNUSON. Mr. President, the Senate again is being called upon to decide the fate of the American SST program. I have supported this program since its inception in 1961. President Kennedy asked Senator ALLOTT and me to get the program moving in Congress, because America was a long way behind its foreign competitors—the French, the British, and the Russians.

I was, therefore, pleased last week when the House of Representatives reversed itself and voted to go ahead with the SST program by a vote of 201 to 197. The House leadership believes, as I do, that we should spend the $85.3 million earmarked for terminating the SST to keep the program going. I believe that we should keep the program going until we can get all the detailed information from the contractors regarding the costs of starting up the SST program.

There has been a great deal of speculation about the public statements made by officials of the Boeing Co. and the General Electric Co. regarding the cost of starting up the SST program. These men are charged with the responsibility of protecting their company's financial interests. It is not surprising that they want the complete payment of the termination costs associated with the prior contract before considering a new proposal. It is also not a new tactic to inflate figures in public before entering into a new round of contract negotiating sessions with the Department of Transportation officials.

These public statements are the responsibility of the Boeing Co. and the General Electric Co. My responsibility rests with the 7,000 persons directly employed on the SST project in my State.

The truth is that the exact figures on the cost of starting up the SST program are not yet available. DOT has estimated that it will cost approximately $200 million to start up the SST program.

I believe America should be first in civil aviation, and I believe the Senate should concur in the House action and provide $85.3 million to keep the SST program alive until Congress can act on the fiscal year 1972 budget.

Mr. President, I do not want to mislead any Senator; it will cost more to complete the Phase III portion of the SST program, because of the prior decision of Congress to terminate the existing contracts. Some of those costs may go to improving the engine design in order to insure that FAR 36, sideline noise regulation for subsonic jets, can be met by the two prototypes.

Although increased costs mean a greater investment by the American people, it correspondingly means a greater obligation by Boeing and General Electric in terms of royalty paybacks to the U.S. Government. In summation, the cost will be greater but the market forecasts still indicate the likelihood of enough SST sales to completely pay back the Government's investment.

I hope the Senate will vote today to fund the SST program.

Mr. President, I ask unanimous consent that my speech of March 24, 1971, on the merits of the SST program be printed at this point in the RECORD.

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

SPEECH BY MR. MAGNUSON

Mr. President, I have said so much on this matter over the past few months that I do not know how I can emphasize over and over again some of the points that have been cited both pro and con.

I just listened to my friend from Wisconsin talk about Dr. DuBridge. I just read in the paper that Dr. Daird, who is now the President's scientific adviser, has decided the other way.

That is what has been going on on this issue all the way through.

Mr. President, the Senate has heard extensive debate on the civil supersonic aircraft—SST—development program. The Appropriations Committee has recommended completion of the prototype development program by a vote of 17 to 5. A decision to halt funding of the SST program would mean the loss of all of the $865 million appropriated to date plus $178.5 million costs associated with termination. This does include the reimbursement of the $58.5 million contributed by the airlines for which a strong moral obligation of reimbursement by the Government exists.

The age of commercial supersonic air travel is here. Other nations are already well into the testing phases of commercial supersonic aircraft. The British-French Concorde has already flown at mach 2. Recently, the Soviet Union announced that the TU–144 would start operating between Moscow and Calcutta in October of 1971. The United States has no real alternative to proceeding with the construction and flight testing of the two SST prototypes. We must maintain our capability for production of a U.S. SST for delivery to airlines in the latter part of this decade. Failure to do so would result in irretrievable losses in world aviation leadership, aviation industry employment, and exports of civil aircraft, one of the few remaining positive balance of trade accounts.

U.S. exports of commercial aircraft have shown a strong positive trade balance over the past 10 years in the U.S./Foreign Trade Exchange. Failure of the United States to enter the SST market could result in a total unfavorable balance of trade effect in the aircraft account which the administration conservatively estimates at $22 billion but which could run as high as $45.6 billion between 1978 and 1990. As Secretary John Connally stated before the Senate Appropriations Committee:

"Aircraft manufacture, the industry center stage here today, is another prime example of our technological advantage. Most of the people, mail, and freight transported through the air today are flown in American-built airframes powered by American-built engines. Our export sales of aircraft of all types in the last 10 years totaled over 10.6 billion which dwarfs the 4.6 billion in sales of the rest of the world. The United States today manufactures and sells 84% of the world's aircraft fleet. I believe we must maintain our position of superiority in this important technological industry."

I believe Secretary Volpe makes the argument for continuation of the prototype program as persuasively as any administration official:

"This year we are asking for $290 million, which represents approximately three percent of our total Department of Transportation budget. Funding at lesser levels will increase total costs and increase development time. With significantly decreased funding, the experienced teams of scientists, designers and engineers working on this program would be disbanded. Thus the program would suffer irreparable damage. The team of subcontractors would undoubtedly be dissolved and the U.S. Government would be faced with contract termination costs. To save a few dollars this year would, in my opinion, be counterproductive. This is a program which, unlike many others, is on schedule within cost and faces no insurmountable technical problems. We cannot and should not disrupt it by shaving off a few dollars in the name of economy. That, Mr. Chairman, would truly be false economy.

"This is the moment of decision for this program, and in a larger sense for this nation's entire attitude toward the advancement of technology. As we stand on the threshold of commercial supersonic flight, we can decide either to keep or throw away this country's aviation leadership. We can decide to shrink from our responsibility to find the real answers on environmental effects, or we can conduct the necessary flight tests to find solutions. And this decision rests with you in the Congress.

"The choice is yours. And history will judge the course which this Congress takes during the next 20 days. This Administration has not wavered in its support of the SST. We are supporting, in the strongest way possible, a bipartisan decision made by four United States Presidents, a decision to build and test two experimental planes. We do not shrink from our responsibilities. We look forward to finding answers, not withdrawing from our search.

"The SST program is not a Government subsidy, as suggeted by it critics. In 1961 the U.S. Government concluded that it was essential to develop a commercial supersonic transport. Accordingly, the Government sponsored a competition for manufacturers to determine who would build the airframe and the engines. The U.S. Government has remained a partner, along with the airlines and the mnaufacturers, and has a contractual obligation to complete the prototype program. The Government is involved because of the magnitude of the funding required, as are the British, French, and Soviet Governments involved in the Concorde and TU–144 programs. However, one important distinction, exists—the U.S. program is an investment shared by the manufacturers, airlines, and the Government. The Government's investment will be fully returned through royalties on aircraft sales by the sale of the 300th airplane. A conservative market forecast for sales of U.S. SSTs is 500 aircraft; by the sale of the 500th aircraft, the Government will recover in royalties every dollar of its investment plus an additional billion dollars. Those royalty payments will begin with the first SST sold not, as the opponents contend, with the 101st airplane sold. In addition to the royalty payments, it is estimated that by 1990, the Gov-

ernment will also receive $6 to $7 billion in corporate and personal taxes as a result of the production of an American SST.

"Concern has been expressed by some that the SST could have an adverse effect upon our environment. The Appropriations Committee, of which I am a member, has firmly taken the position that we will not "buy aviation leadership at further cost to our environment." Environmental questions were explored thoroughly in our hearings and a number of witnesses testified on these matters. I was particularly pleased with Secretary Volpe's statement that the Nixon Administration would not favor allowing SST production if any serious environmental problem had not been solved after the prototype phase. There does not appear to be any evidence or factual substantiation that the SST will have a harmful impact on the environment. The charge is made that the SST will greatly pollute the atmosphere. Yet, jet aircraft provides a cleaner mode of transportation per passenger mile or travel than any other mode of mass transportation.

"Another theory has been postulated that the SST will alter the world's climate by introducing water vapor or particulants into the upper atmosphere, or that a possible alteration of ozone content in the upper atmosphere will increase ultraviolet radiation at the earth's surface to hazardous levels. The experts quoted by the critics who raise these points admit that these conclusions are mere speculation, unsubstantiated by any factual evidence."

I have gathered together some of the testimony presented to the House and Senate Appropriations Committees on the impact of the SST on the upper stratosphere. For example, Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, in his March 3, 1971, testimony before the House Appropriations Transportation Subcommittee, expressed the following judgment:

"In short, I have found no environmental basis for delaying the government's SST program to develop two prototype SSTs. The best estimate we have today regarding the climatic aspects of large-scale SST operations indicates that the effects will be generally imperceptible and trivial when compared to the changes we experience from natural causes."

Dr. S. Fred Singer, Deputy Assistant Secretary, Department of the Interior, in his March 4, 1971, testimony before the House Appropriations Transportation Subcommittee, expressed the following judgment:

"Two years from now, well, actually probably in a shorter time . . . we should be able to say to you 2 years from now with a 99.99 per cent certainty that nothing will happen, or it may turn out with a very small probability that something would happen if these measurements turn out the other way."

Concerning his present degree of certainty of no adverse effects, Dr. Singer further stated in his testimony:

"I would say I am 95 percent sure that there will be no problem from the SST fleet."

All available scientific data from military supersonic flights, which total over 500,000 hours of supersonic flight, fails to substantiate the speculation of the SST critics. It is admitted by all, including the opponents of the SST, that the development and flight of the two prototype SST aircraft will not have any significant impact on the environment. Despite the lack of evidence that the SST will have a detrimental impact on the environment, the DOT has formed an interagency environmental research program as well as a committee of many of the foremost environmental experts in the country to make certain that all questions regarding possible adverse environmental effects are answered prior to mass production of the SST.

Aircraft flying at speeds in excess of sound create sonic booms. The Government's policy, however, is that the U.S. SST will not be allowed to fly over land at speeds or conditions that would cause a sonic boom to reach the ground. Last Friday, March 19, the Senate passed my bill, S. 1117, the sonic boom and sideline noise bill. This bill would prohibit boom-producing airliner flights over U.S. territory and it would also restrict the airport noise levels made by the SST. This bill would also prevent foreign-made aircraft from making boom-producing flights above U.S. territory. This same ban was proposed by the Federal Aviation Administration, but now the Senate has—for the second time—approved this measure by a vote of 71 to 0.

The sonic boom bill also requires the Transportation Department to modify all appropriate contracts for the development of prototype civil supersonic transport aircraft to provide that such contracts will not be satisfactorily completed until the contractors demonstrate that all production models developed from the prototype aircraft can comply with the noise level standards at the noise measuring points now specified for new subsonic jet aircraft in section C36.3 and C36.5 (a) and (b) of appendix C—evaluated as prescribed by appendix B—of part 36 of the Federal Aviation Regulations, as in effect on the date of enactment of S. 1117.

During House hearings, Dr. Leo Beranek, chairman of the SST Environmental Advisory Committee, said:

"The noise objectives for the commercial SST are consistent with the noise levels specified in PAR. 36."

He went on to say:

"There does not appear any technical reason why a commercial supersonic transport cannot be built which will be acceptable with regard to noise, and we conclude from the other evidence that was presented to us and which is contained in reports that have been sent to the airlines for them to study, that this airplane will achieve the goals that the SST office has set up for it in terms of range and load-carrying factor."

I feel that this bill provides a strong guarantee to those environmentalists who fear persistent sonic booms and unreasonable airport noise created by the SST would not be prevented by the FAA. Some critics also believe that economic necessities will require supersonic flights over land in order to make this plane profitable. The passage of S. 1117 would ban these overland boom-producing flights, and such flight would not be needed in any case to make the SST economically successful, according to available market surveys.

Concern has been raised over the question of emissions from the SST. This problem, however, has been covered under the Air Quality Control Act which was passed last year. Regulations regarding aircraft emission are being developed by the Department of Health, Education, and Welfare.

Similar misunderstandings exist with respect to aircraft noise. The amount of noise associated with the SST has been overstated by many of the program's opponents. Aircraft takeoff and approach noise is the type of noise about which people who live in the neighborhoods adjacent to airports complain. The community noise level from an SST will be less than that of existing commercial jets. The "sideline" noise of the SST, which is confined almost entirely to the airport, is anticipated to be about equal to the noise made by the present jets and the manufacturers are working diligently to insure that goal. In fact, a recent noise breakthrough has been made with the development of the "chute noise-suppressor"; with this equipment, the SST will easily meet the 108 EPNdb standard for existing subsonic jets.

Production of the U.S. SST will bring direct employment to 50,000 workers in American industry over a 15-year period. In addition, approximately 100,000 jobs will be created as a secondary effect of the direct jobs.

As George Meany, president of the AFL–CIO said before the Senate Appropriations Committee:

"Bad as conditions are in the Nation as a whole, they are even worse in centers of aerospace production. As Floyd Smith, president of the Machinists and Aerospace Workers told the House Appropriations Committee last week, and I quote, 'The Nation's aerospace centers have been disaster areas.' It doesn't take much digging into the facts to verify this description. In Connecticut, where United Aircraft is the major manufacturing employer, unemployment is 7½ percent. In California, in communities surrounding Lockheed, McDonnell-Douglas and Aero Jet-General the jobless rate is almost 9 percent. In Seattle and its suburbs, the home base of Boeing, unemployment has risen to almost twice the national average.

"In the past, when aerospace has experienced periodic declines, the companies have always tried to keep their pools of technological expertise intact. The ax generally has fallen heaviest on production workers. They have felt it heaviest again this time. But now, for the first time, hard-to-replace teams of engineers, scientists, and technicians are also being chopped off.

"During the last 18 months alone, 300,000 people have been let go in aerospace plants around the country. This includes 17.3 percent of the technicians, 12.9 percent of the scientists and engineers, and 27½ percent of the production workers.

"Declines of such magnitude cannot be easily and quickly absorbed by other industries. In fact, the shockwaves of aerospace unemployment have hit employers in other industries. In Seattle alone, 71,500 people are out of work."

This certainly is strong evidence regarding the employment issue.

In addition to the future effect of the production SST program on employment and revenue levels, the current SST prototype program has an immediate favorable effect on employment in U.S. industry. This effect—20,000 of the direct labor force working on the prototype program—will help stabilize employment at a time when the aviation industry has been following a marked downward trend since mid-1968.

I want to suggest something else: This has nothing to do with the merits or demerits of the supersonic transport. But I have another reason for this. Almost 100,000 people are walking the streets in two counties in Washington, and everybody, including the Federal Government, is trying to find jobs for them.

This is a personal matter. It is pretty serious. It just happens that situation exists in my State. We do not have a lot of jobs involved. We have only half of the contract, and approximately 78 percent of that work is going to be done by subcontractors; but every job counts out in Washington these days.

I want to point out that I have a particular reason for getting people back to work, doing something good for the future of the United States. I hope Senators will weigh the facts and forget the fantasies that have been raised by certain groups.

One final issue deserves the most serious consideration by the Senate and that is the question raised by Senator Proxmire on the issue of whether the operation of a fleet of SST's will have an impact on ozone concentration in the upper stratosphere, thus causing an increase in the amount of ultraviolet energy passing through the stratosphere and atmosphere to the earth's surface. Senator Proxmire's leading authority, Dr. James McDonald, has suggested that greater amounts

of UV would cause increased cases of skin cancer.

It appears to me that Dr. McDonald's conclusions may be premature. Dr. McDonald is the same scientist who stated that flying saucers manned by humanoid-type creatures might have been responsible for power failures in the Northeastern section of the United States—Housing hearing, July 29, 1968, UFO: Symposium, J. Edward Roush, House Science and Astronautics Committee.

However, regardless of the source of the theory, we who are responsible for the SST debate have sought out a reasonable opinion on this issue. The Department of Commerce Technical Advisory Board—SST panel—a group composed of 16 scientists from business and academia, none of whom are employed by the Government, have commissioned a study of solar radiation and skin cancer. The panel project is under the direction of Frederick Henriques, chairman of the Board of Technical Operations, Inc. Mr. Henriques is a photochemist by professional training. He contacted Dr. Harriet Hardy, associate director of the Medical School at MIT, and she in turn commissioned a paper by M. A. Pathak, Ph. D., principal associate in dermatology, department of dermatology, Harvard Medical School and Massachusetts General Hospital, and Thomas B. Fitzpatrick, M.D., professor of dermatology, Harvard Medical School, and chief of dermatology service, Massachusetts General Hospital. I am placing in the RECORD their paper entitled "Solar Radiation and Skin Cancer—A Brief Review."

May I read from page 21 of their paper:

"Thus it appears that ozone concentration, irrespective of SST effects, is variable in terms of space, time, season, latitude, and is governed by natural complex processes which among others include photochemical processes, atmospheric circulation, meteorological transport process, etc. The effect of the pollutants on solar ultraviolet energy and its day to day variation will in a limited manner contribute to the filtering effect of erythemogenic radiation. It is hard for us, therefore, to entirely agree with the views presented by Dr. James McDonald of the University of Arizona for the following additional reasons:

"1. The process of cancer induction by ultraviolet light appears to be cumulative and hence the total amount of exposure becomes a very important factor rather than a single or a few severe exposures. The increase in the habit of sunbathing in our affluent society alone (creating more actual sunshine hours) would tend to shift the incidence of cancer of the skin irrespective of whether the spectral quality of solar radiation changes as a result of SST fleet operations.

"2. The cancers of skin, particularly basal cell epitheliomas and squamous cell carcinomas are curable conditions. Skin cancer accounts for, at the most, two percent of all cancer deaths."

I hope that these conclusions will help to put into perspective this skin cancer charge. As many Senators know, I originally had passed the legislation that created the National Institute of Cancer. I also have very personal reasons for being concerned about cancer in any form; thus, I felt it vitally important to present this new evidence to the Senate.

I do not disagree with the sincerity of the opponents in this matter. The only thing that bothers me is that there has been a great deal of misinformation, quoting people here and quoting people there who know nothing about this problem at all and who are not qualified.

The Senator from Wisconsin just mentioned an eminent environmentalist. What is an environmentalist today? Everybody is an environmentalist. Members of the Senate have a pretty good education in the environment, no matter what committee they serve on. They listen to people from all walks of life talk about it.

When we talk about not having an SST, we are saying no American SST. It is as simple as that. That is what it amounts to. I do not know whether it is being suggested that we should completely fold up and not do anything about our present role in world aviation. If the proposal is defeated today, it will be leading America down the road, not to a second-rate nation in aviation, but a third-rate nation, when we now hold the lead.

That has to be consistent, I am sure, with the environment. I have said many times that environment is a relative thing with a lot of people. We cannot all live near Walden's Pond, but there must be somewhere between Walden's Pond and disregard for the environment, or the people who manufacture motors in Wisconsin that pollute the air. There has got to be a position somewhere in the middle.

This is how we built America with the newer and better technology. This is the strength of America. As my colleague so aptly said, we are likely to run into a technological Appalachia in America, if we do not watch out. This has been the might and the strength of America, and I believe we can do it and be consistent with all the things that have been said here about the environment.

Mr. BIBLE. I yield the Senator 1 additional minute.

Mr. MAGNUSON. Mr. President, I established many, many years ago an order of priority. There are no priorities involved here at all. If we cancel this contract, we will have to pay out more money than is appropriated here. Where are we going to find that?

In the Appropriations Committee, things stand on their own merits. I never could understand, when we talk about these things, why a great big country like the United States, with the technology we have, cannot do both things.

The PRESIDING OFFICER. The Senator's additional minute has expired.

Mr. MAGNUSON. You are letting American air superiority go down the drain, and a few years from now we will be a third-rate power in world aviation.

The Senator from Wisconsin can bring in 25 scientists on this side, and I will bring 25 on the other side, put them all together in a room, and they never will agree on anything. There is only one way we can find out, and that is to build these two prototypes.

Someone has asked, "How can you find out with 100 hours?" Listen to me: No one suggests that is all we have to fly a prototype. We can fly it a thousand hours if we need to. If the results are not satisfactory or sufficient, I would be the first to say, "Fly it 5,000 hours, if you have to, to find out what we need to know." That 100 hours is just the usual thing that is put in contracts when you build planes.

So I do not know. When you say, "No SST," do you mean "No American SST?" If that is what Senators want, so be it. But I just cannot believe that Congress wants to say, "Lock it up and put it in mothballs," after we have spent more than $800 million, and the companies have spent almost 24 percent of that amount; and the airlines have put in, what is it, $82 million already, on more than 120 orders?

Do we want to say that, because some arguments are left unanswered. I do not know some of these unknowns myself. I do not think any of us know them. Do we want to say that, for the sake of some arguments about it, we are just going to walk away and quit?

I have heard a lot about priorities. Mr. President, I have sat on the Appropriations Committee, handling all of the things that the opponents have been talking about, dealing time after time with the question of priorities, how much money for rapid transit have I fought for? How much for urban renewal? Who has done more than I have, moneywise, to promote health programs, or social welfare? I take my hat off to no one in the Senate in being a champion of the people's concerns.

The cancer scare: I think that was a cruel thing to do to me. I received a letter today from a teacher in my State, a grade school teacher, who said:

"You must be for cancer, because you are for the SST."

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. MAGNUSON. Mr. President, I do not like to belabor this matter, but every time I hear the Senator from Wisconsin, I feel compelled to stand up and correct the RECORD. Otherwise, I would not take up the time of the Senate.

I put in the RECORD yesterday, and we have heard here, the fact that there are eminent scientists—I put statements from many of them in the RECORD yesterday—who disagree. I use the word "eminent" because the Senator from Wisconsin uses it all the time. Their testimony is just opposite of the Senator from Wisconsin's experts. So here we are again, keeping hammering away at this business and really there are many unknowns.

But I ask unanimous consent to have printed in the RECORD a letter from Dr. Singer, published in the Washington Post this morning, on this subject of the environment, which I think is quite pertinent. I add this to the views of the other very eminent scientists whose statements I put in the RECORD yesterday.

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

"ENVIRONMENTAL CONCERNS AND THE SST

Can a fleet of SSTs really produce harmful effects on the atmosphere, on the climate, or on human health? This has become the burning question in the SST debate, since it is now generally accepted that the noise problem is licked and the sonic boom confined to the ocean routes. At this moment, the opponents have no proof whatever that harmful effects will be produced and the supporters cannot be 100 percent sure that harmful effects may not exist. While this is a fair way to state the situation, it is of little help to those who seek guidance. And, to make matters worse, both the supporters and the opponents are inundating the public and the Congress with misleading and irrelevant information. According to the Boeing Company, one SST is equivalent to three cars; according to the Sierra Club, a fleet of 500 SSTs is equivalent to 100 million cars. Both sides are correct if one reads the fine print; yet both statements are misleading and completely irrelevant; cars do not drive in the stratosphere.

"Then what can we say for sure at the present time? That the two SST prototypes which are under debate now will cause no environmental effects whatsoever. The environmental impact of the prototypes is a *nonproblem*. But should we not be concerned about the effects of a fleet of commercial SST's? Well, the degree of concern which has been expressed by scientists seems to depend on their emotional involvement with the SST project. Yet the considered opinion of the governmental advisory committee made up of the most knowledgeable scientific experts is this: We can be reasonably sure that the pollution effects will be well within the natural climatic variations and therefore will not be harmful. Water vapor, ozone, dust content in the stratosphere—all of these vary due to natural causes—far beyond additions from an SST fleet. How sure is "reasonably sure"? Assigning a number is subjective, but I personally would choose 95 per cent. This is not good enough; one needs to be 100 per cent sure before proceeding with a commercial SST fleet in the future. In order to make re-

fined predictions, we need more data. The major purpose of our committee is to shape a research program which will get the necessary data. Consider, for example, the skin cancer controversy, which depends on the argument that the water vapor from the SST engine exhaust will diminish the ozone content and thereby increase ultraviolet radiation reaching the surface. This connection is based only on theoretical calculations. But the actual data which have become available show that while the water vapor content has increased in the stratosphere recently, the total ozone concentration has also increased—a contradictory result but a measurement which seems to eliminate the basis for the skin cancer argument. Once we understand this apparent contradiction and our predictions can be absolutely sure, then and only then will our government allow a commercial SST project to proceed. I note in passing that environmental concerns have not held back the Soviet Union, and have had no impact on the Concorde project in Europe.

"One final thought. What if we are wrong after all and if adverse effects are produced *after* the SST fleet goes into commercial operation? Are the effects reversible? Fortunately they are; if an SST fleet is stopped from flying, any pollution effects and climatic consequences would disappear in a matter of one to two years. Again, we have Mother Nature to guide us, because natural upsets in the stratosphere produced by volcanoes and hurricanes have not caused irreversible change—in spite of the fact that they meet quantities of material vastly greater than SSTs.

"What about the alternative to SSTs—subsonic jets flying below the stratosphere. Unlike SSTs, they produce contrails which would increase average cloudiness and could give rise to effects on the world climate. In summary, then, we can say that environmental concerns should be given relatively little weight in making a decision today on completing the SST prototypes.

"S. FRED SINGER,
"Chairman, SST Environmental Advisory Committee.

"WASHINGTON."

Mr. MAGNUSON. It is true that the National Academy of Sciences has taken an opposite position on this subject. There are many unknowns, and that is the reason why we are here, seeking to fund the prototypes.

Mr. President, I also ask unanimous consent to have printed in the RECORD a lengthy article published in the Washington Post last Sunday, about the Soviet SST.

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

"SOVIETS APPEAR NEARER TO PRODUCING SUPERSONIC AIRLINER

"(By Anthony Astrachan)

"Moscow, March 20.—Soviet pilots 'will start mastering' the Tupolev–144 supersonic transport this year, according to the Soviet minister of civil aviation.

"The T–144 thus appears closer to production and use than either of its troubled Western competitors, the Anglo-French Concorde or the American SST.

"But no date has been publicly set for the Soviet plane to start service. In 1968, Soviet officials predicted a start in March 1970. In 1969, they put the date at early 1973. A year ago they put it at 1975. Nothing has been heard since on an official basis.

"Moscow observers are almost unanimous that the T–144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transports.

"They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many T–144s to Western airlines. Warnings from American aviation officials that the Soviets will sell many planes appear from here to be part of the lobbying effort for congressional approval of the Boeing SST rather than prudent conclusions drawn from available facts.

"It is true that Aviaexport, the Soviet organization for selling aircraft abroad, has been advertising the T–144 in such publications as Aviation Week and Jane's Directory of World Aircraft.

"THREE MOTIVATIONS

"Moscow observers find three probable motivations for this: an intent or wishful thought of actual sales, a desire to build Soviet prestige when Western manufacturers cannot yet advertise supersonic transports, and a desire to fuel the American lobbying effort for the SST.

"The last possibility reflects the fact that the Soviet aircraft industry has no guarantee of the precise dimensions of its slice of the resource pie. If the U.S. Congress appropriates more money for the SST, Soviet aircraft makers can turn to the Kremlin and say, in effect, 'You have to give us the rubles to finish the TU–144 because the Americans are going ahead.'

"Efforts of the kind made on behalf of the SST by men like Najeeb Halaby of Pan American World Airways and astronaut Neil Armstrong are known to be used by their Soviet equivalents in the Kremlin's internal lobbying.

"So far as the ecological problem goes, the Soviets have made public no facts about the TU–144's sonic boom except for statements by a test pilot and test-flight passengers that they could not hear it.

"POLLUTION PROBLEMS

"The U.S.S.R. is much less pollution-conscious than the West. Both its pollution and its relatively feeble efforts to solve pollution problems are concentrated more on water than on air. In Soviet society, citizens are not allowed to organize pressure groups against Kremlin-approved projects like the TU–144 of the kind that encouraged the U.S. Senate to stop funds for the SST last year, and the House to cut off funds this past week.

"The sonic-boom problem is smaller here than in the West because the Soviet Union is sparsely populated, compared to the United States and Western Europe. Aeroflot could conceivably route planes around urban areas and minimize the effect of booms more thoroughly than is possible in the West.

"That depends on the routes chosen. Alexei A. Tupolev, designer of the TU–144, said two years ago that it would operate on routes over 1,200 miles long. Most Moscow observers think it would be uneconomical on routes under 2,000 miles.

"That would still allow a TU–144 to fly eastward from Moscow, Kiev or Leningrad to Alma Ata, Novosibirsk, Irkutsk or Khabarovsk, approximately 4,000 miles from Moscow in the Soviet Far East.

"One rumor now being heard says that the TU–144 will go into service on the Moscow-Khabarovsk run in October. Efforts to trace the rumor to its source have wound up in Washington and Paris more than in Soviet officialdom.

"FOREIGN SERVICE

"The same is true of rumors of imminent supersonic services to Karachi, New Delhi, and Calcutta. Soviet officials spoke two or three years ago of TU–144 flights to Tokyo and New York are beyond the craft's 4,040-mile range from Moscow.

"All these flights would involve flying, presumably at subsonic speeds, over thickly populated areas like the U.S.S.R. west of Moscow, Western Europe and northern India. Yet Tupolev said the TU–144 was designed to travel at supersonic speed 'almost during the entire flight time.'

"On the economic side, the Soviets hav said only, 'Economists have estimated tha the cost of a flight on the TU–144 will no exceed that on subsonic planes.

"Moscow observers are convinced that th TU–144 in fact will have costs comparabl to the Concorde's. An American study pu the operating costs of the Concorde per pas senger mile at 40 per cent more than exist ing four-engine jets, which in turn woul require at least a 25 per cent surcharge o regular passenger fares.

"If that is true of the TU–144, the Sovie statement becomes simply a promise that th government will absorb these extra costs. I already absorbs much of the cost of housin and public transport, including existing rai and plane fares, as necessary social services

"PASSENGER SEATING

"Cost estimates start with the fact tha the TU–144 will carry up to 120 passenger in rows of three seats on one side and two o the other, compared to 128 to 144 in pairs o seats on the Concorde. The Boeing SST which will carry 300 passengers if it is eve built, is not strictly comparable.

"Tupolev said the TU–144 seating arrange ment in a plane roughly the same size a the Concorde was made possible by the fac that the main undercarriage of the TU–14 retracts into the wings in the direction o flight, while that of the Concorde retract into the fuselage at right angles to flight, i.e. in line with the wingspan. Tupolev suggested this meant less drag on his aircraft.

"The maximum rated speed of the TU–14 is 1,550 mph at 65,000 feet; the maximum it has been reported as reaching was 1,45 mph at 51,000 feet in a test last Nov. 12. The Concorde is rated at 1,450 mph at 54,000 feet

"The TU–144 will have a range of 4,04 miles compared to 3,600 for the Concorde

"The Soviet engine thrust is similar to the Concorde—35,000 to 40,000 pounds according to Halaby, who saw the TU–144 two years ago. The TU–144's four engines are clustered together in the center of the plane under the fuselage, while the Concorde's are located in pairs under the wings. Tupolev said the Soviet design means that if one engine fails, it will be easier to prevent inadvertent turns of the aircraft.

"COMPARATIVE WEIGHTS

"The Concorde takeoff weight will be 385,000 pounds, compared to 330,000 for the TU-144.

"Both planes have bent noses like a bird's beak—the Tupolev slightly more so. Alexei Tupolev said this was to maximize the cockpit field of vision while eliminating the traditional "canopy" to reduce drag.

"The performance of the TU–144 is unknown except in the most general terms. Halaby and Armstrong praised it without seeing it in flight. Its chief test pilot, Eduard Yelyan, said the plane was a great success and "much easier to control than subsonic aircraft."

"Yelyan added that all flight characteristics had "proved better than the designed ones." He said the plane generated less noise than a conventional jet inside the passenger cabin.

"The plane "trembled slightly" as it exceeded the speed of sound, but Yelyan said this was not likely to be noticed in the passenger compartment. Western passengers on all Soviet aircraft—prop, turbojet and jet—have noticed more vibration than on their Western equivalent. This is no reflection on their safety but it reduces passenger comfort and might conceivably reflect factors that would shorten aircraft life.

"ON-BOARD COMPUTER

"Up to 90 per cent of TU–144 flight operations are performed by an on-board computer "that calculates the course and the best trajectory and prepares the necessar

information for landing." The plane will therefore carry no navigator and have only three people in the cockpit—pilot, copilot and flight engineer to check the equipment.

"This may be a tribute to Soviet technology. But Soviet scientists have said that their computers are 5 to 15 years behind the West's, or reasons including poor component reliability, and specialists will be watching to see how the TU–144 computer checks out in performance.

"However good the plane is, Soviet marketing disabilities remain a factor. The first is a penchant for secrecy that might prevent Western civil aviation authorities from learning what they want to know about how an aircraft is made as well as how it performs. The Soviets have seldom if ever permitted foreigners to make a thorough inspection of an aircraft factory.

"Despite the signs of Soviet interest in Western sales, the Aviaexport advertising is rich in colors and poor in specifications. So little is known about the TU–144 that Western sources report nose-to-tail lengths varying from 188 ft. 6 in. to 196 ft. 10 in., and wing spans from 72 ft. to 88 ft. 3 in. The differences may reflect modifications in design that have also been rumored, but Soviet sources have not said which are the latest figures.

The second marketing problem is the traditional Soviet inability to provide service and spare parts on a basis acceptable to the West. Only the defense industry produces adequate service systems or spare parts here. Foreign buyers do get preference, as in the case of Volga cars sold abroad, because the Soviets usually do try to live up to contracts. Users in Nigeria and Finland still have not found Soviet performance equal to the West's.

"COST ESTIMATES

"Third is the fact that Soviet accounting methods lead to what Westerners regard as inaccurate cost estimates, even if there is no conscious intention to cheat.

Fourth is the simple fact that Soviet international aircraft have never been as comfortable for passengers as their Western equivalents, though Tupolev rated passenger comfort a prime consideration in the design of the TU–144.

"All these factors led to dissatisfaction with the performance of Soviet Ilyushin aircraft sold to Ghana over 10 years ago. Romania bought British BAC–111s when it presumably could have had Soviet planes. Western airlines will be watching with interest the performance of YAK–40 medium-range jets recently sold to Italy, to see how these problems have been overcome.

"Some observers believe that if the TU–144 is successful, competition in world markets will come less from attempts to sell the craft to Western airlines than from selling faster service to that handful of passengers that would rather cross the Atlantic in two hours instead of seven, or Siberia in three hours instead of 10.

"The standard of service on Aeroflot makes Westerners think the latter choice would well be worth a surcharge. Such reactions warn against overrating Soviet competition for passenger-miles. But the Soviet airline, which now serves 60 contries, is extending its international routes. Its standards may go up as it moves into more competitive routes—although the cancellation for Scandinavian Airlines training for 40 Aeroflot hostesses is not a good omen."

Mr. MAGNUSON. I call to the attention of the Senate that there are headlines in every paper tonight, all over the country, that the Russians want to sell their SST here. A headline is not usually conclusive, but it bears some resemblance to the story in most cases.

Lastly, I wish to put into the RECORD, before I take a little time for myself for some remarks I wish to make, that I have gone to some effort, the last 3 days——

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

Mr. MAGNUSON. I yield myself 2 additional minutes.

To find out what would be the cost of cancellation. We have different figures, but I think all of us agree on a certain round figure as to the costs.

But I went further and I asked what the cost would be as to layoffs of 14,000 direct employees. Using what even the economists cited by the Senator from Wisconsin acknowledge, the multiplier effect of 2½- or 3-to-1, it would give us a total of approximately 40,000 employees, either directly or indirectly employed, who would be subject to layoffs. The total welfare and unemployment cost for these people, based upon a minimum figure of $3,000 a year for each employee, would be $126 million a year. This is what we will have to pay, on the average layoff of those people who have some expertise in the aerospace industry, when they have been laid off over a year because they cannot find anything anyplace else. I suppose they would like to go to Philadelphia and work on rapid transit, but it just does not work that way in the real world. Incidentally, we have some money in this bill for rapid transit.

Mr. President, I ask unanimous consent that the figures on unemployed defense and aerospace engineers, scientists, and technicians be printed in the RECORD at this time.

I might add, that conditions have worsened considerably since these figures were compiled in the autumn of 1970. I would also like printed additional statistics on the vital impact nationally of the SST program.

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

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY FOR MANPOWER,
Washington, D.C., March 18, 1971.

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

DEAR SENATOR MAGNUSON: We are enclosing a table on unemployment among aerospace and defense engineers, scientists and technicians in selected areas in response to a recent request from Mr. Mike Stewart of your staff. The table is based on data developed by affiliated State employment security agencies as part of a survey conducted by the Manpower Administration in 24 areas which were significantly affected by defense and aerospace layoffs. Together, these 24 areas account for at least 35,800 of the 50–65,000 such individuals we estimate are unemployed in these occupational classifications.

The area unemployment data shown in the table are as of the fall of 1970. More recent information from other sources indicate that while total defense and aerospace employment has continued to edge down since then, the unemployment situation for displaced aerospace engineers, scientists and technicians has not altered significantly. This may not be true in each of the areas listed, however.

The unemployment figures shown in the table also represent somewhat less than the total number of defense and aerospace layoffs affecting engineers, scientists and technicians. Persons who have found jobs in other industries or activities (as well as in defense or aerospace), plus those who have retired, outmigrated or left the local labor force for other reasons, are not included in the unemployment estimate.

Sincerely,
MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

Number of unemployed—defense and aerospace engineers, scientists and technicians, selected areas, autumn 1970

Total, all areas listed	35,800
Alabama: Huntsville	1,500
California:	
Los Angeles	10,000
Orange County	2,400
San Diego	700
San Jose	1,300
Connecticut: Hartford	NA
Florida: Cape Kennedy	3,100
Georgia: Atlanta	2,500
Illinois: Chicago	400
Indiana: Crane	0
Kansas: Wichita	700
Louisiana: New Orleans	100
Maryland: Baltimore	300
Massachusetts: Boston	2,200
Missouri: St. Louis	800
New York: Long Island	2,900
Ohio: Columbus	100
Oklahoma: McAlester	(1)
Pennsylvania: Philadelphia	2,500
Texas:	
Dallas	1,900
Fort Worth	500
Houston	100
Texarkana	100
Washington: Seattle	1,700

NA: Not available
[1] Less than 100.

In some instances data shown represent minimum levels, and are based solely on the number of unemployment insurance claimants and/or job registrants at public employment offices.

Number of unemployed in all areas is somewhat less than the number of aerospace and defense layoffs in these occupational classifications. Persons who have found other jobs (whether or not in related occupations or industries), who have retired, outmigrated or otherwise left the local labor force are not included in these statistics.

Areas listed are standard metropolitan statistical or labor areas, and generally consist of one or more counties.

Source: Special survey data from State Employment Security Agencies.

National Impact—SST Vital Summary Statistics

Prototype peak manpower, direct and indirect Boeing/GE and first-tier subs (jobs)	23,627
Production peak manpower (550 A/C) direct and indirect, Boeing/GE, and first-tier subs (jobs)	81,979
Production peak manpower (with multiplier factor of 3) (jobs)	250,000
Total subcontracts awarded prototype through Dec. 31, 1970:	
Boeing (in millions)	$216.4
GE (in millions)	$118.3
Total (in millions)	$334.7
Total number of actual suppliers (Boeing and GE) thru Dec. 31, 1970:	
GE	1,834
Boeing	1,100
Total	2,934
Total number of States—prototype first tier receiving subcontracts thru Dec. 31, 1970	43
Total potential number (Boeing/GE) first-tier suppliers—proto	3,100
Total potential number (Boeing/GE) first tier suppliers—prod	6,471
Total number of States—production first tier receiving potential subcontracts (Over $100,000):	
Boeing	37
GE	38
Total TBC & GE	39

Total contracts Awarded Boeing and GE Through Dec. 31, 1970 (all States)

Boeing, Jan. 1, 1967, through Dec. 31, 1970	$216,444,375
GE, Jan. 1, 1967 through Dec. 31, 1970 [1]	118,385,679
Total Boeing & GE	334,830,054

[1] Includes $5,485,963 that GE cannot brake out by state due to feature of computer program.

Major airframe and engine prototype, subcontract dollars awarded by State, Jan. 1, 1967, through Dec. 31, 1970

	Total value of awards
Alabama	$108,939
Arizona	14,417,795
Arkansas	306
California	106,022,961
Colorado	133,825
Connecticut	13,477,547
Delaware	85,686
Florida	915,857
Georgia	829,468
Idaho	862
Illinois	8,729,072
Indiana	7,437,285
Iowa	116,715
Kansas	32,047,325
Kentucky	877,445
Louisiana	480
Maryland	13,465,101
Massachusetts	7,283,069
Michigan	17,753,849
Minnesota	2,751,973
Mississippi	35,040
Missouri	73,207
Nebraska	8,099
Nevada	18,445
New Hampshire	134,423
New Jersey	4,100,765
New Mexico	26,540
New York	37,212,256
North Carolina	229,916
Ohio	36,104,174
Oklahoma	7,006,695
Oregon	1,301,994
Pennsylvania	4,181,950
Rhode Island	154,612
Tennessee	2,417,876
Texas	3,573,595
Utah	82
Vermont	313,350
Virginia	1,193,470
Washington	3,357,215
West Virginia	54,507
Wisconsin	1,387,738
Wyoming	25
Grand total subcontract awards, Boeing and GE	329,341,243

1ST TIER BOEING AND G.E. TOTAL SUBCONTRACT DOLLAR IMPACT, PHASE III PROTOTYPE AND PRODUCTION (550 A/C) CALIFORNIA

	Total contracts awarded Jan. 1, 1967 through Dec. 31, 1970	Total potential suppliers, prototype	Total potential phase III contract	Total potential suppliers, production	Total potential production contract [1]
G.E.	$23,063,164	152	$32,000,000	290	$2,170,000,000
Boeing	82,959,797	202	126,800,000	804	3,795,000,000
Total TBC and G.E.	106,022,961	354	158,800,000	1,094	5,965,000,000

[1] The potential production peak labor subcontract 1st tier suppliers in the State of California (Boeing and G.E.) of 15,583 jobs is part of the 82,000 jobs of the projected total national impact of the SST production effort. Both direct productive jobs and related in direct or burden people are included in the total peak labor figures. The potential subcontract production dollars is expressed in time period (escalated) dollars.

Note: The above potential jobs total and by State or area do not consider such additional considerations as the impact of payrol, dollars (or jobs) for goods and services, and local tax revenues to a local economy due to the multiplier effect. This multiplier effect when applied, increases the above total by a factor of 3.

Mr. MAGNUSON. There is another cost added to the whole thing, when we have unemployment in this country. Now I am going to take the whole group, and this comes from not only the Department of Commerce but also the Department of Labor, and I want to put in the RECORD the cost of finishing the prototypes, the potential profit from sales, and the number of direct layoffs. It runs into a total of almost $360 million. Mr. President, I ask unanimous consent to have this material printed in the RECORD.

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

Cost of finishing prototypes: $477,000,000.

Direct layoffs: 14,000 (times 3) total, 42,000.

Average annual salary/wage: $12,000 ($5,005,000 total).

Federal, State, and local taxes loss (32 percent salary): $3,850 annually per employee. (Wall Street Journal and Washington Post).

Welfare/unemployment costs: $3,000 annually per employee.

Total loss per employee: $6,850 annually.

Average aerospace layoff time: 18 months (Wall Street Journal).

$42,000 times $6,850 times 1.5 years equals $436.6 million.

$477 million minus $436.6 million equals $40.4 million equals 20 cents per capita.

Potential profit/capita divided by potential loss per capita equals $34.31 divided by 20 cents equals 170.1 odds.

Mr. MAGNUSON. I also have a statement on the potential per capita profit on the SST and the potential loss and some other figures on that point. Here is one figure we have never considered.

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

Mr. MAGNUSON. I yield myself 2 additional minutes.

The distinguished Secretary of the Treasury testified at some length, in clear and concise testimony, on the balance of payments involved in this matter. The conservative figure that we are talking about is at least $22 billion in our balance-of-payments account.

I invite the attention of the Senate to the fact that the United States now imports more than it exports of ships, movies, cameras, optics, consumer goods, food beverages, and automobiles. Its greatest export item, the most salable item we have had for 10 years, cash on the barrelhead, has been airplanes. We have sold abroad almost $11 billion worth of airplanes in the last 5 years, cash on the barrelhead, and this has been the difference.

One SST—just one—sold overseas would offset the import of 20,000 Volkswagens and 200,000 Japanese TV sets. This is something to consider in this matter, too. I want to put that in the RECORD.

Also, I have more answers by eminent scientists to what I think have been irresponsible statements regarding water vapor, ultraviolet rays, and other matters. I ask unanimous consent to have this material printed in the RECORD.

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

SIMPLE SUPERSONIC TRUTHS

SST AND ATMOSPHERIC MOISTURE

Critics speculate that SST operations may affect the moisture balance in the stratosphere, 12 miles above the earth.

One large thunderstorm puts as much water vapor into the stratosphere as an entire fleet or SST's making four flights per day. But there are 3,000 to 6,000 thunderstorms active around the world continuously.

Is it really reasonable that the SST fleet could affect weather?

HOW TO PAY FOR IMPORTS

The United States now imports more dollars than it exports of: ships; movies; cameras; optics; consumer goods; steel; food; feed; beverages; and automobiles.

Its greatest export item is aircraft, engines and parts.

One SST sold overseas will offset the import of 20,000 Volkswagens or 200,000 Japanese TV sets.

OZONE, ULTRA-VIOLET AND SST'S

There have been irresponsible statements that water vapor from SST exhausts will decrease the atmosphere's ozone content and thereby increase ultra-violet radiation at the earth's surface. Some have carelessly added that this could increase skin cancer in man.

FACTS

1. Measurements of high-altitude ozone over Caribou, Maine showed that, during a two-week period, the natural ozone content varied over sixty times as much as calculations would predict for a fleet of 500 SSTs operating over a two-year period.

2. At the single weather station which has measured both water vapor and ozone content, water vapor has increased 50 percent (from 2 parts per million to 3 parts per million) from 1963 to 1970, but the ozone content has increased (about 5 percent) instead of decreasing.

3. The MIT Study of Critical Environmental Problems (SCEP) group has stated—"that the reduction of ozone due to interaction with water vapor or other exhaust gases should be insignificant."

COMMENTS OF DR. WILL KELLOGG

(Director, Laboratory of Atmospheric Sciences to House Subcommittee on Transportation Appropriations, March 3, 1971, in reply to statement of Dr. James McDonald that a 1 percent decrease in ozone can result in a 5–10 percent increase in skin cancer.)

1. The 1–2 percent change in ozone predicted for a 500-airplane SST fleet compares with 50–75 percent fluctuations from day to day, season to season and place to place.

2. This change is equivalent to going from sea level to Denver or going about 50–100 miles north or south.

3. If Dr. McDonald is right about his skin cancer estimate, you can reduce your exposure the same amount—if you go out in the sun every day of your life—by wearing a hat for one day during your life.

4. If you only go out in the sun on weekends, you would get the same result by wearing a hat once in 200 years.

5. If you like to sit on the beach, you would get this reduction by covering your bikini with a bath robe about once in 2,000 years!

"It seems to me that this kind of thing puts the McDonald type of argument into perspective."

SST "POLLUTION" OF UPPER ATMOSPHERE

Calculations indicate that a 500-airplane fleet of SSTs could add something less than 1 percent to the natural "background" of particles in the upper atmosphere—oil companies advise they can remove 80 percent of the sulfur content of present jet fuels, if that's what's wanted.

But, the two scientific measurements made of natural particulates at the altitude vary by 30 fold, a difference of 3,000%.

And, one major volcanic eruption ejects more material into the upper atmosphere than a fleet of 50,000 SSTs!

SST opponents have fantastically exaggerated the possible effect of a 500-SST fleet, much less the effect of the present program, which is limited to two prototypes!

THE SST AND CARBON DIOXIDE

Critics contend that a fleet of SSTs flying at high altitudes could increase carbon dioxide in the atmosphere and, through the "greenhouse effect," increase the earth's temperature. (Like glass in a greenhouse, carbon dioxide should let in the sunlight, but hold in heat reflected back from the earth). Theoretically, it should work that way. But—

1. A 500-airplane SST fleet would affect the world's carbon dioxide by less than ½ of 1%.

2. Man's total effect on the world's carbon dioxide throughout history has been small; it is known that the earth's carbon dioxide has increased over the past half century.

3. However, the earth's average temperature is presently decreasing rather than increasing.

The MIT study of Critical Environmental Problems (SCEP) group concluded, "Based on these calculations, we have concluded that no problems should arise from the introduction of carbon dioxide and that the reduction of ozone due to interaction with water vapor or other exhaust gases should be insignificant."

SST'S WILL DECREASE CONTROLS

SST opponents have frequently pointed fingers without checking the facts, even cursorily.

They suggest that SSTs flying at altitudes of 60,000 feet and up, above most of the atmospheric turbulence, will blanket some regions with contrails. But the facts are—

1. WWII bombers sometimes flew high enough to produce contrails.

2. Present jet aircraft cruise at altitudes between 30,000 and 40,000 feet where, at normal temperatures, contrails usually occur.

3. At SST cruise altitudes the temperature is practically never low enough for contrail formation.

4. In more than 200,000 hours of supersonic military operations above 60,000 feet, there have been NO reported observations of contrails.

Replacing subsonic jets with supersonic transports will decrease contrails.

SST MANPOWER AND WAGES

Over a ten-year production period the U.S. SST program will provide one billion, forty million manhours of work and will pay at least four billion, eight hundred million dollars in direct wages to U.S. workers.

POWERFUL CAN BE CLEAN

A brand-new car (even an economy import) with all the latest anti-pollution equipment, creates more pollution per mile than—this SST smokeless engine which, at nearly 100,000 H.P., is the world's most powerful!

Mr. MAGNUSON. Mr. President, the case is far from complete on the environmental aspects of the SST. Contrary to press reports and sensational charges before congressional committees, no valid scientific conclusions have been reached concerning possible effects on world weather and climatic hazards, including any increase in ultraviolet radiation.

A panel of nationally eminent scientists appointed early this year by Secretary of Commerce Maurice Stans to study possible environmental concerns associated with the proposed supersonic transport met just last week in Boulder, Colorado, to organize a study that is expected to take at least three months.

The panel includes: Dr. Frederick Henriques, photochemist, Technical Operations, Inc.; Dr. Harriet L. Hardy, M.D., assistant medical director, Massachusetts Institute of Technology; Dr. Joseph Hirschfelder, chemist, Theoretical Institute, University of Wisconsin; Dr. Paul P. MacCready, Jr., meteorologist, Meterological Research, Inc.; Dr. Thomas Malone, meteorologist, University of Connecticut; and Dr. Richard S. Miller, ecologist, School of Forestry, Yale University.

Liaison members are: Capt. Hugh Albers, U.S. Navy, Department of Defense, Pentagon; Dr. Stanley Greenfield, Environmental Protection Agency; Dr. Lester Machta, NOAA Environmental Research Laboratories; Dr. Richard Strombotne, Department of Transportation; Dr. William Kirchhoff, National Bureau of Standards; Mr. Richard Broun, Department of Housing and Urban Development; and Mr. Martin Prochnik, Department of Interior.

In addition, the panel has invited 19 interested scientists from a wide range of disciplines to contribute input.

In announcing the panel February 3, Secretary Stans charged the group with determining whether existing research efforts, here and abroad, plus the Department of Transportation research program, are adequate to produce definitive and timely answers to pressing environmental questions. He cautioned:

"The environmental aspects of supersonic flight have received major attention and million dollars of research attention over the past 12 years, he said. Based on information from past and ongoing research, no significant effects on the weather and climate due to the SST program have been identified. However, in the absence of complete data, and because sufficient uncertainties exist, I believe that additional information should be obtained and analyzed."

CANCELLATION OF SST DEVELOPMENT PROGRAM

HUMAN RESOURCE COST

	Millions
12,700 worker layoff (direct):	
Payroll loss (1 yr.) including $38.3M tax loss	$132.0
Unemployment benefits (39 weeks)	34.4
Food stamps (1 yr.)	8.9
25,300 worker layoff (indirect):	
Payroll loss (6 mos.) including $34.5M tax loss	118.8
Unemployment benefits (25 weeks)	44.1
Food stamps (6 mos.)	8.8
New aerospace unempl./retraining legislation (minimum)	101.0
Total human resources cost	448.0

OTHER COSTS

Cancellation of contracts	$97.3
Advance royalties payback	22.4
Airline risk money payback	58.5
Increased overhead rates (other Gov't. contracts)	51.0
	229.2
Total (less sunk costs of $864M)	677.2

Human Resources Costs = ⅔ of total additional costs of cancellation.

SST TRUE TERMINATION COSTS

If a method of providing private financing cannot be found, those who voted against the continuance of the U.S. Supersonic Transport will have cost the nation's economy *more* than was required to complete the two prototype aircraft. With sunk costs of $864 million as to March 30, 1971, $478 million additional U.S. government investment was required to complete this on time, on cost program. The total government investment would have been $1.342 billion by mid 1973. Besides losing any opportunity to recover the sunk costs, the cancellation will result in additional losses to the economy, increased state and U.S. government costs of $677 million. The documentation of the costs are included in the appendices to this report. The total loss, including funds spent to date will be $1.541 billion by mid 1972. A summary is as follows:

Incremental costs and losses of cancellation

	Millions
Direct loss (cancellation costs plus effect on major and first tier subcontractors)	$345
Indirect Loss (Effect on balance of subcontractors plus supportive workers)	163
Other United States and State government costs (food stamp program, overhead rate changes and new aerospace unemployment legislation)	169
Total	677

Additional U.S. Government investment for completion

Required to complete (prior to termination)	478

The direct loss to the government would consist of $97 million costs of terminating the contracts, the $22 million in advance royalties already returned to the airlines and the moral obligation to return $58.5 million to the airlines which the U.S. government urged them to advance to Boeing. Further direct losses are being incurred as the 12,629 workers (by actual count) who have been or are scheduled for layoffs by mid summer by the major contractors and first tier subcontractors. In 1969 these people each earned an average of $10,451 annually according to BLS data. Although exact statistics are not available, checks with state, county, and city unemployment and welfare offices reveal that these people can expect to be out-of-work for an average of one year. During the course of this year, $132 million in income and federal, state, and local taxes will be lost to the nation's economy. In addition the state and federal government will be required to supply $34.4 million in unemployment benefits to these workers.

An additional 25,300 workers will also be temporarily laid off due to the cancellation of the SST program. The additional loss to the nation's economy will be $163 million in income reduced federal, state, and local taxes and the required payout unemployment benefits.

Other undesirable "ripple" effects will be felt from the lowering of this high technology manufacturing base. The loss of the SST program will result in higher overhead rates and higher costs which will be passed on to their customers wherever possible or result in further layoffs to reduce costs at the nearly 3,000 companies involved in the program. Already, contractors such as General Electric have indicated that they will be forced to raise the price of all J–79 engines delivered to the U.S. government. It is estimated that $51 million additional costs will accrue to other U.S. government contracts resulting from increased overhead rates and tax losses caused by the cancellation of the SST. Major contractors have already, and will continue to pull back work awarded to

smaller subcontractors in order to maintain their own manufacturing base.

During the period that these workers will be unemployed, they and their families will receive U.S.D.A. food stamps which, together with program administrative costs, will result in a $17 million expenditure by the U.S. government.

Not included in this analysis are the costs associated with the wasted resources (education and experience) when highly skilled aerospace workers are forced to take low paying, unskilled jobs to keep their families intact, clothed, housed, and fed. A by-product in the high impact areas is the reduction in education levels and facilities made available not only to the children of the unemployed aerospace workers but to all children in the community.

The Congressional recognition of these costs is reflected in the several bills that have been introduced to alleviate the severe unemployment problems caused by aerospace industry cutbacks and cancellations. An example of one of the bills designed specifically to compensate for the SST cancellation is S1382 which was introduced on 25 March 1971 by Senators Muskie, Hart, and Humphrey, and would appropriate $101 million "for the purposes of advancing transportation technology".

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

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. MAGNUSON. I believe that the Senator from Colorado and other Senators will want some time, so I will yield the floor at this time. I understand from the Senator from Wisconsin that the Senator from New Jersey also wishes to speak on this matter.

Mr. PROXMIRE. Yes. I will yield him time.

Mr. President, the Senator from Washington has made a very comprehensive and very strong speech in favor of the supersonic transport, in favor of our changing termination to continuation of the program. On almost every point he has made, I feel very strongly that I must disagree with him.

He argued, for example, that there is now much less concern about the environment with respect to the SST. Everything I have seen indicates a more intense concern than before. In fact, there have been new developments charging even more serious environmental deterioration from the SST. I am not going to discuss these, but I think that certainly they should be explored in detail, with hearings and with the outstanding authorities in the country giving their opinions, before we proceed with the supersonic transport.

The Senator from Washington puts great emphasis on our balance-of-payments deficit and pointed out that it is now at a new high, that it is a very serious problem, and that this is one of the principal arguments behind the Mansfield amendment; and he argued that the SST would be a great help to our balance of payments. Balance of payments is a matter of timing. It does not do much for an improvement in our balance of payments this term if the SST would come 6 or 7 years from now. I think I can demonstrate that the supersonic transport would not improve our balance of payments at any time. But nobody can argue that it can do any good or play any part in improving our balance of payments before 1978 or 1979, when it would be in production and in use.

We are a long, long way away from full SST production, even if we proceed forthwith with great haste and speed and are able to move right on schedule. We are a long way from having the SST in such production that we can sell it to foreign countries or that our airlines can buy it. We are 6 or 7 years away. Nobody knows what our balance-of-payments situation may be at that time.

The overwhelming majority of economists, including the former Chairman of the Council of Economic Advisers, including economists with diverse opinions, such as Milton Friedman, Walter Heller, Paul Samuelson, and Arthur Okin, with the exception of Henry Wallach, all argue that the balance-of-payments argument is not an argument that can support our production of the supersonic transport. There are several reasons for that.

Reason No. 1 is in answer to the argument that if we do not go ahead and produce our supersonic transport, the British-French Concorde or the Russian TU–144 will be produced in volume and other countries will buy them and we will have to buy their supersonic transports, because we do not have one.

The answer to that is in a statement made by the British Overseas Airlines, concurred in by Air France, never contradicted, that the British-French Concorde is not competitive with the subsonic jets. What they said was that the passenger mile cost of the British-French Concorde is twice as high as the subsonic jets. This means that airlines foreign and United States simply cannot afford to buy it and operate it. Furthermore, the capital cost is four times as great as they had originally estimated.

Servan Schreiber, the very perceptive and highly reputable journalist and economist, member of the French Parliament, has called the British-French Concorde an industrial Vietnam. It has been a disaster for Britain and for France. Certainly, our balance of payments is not going to be adversely affected if they cannot sell the British-French Concorde.

How about the TU–144? The fact is that the Russians have never been able to compete in the commercial market, for a good reason: Any firm buying a TU–144 has to recognize that it is making an investment that would probably be in the area of $25 to $30 million and it would be depending upon Russia to provide the maintenance and spare parts; and Russia has persistently indicated that the political situation is far more important to it than the economic. If our relations were bad enough, they very well might refuse to provide the vital maintenance and the vital spare parts for it.

Mr. President, the distinguished Senator from Washington argued that if we do not buy the SST, our airlines will proceed to buy the British-French Concorde. The fact is that there are no orders for the British-French Concorde by our airlines. The Senator from Washington said it was his impression that there were. There are not. There simply are options to buy. There is a world of difference between an option and an order. The options cost $200,000 instead of $1 million. With the options, you get your money back; and with the orders, you are committed and cannot get your money back. It is obviously much easier to get an option than it is to get an order. There are options for the British-French Concorde, but no orders. The Senator from Washington argued that there would be an $8 billion annual balance-of-payments loss on our part if we proceeded to kill the SST and had to rely on the British-French-Russian planes. In the first place, we are unlikely to have to buy that plane, because it is not competitive; but I would like to quote from the hearings when this precise point was raised last March and Secretary of the Treasury Connally appeared before the Appropriations Committee and testified in favor of the SST. I asked him precisely about this point:

Senator PROXMIRE. Mr. Secretary, in 1968 and 1969, the Treasury made a comprehensive study of the impacts of the supersonic transport on our balance of payments. Their conclusion then, as I understand it, was negative. That is that the SST would worsen our balance of payments.

Do you have a contrary understanding of the conclusion of the Treasury Department 2 years ago?

Secretary CONNALLY. No, sir. I agree with your position.

Senator PROXMIRE. Was not their estimate as high as $70 billion negative over the next 20 years, on the base of speed-induced travel factor?

Secretary CONNALLY. There was a basis on which their judgment was made at that time, Secretary Proxmire.

Now, Mr. President, the Treasury in 1968 and 1969 did the only comprehensive study made by them of the balance-of-payments effect of the SST. There has been no other comprehensive study of this kind made. The only study that was made, that they cranked into their calculations, was the total impact of production of SST's. They recognized, of course, that the British-French Concorde would have limitations and everything we have seen since that time has confirmed that. It would be unlikely that the airlines would buy many British-French Concordes but if we went ahead and produced the SST that there would be tens of thousands of Americans who would fly overseas in the SST and spend dollars overseas. Those dollars, of course, are a far bigger factor in the aggregate overall, a far bigger factor in the adverse element in the balance of payments than any other factor that might come from our sale of SST's overseas. The Treasury took the whole ball of wax into consideration and, as I say, their conclusion was that the SST would have a negative effect on our balance of payments to the extent of $70 billion.

Now, Mr. President, that conclusion by the Treasury has been confirmed by virtually every economist who has studied the matter who has appeared before the Appropriations Committee on the Joint Economic Committee, or in query made by the Senator from Arkansas (Mr. FULBRIGHT). The economic profession agrees

that the production of SST's will not help the balance of payments, but could very well hurt the balance of payments.

The Senator from Washington argued that the cost of termination could equal the cost of continuation. He said he was not sure about that and admitted that Mr. Allen, the president of Boeing, estimated that continuation of the program might require a renegotiated contract that would cost $0.5 to $1 billion more, in addition to the $1.3 billion needed which we would be expected to spend if we had continued the program instead of killing it last March. The Senator from Washington argues that we just do not know, that we just do not know whether it would be $0.5 or $1 billion or less than $0.5 billion.

We can make a strong case that it would be much more than $1 billion. I am going to make that case shortly. But I would like to contend right here that if the principal proponents of the SST cannot tell us how much it will cost, and there is no one who knows more about this who is supporting the SST than the Senator from Washington, and if he argues that he does not know how much it will cost, how irresponsible can Congress be to go ahead with a program when we do not know how much we are going to have to put in, should we put $85 million into a program when we have no idea, and no answer, as to how much the ultimate cost will be, whether $0.25 billion, as the Senator from Louisiana (Mr. ELLENDER) has estimated, or $0.5 billion or $1 billion, or an additional amount?

Certainly the minimum that the taxpayers should expect their Senators and Representatives to demand, before we go ahead with this kind of program, is that we should have some notion of how big the ultimate cost will be.

As the Senator from Washington pointed out, the best they can see is, they do not think it will be $0.5 or $1 billion, but they do not know—they just do not know.

What is the matter with finding out first—certainly finding out first before we go ahead?

The logical procedure would be to have the Department of Transportation work with Boeing and General Electric and try to negotiate a new contract. Maybe they can negotiate a new contract for $0.5 or $1 billion, or an additional amount.

I am convinced that there would be other elements in the contract, perhaps an open ended requirement for the Federal Government to take part in helping pay the cost of the production. The Senator from Washington said that he would be opposed to that program, that he would not want us to go ahead with a program of that kind. Neither would I, and I am sure neither would an overwhelming number of Members of Congress. But the position of Boeing has indicated, and clearly, that they want the Federal Government in on the production of the SST.

Certainly we should have an answer to that, as to whether they would agree—we are paying for the R. & D. continuation—to something like an additional $200 or $500 million. If we knew that, there might be a basis for Senators voting in favor of the SST. Absent that, without that kind of knowledge, it seems to me that any vote to continue the SST cannot be considered to be a responsible vote.

The Senator from Washington argued that the SST is not going away, that there is going to be an SST, that airplanes have not reached their ultimate speed yet, any more than we have reached the ultimate in any other area of technological effort.

Of course, he may very well be right on that. Some people argue that we are likely to have a hypersonic plane some day that would go 6,000 miles an hour.

Whether that makes any sense in a world of this size and with the distance we have to travel, we do not know. But I would conceive that there is a good chance when the year may come when we will be flying SST's.

But, Mr. President, there are two essential actions we have to take before we proceed.

First, we should have clear and convincing answers as to the effect of the SST on the environment before we proceed to have them flying over commercial cities. We should have the assurance of preponderant scientific opinion, of meteorologists, of the skin cancer specialists, and of the other appropriate experts that the SST will not have an adverse effect.

We should have buttoned up clearly and firmly in the contract that the sound system of the SST, the sideline noise of the SST, will be less than 108 perceived noise decibels or under the standard now required at airports.

We certainly should be assured, too, that the sonic boom problem is taken care of. The bill on that problem has passed the Senate, but it has never become law. So, we should have clear and convincing guarantees that we are not polluting our environment.

Then the second requirement, which is a requirement that I think might be met by the SST—and I hope it is—and the only objection I had some years before the environmental issue became so paramount in the last couple of years, and the prime objection I have had since 1963, when I opposed the program, is that the free market should determine when we go ahead with the SST, with all the disciplines and all the efficiencies that only a free market can bring to the program.

We heard the distinguished Senator from Georgia (Mr. TALMADGE) as well as the distinguished Senator from Washington (Mr. MAGNUSON) argue this morning that if we terminate this program and do not go ahead with the SST, it will die and will be a great blow to American dominance in commercial aircraft production.

It is interesting that both Senators refer to the present dominating position of American aircraft production in the world. That is a fact. It is true.

What is the one most significant characteristic of American aircraft production?

It is that this is the only country in which aircraft production is in the private sector, where aircraft production does not have the long hand of Federal bureaucracy interfering.

Why are we able to produce better than any other industrial country in the world by far? It is because this is one area in which the Federal Government has not come into. They want to change that by having the Federal Government move very deeply into the research and development. Boeing and General Electric are urging that we move into the production end of it.

I am convinced that if we have the SST, it will be manufactured better and there will be more of them if they are competitive, if it is a more reliable plane, and if the project proceeds on the basis of the discipline of a free market and free determinations.

Again and again the Senator from Washington, as well as the Senator from Georgia, argue that we have had 500,000 hours of military flights by military supersonic planes without polluting the atmosphere so far as we know.

There is a simple answer to that from the hearings. That is that the hours of military supersonic flight have been relatively very few over the years in the areas in which they occur.

If we proceed with our production of the SST on the assumption that the SST is a success, in 20 weeks there will be more hours of supersonic flight by a fleet of commercial SST's than in the 22 years of military supersonic flights. Of course, the pollution of the atmosphere is a matter of time. Given enough time, there will be pollution.

We know that the SST will fly at an altitude of 65,000 feet where the atmosphere is thin and stable. Because the emission is considerably greater from the SST than from other planes and they are emitting the pollution at a higher altitude, they will have a profound effect on the ozone. The testimony of the meteorologists was overwhelming on the side of there being an adverse effect on the atmosphere at that height.

If we had had military aircraft flying at that height and in that volume for 2 to 3 years, we could very well have had a deterioration of the ozone and an increase in ultraviolet radiation on earth.

Mr. President, the distinguished Senator from Washington put a great deal of emphasis on the fact that this is not a giveaway program, that it is not an expenditure program. He claims that this is a payback program. Well, this is quite a different kind of program than the usual kind of Federal operation. It is not a guaranteed loan. It is not a loan. It is an investment by the Federal Government from which we might get part of our money and interest back if the SST works out.

There are very competent economists who argue that on the basis of the international market for SST's, on the basis of their projections as to how many people want to fly at that speed in the SST, we are likely to build about 130 SST's, not the 500 that have been assumed by the Department of Transportation. If we sell only 130 SST's, the Boeing Co. will get back its money with interest. If we sell only 130 SST's, the airlines will

get back their money with a little more interest. The Federal Government will lose all of its money.

This is not a loan in which the Federal Government would get back its money first. It would get it last. The Federal Government puts up close to 90 percent of the cost of research and development and only gets its money back if it is a smashing success. Then, it only gets back interest of 4¾ percent, when it has been paying so much more than that for the money it borrows on long-term obligations.

The payback argument depends on royalty payments. These, of course, depend on whether or not the SST's are sold in substantial volume. If they are sold, but not in substantial volume, the airlines and the manufacturers would get their money back. The Federal Government would lose everything.

If the SST's are sold at substantial volume, the airlines and manufacturers would make a great deal of money and the Federal Government would get its money back, and at a lower rate of interest than it had to pay for the money in the aggregate.

I think the statements by Mr. Allen and Mr. Borch were very intelligent statements. They said that it would cost at least $500 million to $1 billion more, and that the Federal Government ought to be prepared to get into production.

It is no accident that these men are successful in their companies. They recognize that if their companies are to be successful, the Government will have to meet these very tough problems. The problem is that the research and development would cease within a short time. Then, there would be a period of about 4 to 6 years between the date of the Federal Government's commitment to the program and the time when the SST's come off the production line and go into operation and begin to yield revenue.

The testimony before the Appropriations Committee was to the effect that the amount required to carry out the further production and the further involvement by Boeing and by General Electric and their subcontractors would be in the order of $4 or $5 billion.

Mr. President, who is going to come up with this kind of money? We did not get many answers before the Appropriations Committee. There is no question that the airlines will not. They do not have it. They have been losing money hand over fist. And if they become profitable in the next 2 or 3 years, they will not come up with that kind of money.

How about the manufacturers? Look at the capital available for Boeing and General Electric and their equity position. They do not have it.

The answer then is to go to the banks. Well, I have talked with the leading banks in this country—the Bank of America, the First Manhattan, the First National City Bank. They indicate that this project would be very, very unlikely to attract them to come in with anything like $4 or $5 billion.

The answer is that the money will have to come from the same place as the $1.3 billion was to come from, or the $2.3 billion if Boeing's estimate is correct.

We will be in this program for $5 billion before we are through. If not, as I say, who is going to pay for it? Where will the money come from? Before we go ahead with an additional $85 million, we ought to have an answer to that question from the people who are interested in the SST.

Are the banks interested in financing it? Are they interested in making that kind of commitment? The verbal answer from the top people in the banks is that they would not be. They would not be interested in making any commitment in it, really.

Mr. President, let me conclude by saying that on Monday a statement was released by John Gardner on behalf of Common Cause. Mr. Gardner's statement, entitled "House Makes Mockery of Legislative Process," spells out in some detail the maneuvering that was necessary in order to circumvent the people's will on this issue.

There is no question that the American public does not want its tax money spent on this turkey.

I say that, because we have indications from polls that the overwhelming majority of the people are against the SST.

I went back to Wisconsin this past weekend. I had a chance to speak to the local union for a company that has the only contract in Wisconsin on the SST.

There were about 200 people present when I spoke. The union officials were present.

I expected to be ridden out of that hall on a rail. I did think that I would be opposed vigorously and vociferously and that there would be catcalls and boos.

I was astonished to find at that meeting that the men who had been working on that contract and might work on it again realized that they were citizens and taxpayers. I got the impression that they were at least 2-to-1 or more against the SST.

If these men are against the SST, and their union has probably one of the biggest contracts in the State on the SST, if they are not interested in promoting the SST, who is for it?

The decision of Congress in March to terminate funding reflected this prevailing opinion. For the House to attempt to revive SST funding makes a mockery of both public and legislative processes.

Mr. Gardner also effectively sets to rest some of the extremely misleading statements made on the House floor about SST termination costs. For example, termination costs were said to include, on the one hand, $34 million in unemployment benefits, $132 million in lost taxes, and $17 million in food stamp benefits, and, on the other hand, $101 million from pending legislation to relieve aerospace unemployment. Now you cannot have it both ways. It may be appropriate to include unemployment costs, or it may be appropriate to include the cost to eliminate the unemployment. But obviously, it is grossly misleading to include both.

Mr. Gardner's statement effectively demonstrates why most of the other items listed as SST termination costs do not belong. His excellent presentation deserves the attention of every Member of this body, and I 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 1.)

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that the names of the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. CASE), and the Senator from Virginia (Mr. BYRD) be added as cosponsors of my amendment No. 94, deleting SST funding from the supplemental appropriations bill.

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

Mr. PROXMIRE. Mr. President, it is high time we set this issue to rest. Most of us are weary of this issue, and that would include Senators who favor the SST. We can dispose of this issue, finally, I hope, by acting favorably on my amendment. I urge Senators to support it.

EXHIBIT 1

GARDNER SAYS HOUSE MAKES MOCKERY OF LEGISLATIVE PROCESS

The following letter and statement on the SST question by John W. Gardner, Chairman of Common Cause, was delivered this weekend to the Senators of the United States.

Six months ago Common Cause launched a campaign for Congressional reform—focussing on abolition of the seniority system and other measures designed to make Congress more responsive to the will of the American people. Some of our opponents said the reform issue was overstated. But after Wednesday's performance by the House of Representatives in reversing itself on the SST, there should be no more illusions about the matter. Full and proper deliberation by the United States Congress, duly recording its conclusion to a great debate, has been reduced to an insider's game of manipulation and misrepresentation. Every trick has been played, every dubious parliamentary maneuver employed.

And to what end? Peace? An end to poverty? Racial equality? Far from it. All of the energy and ingenuity displayed by the House leadership in Wednesday's vote was designed to thwart the known will of the public at large.

The House Appropriations Committee had appropriated $86 million for close-down cost payments to SST contractors. When the bill reached the floor, key members of the same Committee supported an effort to amend the Committee's own bill to use the $86 million for further development of an SST prototype rather than repayment of Government obligations.

The basic arguments for and against the development of an American SST are unchanged since March when Congress took its decisive stand against further public subsidy. Some workers have now been released, and our concern for their welfare is no less now than then. Remedies for their plight should be sought, and in fact are being sought. Since March, Boeing has already received new aerospace contracts, and a proposal has been advanced in Congress to convert SST resources to mass transit development.

The legislative procedure employed in the House on Wednesday mocked the dignity of that forum. It did more to undermine the confidence of the American people in their government than it could possibly have done to get the SST off the ground. Knowing that public opinion does not support the SST, its proponents brought the measure to a vote at a skillfully chosen time, with almost no forewarning. They had lost before when the issues were openly debated, so they tried again the way insiders prefer to do their business—out of the light of public awareness.

They didn't even present their amendment to the friendly House Appropriations Com-

mittee for fear of publicity. They brought the matter to the floor at a time when opponents had been led to believe the Committee's recommendation for payment of termination costs would be accepted without controversy. Friends of course had been alerted that "termination" would be transmuted into "resuscitation". Conspiracy is the common name for what they did.

It was a conspiracy that could only operate if some of the insiders—the Appropriations Committee leadership—were willing to let one of their valuable precedents be ended. Traditionally the Committee has not gone along with floor amendments to their recommendations. But for the sake of their wounded pride—that the House had reversed its recommendation in March—they went along with the conspiracy.

The practice of "live pairs" was used in an unprecedented and disgraceful way. Live pairs is a procedure whereby a member who is present but who has no strong stake in the issue agrees to pair with a member who is absent but who is under strong pressure to go on record. This is a service to the absent member, and is understandable when the vote is not close. But in Wednesday's vote, six "opponents" of the SST gave live pairs to proponents, and these 6 votes were the margin of defeat in the 201 to 197 vote. These six men, Davis of Wisconsin, Frelinghuysen of New Jersey, King of New York, and Michel, Railsback, and Crane of Illinois can tell their constituents that they opposed the SST, but in fact they enabled it to pass. To the best of our recollection, this procedure is unprecedented in the House. Ogden Reid of New York called it "an insult to the American People who want their votes to count."

The deceit and misrepresentation regarding future costs of the SST advanced by the Republican Minority Leader would not have been allowed to stand had this matter been out in the open. In reciting the cost of resuscitating the SST, Mr. Ford excluded every increased cost related to the cancellation of the original contract and also excluded public costs associated with airworthiness certification and probable production subsidies. But when he recited the cost of terminating, he included everything but the kitchen sink. For example, he included the cost of repayment of airline progress payments—the return of private monies never received or used by the government. He included unemployment benefits and food stamps, then turned around and included the funds for mass transit designed to stem unemployment. He included SST overhead contributions, making it all the more clear that the government's SST contract was a general subsidy to the company benefiting its highly competitive commercial business and not just SST development. These indefensible figures would never have endured public debate. In fact they did not endure one day of public awareness: Chairman William Allen of the Boeing Company yesterday told reporters that the projected cost of building the plane has risen by $500 million to $1 billion.

Common Cause is certain that the U.S. Senate will reverse the House action and that the Senate view will prevail. We are asking an all-out effort of our 155,000 members to ensure this result.

Mr. HUGHES. Mr. President, on March 24 I had occasion in this Chamber to say that although the supersonic transport represents bad ecology, bad economics, and the wrong priorities, the real issue is the challenge to the very integrity of the Government of the United States. At that time I had no idea that these words would be so dismally prophetic.

We have this issue before us today not because there has been some discovery of any advantage of the supersonic transport, not because it has been found that the vehicle will be cheaper to develop, or more economical to use, than it was exactly 8 weeks ago. We have this issue before us simply as a consequence of legislative sleight of hand. Under the leadership of the Nixon administration and the Republican leadership in the House of Representatives, funds needed to terminate the Federal subsidy of the SST have been magically transformed into funds to resuscitate this sleek monument to rampant technocracy. Is this a time with which we can bear to play special interest politics with an issue of such national prominence?

This is no such time. This is the time for the Senate to stand on its 182 years of history and to validate the principles of representative government. This is a time when we need to show that despite all the pressures, despite all the controversy throughout the country, the Congress can act in the interest of the people as a whole.

In December a majority of the Senate voted against the SST. Then, to prevent disruption the Senate agreed to a compromise that would permit an unending U.S. vote specifically on the SST. In March that unambiguous vote was cast and it was cast in both Houses of Congress unmistakably against the SST. What has happened since March to change the sentiment of Congress?

We cannot know what pressures have been put on Members of the House. We do know what has happened in the open. The cost to the Government of the SST has taken a giant leap. We were told in March that $425 million would be all the subsidies to produce two prototypes, but now since then Boeing has begun to terminate their development. It has canceled subcontracts. It has released workers. William Allen, president of Boeing, has predicted that it will cost $500 million or a billion dollars more to get the prototypes and that he may have to ask for subsidization of the actual production of the SST. Consequently, an affirmative vote today would be either a vote to waste the $85 million before us or to commit Congress and the citizens of the United States to a billion or a billion and a half dollars further subsidy on an item of shamefully low priority.

Then nothing has happened in the last 8 weeks to justify a switch to support for the SST. It is an even worse buy now than it was then. The simple fact is that almost everybody knows how bad a buy it is.

Where will this stop? Where will this subsidization of the rich at the expense of the average American, of the big banks at the expense of small taxpayers, of big military contractors at the expense of small business, stop? Where will this stop if it is not stopped here today? If we vote for this new subsidization now, how can we defend the legislative process to the American voters? How can you tell the millions of restive young Americans, the worried middle class, the veterans returning from Vietnam that this is, indeed, a government of the people, by the people, for the people.

NO TAX DOLLARS FOR THE SST

Mr. KENNEDY. Mr. President, the vote today on whether to reassume the enormous burdens and costs of the SST presents the Senate with an opportunity to reaffirm our determination to place our national priorities in order. We are being asked and being asked in no uncertain terms by this administration, to vote for the first leg of a billion supersonic journey for Federal tax dollars.

The line item in the second supplemental appropriations bill may contain only $85.3 million but it clearly would be a foot-in-the-door for a supersonic boondoggle.

Neither environmental groups nor taxpayer spokesmen were responsible for revealing the implications of the SST today. The chairman of the board of Boeing said it all last week. A start-up of this project will cost the American taxpayer between $500 million and $1 billion more in Government financing than was needed before. If we add the $478 million previously contemplated as the Government's share of the prototype program, we are talking about a minimum of $1 billion and as much as $1.5 billion.

The Secretary of Transportation immediately challenged Board Chairman William M. Allen's estimates of the cost that the taxpayer would have to swallow. But one cannot imagine any motivation on the part of Mr. Allen that would lead him to overestimate the Government's projected share of the SST cost. Clearly, the administration, which had worked so hard in the House to resurrect its supersonic Edsel, was unhappy to see private industry come clean about the costs on the plane. The Edsel was allowed to die a quiet death. That also should be the fate of the SST.

If there were new facts to be brought to bear on the subject, then the latest action of the SST proponents could be understood. But there are no new facts.

First, the SST remains economically unsound for the Government, for the airlines, and for the American taxpayer. We now know that the previous minimum cost to the Government of $478 million has risen to between $1 billion and $1.5 billion. A month ago, there were unresolved doubts about the feasibility and usefulness of the SST as well as its impact on our environment. A month ago, the Senate voted not to accept the risk that the SST would be the world's fastest flying Edsel. There has been nothing new presented that would lessen that risk.

For the airlines, the SST remains an expensive and uneconomical project. The airlines industry showed a net loss of $178.3 million last year and currently the airlines are paying off a substantial debt for their newly purchased 747's. They need a breathing spell before being locked into heavy expenditures on a plane that has serious liabilities when compared to the 747. It carries fewer passengers; it can fly fewer miles without refueling, and it costs more to operate per passenger. No wonder that Dr. Samuelson, the Nation's Nobel Prize winning economist, termed it "an economic and human disaster."

For the American taxpayer, the SST represents an unwise investment. Ap-

proximately 99 percent of those who are being asked to pay for it will not be able to afford to fly in it. It will be a high-fare plane for an expense account passenger. Best estimates limit its future use to perhaps 1 percent of the U.S. population.

Second, the economists who testified that the SST was neither the answer to the ills of the economy nor the savior of our balance of payments continue to feel the same. Dr. Paul Samuelson, Dr. Milton Friedman, Dr. John Kenneth Galbraith, and Dr. Arthur Okun, continue to condemn the alleged economic rationalization for the SST.

They view national economic decisions taken by this administration over the past 2 years as much more relevant to a discussion of the current high unemployment in the Nation.

The national rate of 6.1 percent is a direct result of those decisions. Even loss of jobs in the aerospace industry cannot be attributed solely to the decision on the SST. From March 1968, to December 1970, there was a 25-percent decrease in total aerospace employment. Again, the declining economy more than any other single factor was responsible for these layoffs. The answer for the aerospace industry is not to pump artificial life into the SST but to rebuild the Nation's economy.

Third, the environmental questions that remained unanswered during the extensive hearings over the past year continue unresolved. No one has discovered new evidence to indicate that any of those issues require the construction of the SST prototypes. Nearly every conservation and environmental group in the Nation continues to view atmospheric pollution, the sonic boom and the noise pollution of the SST with deep and genuine alarm.

Fourth, there has been nothing presented in the time since its rejection by the Congress and the American people in March to justify attaching a priority label to the SST. In the past months, we have seen the administration argue against House advocates of an increase of $700 million in appropriations for education. Those increases covered aid to disadvantaged children, aid to Headstart, aid to bilingual education, aid to higher education—virtually every national education program. The administration lobbied against that proposal because they claimed it was inflationary.

Yet now the administration is seeking to restart the country on the SST treadmill, a treadmill that would have us spend up to $1.5 billion, while the Nation stands still in its pursuit of a higher quality of life for our citizens. If we are to expend those tax dollars, I want the Nation to spend those funds to move forward in dealing with the problems of poverty, of hunger, of education, and of urban mass transit.

The arguments that caused the Senate to reject continuing appropriations for the SST remain unchallenged today. Concern for the environment of man, concern for the economic viability of the airlines, concern for jobs and balance of payments, concern for the Nation's priorities—if we share those concerns then we should vote for the Proxmire amendment to delete the appropriations for the SST.

Mr. BAYH. Mr. President, the Nixon administration's ploy of trying to resurrect the once-dead SST has made it perfectly apparent where the President's priorities lie. Less than 6 months after the President vetoed a public service employment bill, the administration's forces argued that the House should vote new money for the SST because of high unemployment and the number of people who would be out of work if the SST were terminated. At the same time that the administration has impounded billions of dollars appropriated by Congress for such urgent social needs as housing and urban development and mass transportation facilities, the administration argues that we should instead stimulate the economy by spending our money for an airplane which will get a few wealthy people to Europe a few hours faster.

Mr. Nixon's version of Keynesian economics apparently calls for stimulating a lagging economy by having the Government take care of the corporate elite while letting the poor take care of themselves. We have seen this philosophy in action recently in the Treasury Department's backdoor attempt to reduce corporate taxes by liberalizing the depreciation allowance through the proposed asset depreciation system. This same philosophy is evident in the proposed Government subsidy for Lockheed Aviation. And now we are being asked once again to vote for a handout to Boeing and General Electric to build an airplane which they will not—and cannot—finance themselves because they know that the airplane will not pay for itself.

I submit that any argument for refunding the SST based on supposed benefits to the economy is a specious one. Two months ago when we last debated the SST, the Senator from Wisconsin, (Mr. PROXMIRE) showed that the inflated claim that the SST would produce 150,000 jobs was based on a speculative figure of 50,000 SST jobs 8 years hence, multiplied by an arbitrary factor of three. No qualified person will argue that spending an equal amount of money for a more constructive purpose would not create at least as many jobs. Indeed, many other projects would produce more, for a large portion of the SST budget is for hardware rather than jobs, and many of the jobs will result from displacing workers now employed in producing subsonic aircraft.

By the same token, new expenditures for the SST cannot be justified on the basis that many people have been put out of work by the termination of the SST. These highly trained technicians and scientists could be retrained to work far more constructively on Government programs such as urban mass transit, housing, the construction of waste treatment plants, and other needed public works projects. I have already introduced a resolution, cosponsored by Senators PROXMIRE, NELSON, STEVENSON, GRAVEL, HARTKE, METCALF, TUNNEY, CRANSTON, and WILLIAMS, which declares it to be the sense of the Senate that:

The Federal Government has a respo sibility to those workers affected by the ca cellation of the SST.

Mr. President, it is time that we p first things first. If our concern is wit creating jobs and stimulating a laggi economy, then let us invest our money programs which are socially useful a needed. The President vetoed the publ service employment bill in the last Co gress on the basis that the jobs wou be "make work." Would he claim th receiving a paycheck from a Gover ment subsidized company to build a airplane that may never fly is any bett than receiving a paycheck for perfor ing public service work which will he one's community?

The only other new argument, or least new emphasis, used by pro-SS forces in the House last week was th it would cost more to terminate the pr gram than it would to finish the t prototypes. They claimed that finishi the building and testing of the SST pr totypes would cost $478 million, and th terminating the program would cost $2 million more than that.

Apparently, however, no one bother to check with the principal contracto about the cost of restarting the proje Last week, on the day after the vote the House, Boeing Company's chairma William Allen estimated that it wou cost at least $500 million and perhaps high as $1 billion more than the figur already cited for completing the prot types. These figures, he said, reflected t fact that new contracts would have to renegotiated at higher prices, that t old production team has been broken u and that workers have been laid off.

Moreover, General Electric, which h been building the engines for Boeing, h stated that if they were to start produ tion again, the Government would ha to assume the full cost, rather than percent as in the past.

Thus, if we voted for the House ve sion of the Supplemental Appropriatio bill with its $85 million for research a development of the SST, we could expe at the very least, to be committing ou selves to well over $900 million—a probably closer to $1.5 billion—in co before we have even completed a prot type of the SST.

We must be absolutely clear Wednesday that we are not just talki about voting $85 million for more search. Instead we will be committi ourselves to massive expenditures for economically unfeasible and ecologica unsound project, because Boeing, one, is now insisting that they will resume work unless the Governme makes a commitment actually to produ SST's after the prototypes are bu This will mean another $2 or $3 billi

Mr. President, thus far I have assum that we all remember the debates of l December and last March. But perha we should briefly review why the S should never have been built in the fi place. The SST should not be built cause:

It is a gross distortion of our natio priorities.

It is a source of incredible noise pol tion.

It may cause permanent damage to our environment.

It will be more costly per seat-mile than any other commercial airplane, and thus a step backward for the aviation industry.

It cannot pay for itself unless unrealistically large numbers of airplanes are produced.

Private industry is unwilling to finance it.

In short, the SST should not be built, because it is in every way an excess.

One final issue which troubles me about this latest round on the SST is that of the constitutional separation of powers. Over the last year we have observed a number of instances in which the President has simply chosen to ignore Congress' rightful powers. First, there was the violation of the spirit and intent of the Cooper-Church amendment by the use of helicopter gunships in support of the ground war in Cambodia and Laos. Next there was the President's use of what amounted to an item veto in his impoundment of funds appropriated for specific purposes by Congress. Now the Treasury Department wants to implement a reduction in corporate taxes without congressional authorization by means of their asset depreciation range system. And just last Friday, Secretary Rogers announced to the Senate Foreign Relations Committee that the Congress has no right to tell the President where he can and cannot use troops.

I am not arguing that the President has no right to keep submitting something like the SST to the Congress as many times as he wants; obviously, he does have that right. I submit only that the fact we are forced to vote yet another time to terminate the SST is symptomatic of the regard in which the President holds the Congress. He simply seems to be unwilling to accept the Congress as a coequal body with the right to reject his programs or to enact its own.

Thus we are left with no alternative but to vote down the SST one more time. And when someone tries to resurrect it again 3 months from now, as may be inevitable, we will beat it down a fourth time.

Mr. NELSON. Mr. President, Stan Gores, editorial page editor of the Fond du Lac Commonwealth Reporter, recently sent to me a very thoughtful editorial that appeared in that paper a few days ago.

The editorial, which appeared in the May 14 edition of the newspaper, raises the question of why and how the SST issue is again before the Congress when the people and the Congress showed they were opposed to SST's on environmental and economic grounds.

The editorial expresses the view that—

The free voice of the "little American"—when ignored—everywhere will become weaker and weaker and weaker.

And concludes:

How sad. How really sad for the millions of men and women who—all these years—have honestly believed that their letters and votes carried weight. And how sad for America.

I ask unanimous consent that the editorial be printed in the CONGRESSIONAL RECORD.

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

[From the Fond du Lac (Wis.) Commonwealth Reporter, May 14, 1971]

SST REVIVAL RAISES QUESTION: WHO LISTENS TO THE PEOPLE?

If President Nixon and members of Congress want to know why an attitude of apathy often exists among American voters all they need to do is examine their own actions in regard to the controversial supersonic transport.

This project was genuinely opposed by the vast majority of the American people for two main reasons: (1) Its potential dangers to the environment at a time when we are striving to make our environment better and (2) Its huge cost and questionable practical value.

Under the pressure of letters from their constituents, congressmen responded to this opposition and earlier had voted an end to the funding of the SST. This understandably brought howls from aerospace industry workers who had mounted a costly campaign to sway public thinking on the matter.

When the SST was defeated in the House and Senate, however, a new, behind-the-scenes effort was continued. There was almost no publicity. And then suddenly, there it was, back in the House where $85.3 million was restored to allow continued development of two SST prototypes. The vote was 201 to 197, with some members changing their previous position.

Supporters of the SST are still wailing about the U.S. becoming a second-rate power in the air industry because this single plane has not won favor with the American people. Yet these same advocates are right there, giving lip service to the fight against pollution and demanding more sensible federal budgeting.

They also point to the British-French Concorde supersonic airliner. But they neglect to add, for example, that the Concorde already has exceeded anticipated costs by more than $144 million.

We've got problems in this country. One of them happens to be a tendency toward apathy regarding what the single individual, the lone American, can do to help make life a little better for all of us.

Occasionally he rises to the challenge and, in his massive voice, fights to win. He thought he'd won a big one in the case of the SST. But he forgot about the off-stage maneuvering. He forgot that his government quite often doesn't really believe he knows what he wants.

So the SST is back.

If it stays with us, that free voice of the "little American" everywhere will become weaker and weaker and weaker. The disciples of apathy will have made their point and indifference will be encouraged.

How sad. How really sad for the millions of men and women who—all these years—have honestly believed that their letters and votes carried weight.

And how sad for America.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Washington has 12 minutes remaining.

Mr. MAGNUSON. How much time has the Senator from Wisconsin remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 28 minutes remaining.

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

Mr. PROXMIRE. Mr. President, I have more time. I ask that the time for the quorum call be taken out of my time.

Mr. MAGNUSON. I thank the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. JACKSON. Mr. President, later today the Senate will vote on the provisions of H.R. 8190, the second supplemental appropriations bill. As passed by the House and as reported by the Senate Appropriations Committee, this measure provides $85.3 million for the continued development and construction of two civil supersonic prototype aircraft.

This program is too important to the Nation to permit it to end, to throw away the tremendous investment we have already made, 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 all of the alternatives, their costs and their benefits. Approval of the Appropriations Committee's recommendation to provide funding in the amount of $85.3 million will buy the necessary time for a review of all of the facts which are necessary to a proper decision on this mattter. I urge my colleagues to join with me in support of this program.

Mr. President, when the House approved funding for continued development of the prototypes last week many of the proponents argued that the costs of terminating the program—when all of the real costs were considered—was far in excess of what it would cost to complete the program. Last Friday I wrote to Secretary Stans of the Department of Commerce and asked that the Department review all of the costs which would be associated with termination. In addition to the legal obligation to the prime contractors and the obligation to the airlines, it was my view that there are many other costs which have not been identified with any precision and which have not been considered as part of the real costs of termination.

Late last night I received Secretary Stans' response and the Department of Commerce analysis of the costs of terminating the program—all of the costs and not simply liquidation of the obligations to the prime contractors and the airlines.

In summary, the Department of Commerce review and analysis of the costs of termination of the supersonic prototype program discloses that the loss in wages, the public cost of welfare benefits, food stamps, unemployment assistance, manpower retraining and other Federal, State, and local assistance programs will amount to $450 million. This

is over and above the $155.8 million required for termination.

It is also over and above the increased cost of overhead for other Government programs and the return of airline advance royalties. These costs are, respectively, $51 million and $22 million, or a total of $73 million.

When all of the termination costs are added together—$450 million in lost wages and increased public costs, $155.8 million to formally terminate the program, and $73 million for increased overhead and return of advanced royalties—the total cost of termination amounts to $678.8 million.

Mr. President, in March of this year Congress had the option of completing this program, of constructing the two prototypes and receiving all of the benefits involved, at a cost of $478 million. Today, just 2 months later, we are faced with a cost of $678.8 million to terminate the program.

What this means is that the action taken by the Congress 2 months ago has cost the Nation over $200 million more than it would have cost to complete the prototype.

Mr. President, in my judgment, this program can be put back on the line at a cost which will not exceed the total costs of termination as analyzed by the Department of Commerce and which may even be less.

As I stated on the floor on Monday, the failure of the Congress to fund the program in March will probably result in some increase in the overall cost of the program and the two prototypes if we now decide to go forward. I do not know, and no one else knows, what this additional cost will be until the Department of Transportation and the contractors negotiate a new contract. I am, however, confident that the cost of starting the program up again will be less than the total cost of termination and forfeiting the jobs, the technology, and the potential economic benefits of the program.

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

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

(See exhibit 1.)

Mr. JACKSON. Mr. President, in addition to reviewing the costs of termination in dollar terms, the Department of Commerce letter discusses other issues of vital importance.

First, termination will create unemployment for 37,500 workers for prime and subcontractors.

Second, since 1967 the aerospace industry has experienced a 36-percent decrease in employment; and a 15-percent decrease since 1970.

Third, the U.S. aerospace industry is being weakened by foreign competition. Projections are that aerospace export of large transports will decline from a high of $1.6 billion in 1971 to $500 million in 1976.

Mr. President, I urge members of the Senate to carefully review the total situation; to look at all of the costs before voting on this vital issue later today. I urge their support for an American SST and keeping America strong.

EXHIBIT 1

THE SECRETARY OF COMMERCE,
Washington, D.C.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This is in reply to your letter of May 14, 1971, requesting help in identifying SST termination costs, particularly in relation to unemployment, multiplier effects, cost of food stamps, impacts on subcontractors and other special welfare aids, retraining costs, and any other state, local, or Federal government funded benefits that may be necessary to help those affected. I understand that the losses in wages and Federal, state, and local funded benefits as a result of the termination of the SST program will amount to about $450 million. Other costs involving overhead and advanced royalties are estimated at $73 million.

Further, termination of the SST prototype program will create unemployment for over 12,500 workers by major and first-tier contractors. It is expected that an additional 25,000 workers from all other subcontractors will be out of work.

By way of example, I am advised that cancellation of the SST program already has caused the layoff of over 2,900 persons by the top twenty-five subcontractors, even with concerted efforts to reassign personnel to other work duties. An additional estimated 900 persons will be terminated by the subcontractors by the end of 1971. SST cancellation impact on subcontractors will not only be felt in the Western States but the Central and Eastern regions of the country will each have over 1,000 unemployed by the end of 1971. The foregoing figures do not include the 9,800 employees already released or estimated to be released by Boeing and General Electric by the end of the year.

In 1967 the aerospace industry employed 560,000 production workers and the present lower demand for aerospace products, coupled with the SST termination, will leave the industry by the end of 1971 with 357,000 workers, a 15 percent decrease from 1970, and a 36 percent decrease from the peak employment year of 1967.

In addition to the loss of tax income to Federal, State, and local governments, the decrease in aerospace employment due to the SST termination could involve as much as $17 million to provide these aerospace workers and their families U.S. Department of Agriculture food stamps. Retraining costs for the unemployed aerospace workers could be as much as $101 million, and various proposals for legislation have already been submitted to provide this training. I understand that other reported identified costs of $73 million cover $51 million for increased overhead for other government programs and $22 million for airline advance royalties.

Another cost is involved in the weakening of our aerospace technology base. The present deteriorating position of the aerospace industry is affecting our high technology manufacturing base at a time when the industry is faced with a strong effort by foreign competition to penetrate the world market for transport aircraft. Our studies indicate calendar year 1971 as the peak aerospace export year ($1.6 billion for large transports) and a deterioration during the next ten years of aerospace exports ($500 million for transports in 1976).

A termination of the SST program will eliminate a potentially large contribution to our aerospace exports. This taken with a general decline in aerospace exports is having a further multiplier effect on jobs and income. With production employment of the SST estimated at 50,000 persons, it is reasonable to expect that a significant additional number would be employed by reason of the multiplier effect.

The Department of Commerce continues to support the SST program as it has done consistently in the past. Our objective is even more important today when foreign competition is attempting to establish a foothold in the intercontinental transport market with their own SST. At the same time foreign competition has viable short-haul aircraft programs (A300B, Mercure, VFW–614, F–28) against which there are no United States programs to challenge their penetration of our normal markets at home and abroad.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

Mr. PROXMIRE. Mr. President, I yield to the Senator from New Jersey whatever time he requires.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. I thank my colleague.

Twice within the last 6 months the Senate has voted to end all Federal financing of the supersonic transport project.

The House of Representatives, by a small margin, now has reversed its previous opposition to the project and a third Senate vote on the SST is necessary.

The Senate should vote once again to terminate Federal funding of the SST.

Nothing has occurred between the last Senate vote on the SST, on March 24, and today to prompt the Senate to change its mind on the project.

In the last 2 months I believe that opposition to the project on the part of the public at large has increased steadily.

The Federal funds that would be spent on developing two prototype airplanes can be more profitably used for urgent national needs, of which there are many.

The environmental case against the SST has not been refuted.

The plane will generate sonic booms which will be an intolerable annoyance to those hearing them. The booms may even cause physical damage.

The SST engines, as presently designed, will cause intolerable sideline noise.

Exhaust from the engines may irreparably pollute the stratosphere with potentially dangerous consequences for life on earth.

I do not rest the case on this by any means, because it was not stated before, when we voted on it the last time, but recent scientific statements on the atmospheric effects have been even more devastating, it seems to me, than those which we had in our possession before. Certainly, without more knowledge than we have in this area, we dare not take a chance. The information that we do have, the authority of the men and women who express concerns in the area of the environment, seems to me to put us on notice that to proceed at this time without thorough examination and study of the matter would be irresponsible to the point of recklessness.

Building the two prototypes is not necessary to get this information and will not be helpful in this regard.

It would not be helpful in getting answers on the most important question, and that is on the question of the destruction of the atmosphere, the questions concerning the effect of many, many SST flights on the ozone layer. Our knowledge on all of this would be advanced not one whit by building two

prototypes. We can find the answers to those questions; it may take a long time to find them; but we will not find them by building two prototypes. So there is no point in building the prototypes on the excuse that we need them in order to answer the environmental questions.

The economic case against the SST stems in part—only in part—from the environmental case. It is generally agreed that dealing with sonic boom and engine noise will reduce the economic viability of the plane. I take some little pride in the fact that I was the first one to introduce legislation to prohibit overland SST flights that would cause sonic booms. Dealing with engine noise, in other words, installing suppressors and whatnot, as well as banning overland flights, will inevitably reduce the economic viability of the plane; that viability is a very fragile thing, if it exists at all, apart from the further strains on it that will result inevitably from any attempts to deal in any rational way with the problem of sonic boom and the problem of sideline noise.

The great weight of economic opinion is against the SST. Economists from opposite ends of the spectrum, such as Paul Samuelson and Milton Friedman, oppose the project. They raise the simple question:

> If the SST will be as profitable as its proponents claim, why not let private enterprise take over the venture?

I do not think there is any answer to that. Certainly, there is no answer that satisfies me that has been suggested on this floor or in the forum of public opinion at any other place. If it is going to be profitable, well, let private enterprise make that judgment, take the risks, and make whatever profit will be involved. We have seen what private enterprise thinks of it. They do not want any part of it. The reason, of course, is clear. This project is not even murky any more; it is clearly banned as an economic proposition.

Since Congress voted 2 months ago to kill the project, private financing has not been forthcoming. So the doubts—not only the doubts, but the certainty—about the economic soundness of the SST have permeated and penetrated the private sector itself.

The economic soundness of the whole project has been called into further question by recent news reports quoting the chairman of the Boeing Co., prime contractor for the SST airframe, as saying that the costs of restarting the project may add between $500 million to $1 billion to the total price which has been given to us most recently as the estimated cost of developing the prototypes.

The same Boeing official, according to the press accounts, also confirmed what many of us have feared for some time—that the airplane production industry is really relying on Federal financial assistance not only for the building of the prototypes, but also to carry on the expensive production phase. If that is what they are relying on, I think it is a very good indication that this is the time to call an end to the matter.

Of course, there should not be any surprise about this. Those of us who have been concerned about the SST on any ground, including the economic ground, have felt with increasing confidence that we were right—that it was unrealistic to expect that Boeing or any other company would be willing to finance, on its own, the production of airplanes it was going to sell for $50 million or more each.

So I shall vote again to terminate Federal funding of the SST project.

I hope very much that the Senate will stand by the position that it took so wisely just a few weeks ago. I am confident that if the Senate does so, the House of Representatives, which recently voted by a very small margin to use the proposed termination moneys for continuation of the prototype project, will support the Senate's action.

I think the House should. I think it would be a wise action; we will not regret that we have, perhaps too late but nevertheless on sound ground, taken a real step forward on the whole matter of the relations between government and industry in the advancement of our technology.

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

Mr. PROXMIRE. Mr. President——

The PRESIDING OFFICER (Mr. BYRD of Virginia). Will the Senator from New Jersey withhold that?

Mr. CASE. Mr. President, if the Senator from Wisconsin will permit, of course I will withdraw the suggestion; I entered it only at the suggestion of the Senator from Washington, who said he would be back in a moment.

Mr. PROXMIRE. Well, the Senator from California has a very brief statement.

Mr. CASE. Very well.

Mr. PROXMIRE. I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator for yielding to me.

Mr. President, I rise to pay tribute to William Allen, the board chairman of the Boeing Co., and to Boeing itself. I think the rather cantankerous candor of Mr. Allen in making very plain that if the SST contract were revived at this point it would cost perhaps an additional half billion to a billion dollars is a very valuable contribution to our deliberations concerning the SST.

I have the utmost respect for Mr. Allen for making that announcement public during our consideration of SST in the wake of the House action reviving the SST. The practice in all too many concerns in aerospace has been to underbid, knowing that there would later be excessive costs revealed and required to be met. This has led to the situation that the Senator from Wisconsin has so ably and effectively revealed to Congress and to the Nation in regard to so many contracts where startling costs have ultimately developed that have required more taxpayers' money to be expended than was originally anticipated when the contracts were let.

Mr. Allen could have followed that practice. He could have sought to receive a new SST contract at the old rate. He could have waited until later to reveal the certain increase in costs once Boeing had the contract, with the hope and expectation that Boeing would then receive additional funds, and be able to carry on the program. I greatly respect his judgment and his honesty in making plain, before the Senate acted, what the consequences would be in terms of additional costs.

If this practice were followed by certain others in certain companies, we would not in recent years have been faced—and not now be faced—with the tremendous and far greater expenditures than were originally anticipated and authorized on so many contracts.

I think that Mr. ALLEN has shown a touch of greatness in what he did. I express my respect for him.

I also express my respect for the Senator from Wisconsin for the great work he has done in the battle over SST. I stand firmly with him today, as we come to the showdown on it.

Mr. PROXMIRE. Mr. President, first I want to thank the Senator from California. It is one thing to be against the SST when you are from Wisconsin; it is something else, and takes a great deal of courage as well as conviction, to be against the SST when you are from California.

Mr. President, I just to want to make clear what may happen on this amendment. As I understand it, my amendment is simply to strike out all SST funds in the supplemental appropriations bill. It is my further understanding that after that is done, if it passes, then the Senator from Washington will offer an amendment which would provide $155 million, or thereabouts, for including $85 million in termination payments to Boeing and General Electric, an additional $12 million for DOT, and then an additional $58.5 million or so to the airlines.

Mr. President, I would support that. I think it is a wise and necessary step, and I would either cosponsor it or certainly support it.

But at that point, Mr. President, it is my understanding that termination money would be limited to development. Research would be omitted from the Magnuson amendment. Then it is my understanding that another Senator would come in with an amendment that would propose $25 million for research on another supersonic transport; in other words, seed money to start over.

With great regret, in view of the progress we have been making, I want to serve notice that if that is done, the supplemental appropriation bill might have to be debated at some length, and under the circumstances, I suppose we would have to move back to the draft bill.

I have been alerted to the fact that this effort will be made later today, and there will be no debate on that amendment, because we finish on the SST in 14 minutes. After that, all amendments on the SST will have to come without debate.

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

Mr. PROXMIRE. I yield.

Mr. CASE. I am glad that the Senator from Wisconsin has made this point. As ranking minority member of the subcommittee, I know there has been no evidence received and no testimony taken on what advantage or purpose there would be for such an appropriation. I

think it is quite wrong for the Senate to add any future money at all, let alone $25 million, for research in carrying any part of the SST forward.

I have no objection to considering it, and I think we should do so in an orderly fashion by having whatever testimony there is as to the merits of the proposal presented and the facts laid before the committee. This can be done in the regular appropriation bill. The chairman of my subcommittee is here; I am glad that he is. There is no need to do it now.

The proposal that will be made by the Senator from Washington (Mr. MAGNUSON), for some $155 million, is going to include not only termination payments to General Electric and Boeing, and reimbursement to the airlines of moneys they have advanced as risk capital, but also some $10 million or $12 million more as termination costs which the Government wants. This will not include, as we were advised, any sum——

The PRESIDING OFFICER (Mr. BYRD of Virginia). All time of the Senator from Wisconsin is expired.

Mr. CASE. I ask unanimous consent that I may proceed on the bill, or whatever you want, for another 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, there is no time on the bill as such, but I would assume one Senator who is in control of time would let the Senator have 2 minutes.

Mr. CASE. I would hope so.

Mr. PROXMIRE. My time has expired.

The PRESIDING OFFICER. The Senator from Washington has control of the time.

Mr. CASE. Maybe the Senator could act as proxy.

Mr. BYRD of West Virginia. On behalf of the Senator from Washington, I yield the Senator 2 minutes.

Mr. CASE. The point is that there is already in this amendment that the Senator from Washington is going to offer, as we are well advised, a substantial sum of money for the preservation of all the useful knowledge that has been accrued so far in the research and development of these two prototypes. I think if more is necessary, if more would be useful, this ought to be affirmatively justified to the committee before we act on it.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. PROXMIRE. We have no time remaining.

The PRESIDING OFFICER. It must be done on the time of the Senator from Washington.

Mr. CASE. It was he who asked for it.

The PRESIDING OFFICER. He is the only one who has time remaining.

Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. MAGNUSON. Mr. President, I yield back the remainder of my time. I understand that the Senator from Wisconsin has yielded back the remainder of his time.

The PRESIDING OFFICER. The Senator from Wisconsin has no additional time.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator will state it.

Mr. MAGNUSON. I understand that the vote on the Proxmire amendment will take place, without debate, following the disposition of the amendment on the troop withdrawal. Is that a correct statement?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. MAGNUSON. So that the vote on the troop withdrawal amendment is to take place at 5 p.m.?

The PRESIDING OFFICER. The unanimous-consent agreement provides that the Mansfield amendment will not be voted on prior to 5 p.m.

Mr. MAGNUSON. Not earlier than 5 p.m.?

The PRESIDING OFFICER. Not earlier than 5 p.m.

Mr. MAGNUSON. Assuming that there will be some amendments to the Mansfield amendment—I know that there are—the vote on the Proxmire amendment will take place after 5 p.m.?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. MAGNUSON. Depending on the disposal of the other amendments with respect to the troop withdrawal.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Two amendments are pending to another section of the supplemental bill, relating to the Neighborhood Youth Corps. May we know when those will be voted on?

The PRESIDING OFFICER. Those votes will come after the vote on the Proxmire amendment.

Mr. JAVITS. I thank the Chair.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, because of a quirk which has developed, and in order to clear the record—I do this, I believe, with the approval of all Senators concerned—the Senate has been under the understanding that the Nelson amendment would be the first order of business.

I ask unanimous consent that it be the first order of business as well as the pending business, and that when it is disposed of, it be followed by the Mathias substitute.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object because I agree with the distinguished majority leader—is it the understanding, then, under the previous agreement, that there would be 1 hour of debate on the Nelson amendment and then there would be a vote on the Nelson amendment, and then we would proceed to 1 hour of debate on the Mathias amendment and then to a vote on the Mathias amendment?

Mr. MANSFIELD. Yes. The Senator from Michigan is correct, the reason for making the request being that if that is not done, the Mathias amendment will come down and then it will be followed by the Mathias substitute and then it will be followed by the Nelson amendment and the first vote will occur on the Nelson amendment, anyway. It is just to clear the record and make it more regular in procedure.

Mr. GRIFFIN. Mr. President, further reserving the right to object, I think perhaps my inquiry may have been misleading. In any event, there could be further perfecting amendments prior to the Mathias substitute, as I understand it.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Yes. The Chair has not responded to the parliamentary inquiry of the Senator from Michigan but the Senator from Michigan is correct, there could be votes on other perfecting language prior to the vote on the Mathias amendment, but after the vote on the Nelson amendment.

Is there objection to the unanimous consent request of the Senator from Montana?

The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distintinguished Senator from Maryland (Mr. MATHIAS) may be allowed to add three words to his substitute for the purpose of perfecting it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 18, 1971, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 100. A joint resolution to provide for an extension of Section 10 of the Railway Labor Act with respect to the current labor-management dispute, and for other purposes.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Who yields time?

Mr. NELSON. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. NELSON. Mr. President, over the past 2 days, I have been reading the alarmist arguments of those who oppose any action by the Senate respecting troop reductions in Europe.

The arguments, I might say, are hauntingly familiar. They are the same arguments that were made 6 years ago to justify our intervention in Vietnam. Now, of course, the two circumstances are not the same but the arguments are the same.

I just wish to say that as the only Member left here in the Senate of the three Senators who voted against the appropriations in March 1965, to commence a ground war in Vietnam, I do not find myself any more inclined to accept the advice, counsel, or position of the old cold-war warriors now than I was to accept their disastrous advice in 1965.

I did not accept it then and I do not accept it now.

Mr. President, this amendment seeks to strike a rational balance between the viewpoint of those who believe our forces in Europe should be reduced forthwith and those who favor a reduction in forces but believe an adequate opportunity for a mutually negotiated reduction should be tested first.

The amendment respects the validity of the argument that a substantial American military presence continues to be required in Europe as an integral part of the NATO forces. At the same time, the amendment supports the proposition that at this stage in history it is feasible, if not in fact necessary, from a military, political and economic standpoint to make a substantial reduction in our European troop commitment.

The amendment proposes that there be a schedule for troop reduction, extending over a 3-year period, as well as a parallel proposal for a negotiated reduction.

However, the amendment encourages a reduction through negotiations between NATO and Warsaw Pact nations with the proviso that if such negotiations are commenced by December 31, 1971, provision for a scheduled reduction to 250,000 American troops on June 30, 1972, shall not be operative. That is to say this provision shall be suspended in such a circumstance.

I agree fully with the concept of the amendment of the majority leader, Mr. MANSFIELD, cutting the U.S. troop level in Europe by half. I would have simply voted for that amendment had it not been for a series of statements by the Soviet Union, offering to negotiate a mutual reduction of NATO and Warsaw Pact forces in Europe. This offer was made by the Soviet Union March 30, reiterated by Soviet party leader Leonid Brezhnev on May 14, and repeated by Soviet Foreign Minister Andrei Gromyko in a meeting with U.S Ambassador Jacob Beam in Moscow May 17. In view of this, it seems much wiser to try to negotiate a mutual troop reduction before we begin a unilateral troop reduction.

This amendment, as modified, does the following:

First. It amends subsection (b) of the Mansfield amendment so as to provide that no funds may be used to support or maintain U.S. military personnel in Europe in excess of the following numbers after specified dates: 250,000 after June 30, 1972; 200,000 after June 30, 1973; and 150,000 after June 30, 1974.

Second. It expresses the sense of the Congress that the President should enter into negotiations at the earliest practicable date to seek a mutual and balanced reduction of forces and armaments of the United States and the Soviet Union, and other members of the North Atlantic Treaty Organization and Warsaw Pact, in Europe.

Third. It provides that the requirement in subsection (b) that the force level not exceed 250,000 after June 30, 1972, shall become inoperative if prior to December 30, 1971, representatives of NATO and the Warsaw Pact have entered into negotiations or formal discussions regarding a mutual reduction of their military forces stationed in Europe.

Now, Mr. President, if the NATO and Warsaw Pact nations go into negotiations, the reduction for June 30, 1972, is suspended. But if they have not reached an agreement by June 30, 1973, then the reduction to 200,000 goes into effect, and the reduction next year, June 30, 1974, to 150,000 goes into effect.

I make one point about that, however, that if, in fact, NATO and the Warsaw Pact nations are engaged in meaningful negotiations approaching June 30, 1973, it is perfectly feasible for Congress to extend the date for troop reductions. I think this measure provides the kind of flexibility the administration should have in terms of attempting to negotiate a reduction and, at the same time, it provides that there shall be a reduction if negotiations are not successful.

Mr. President, several points are implicit in the language of subsection (b):

Assuming that it were to become law before June 30, 1971, the deadline for action on H.R. 6531, to which these amendments pertain, we would be providing a period of at least 6 months for NATO to begin negotiations with the Warsaw Pact on mutual reduction. This is a reasonable time to see if we can start down the negotiating route. It provides time for Secretary of Defense Melvin Laird to discuss the subject of these negotiations with the other NATO defense ministers at a meeting of the NATO Defense Planning Committee in Brussels, May 28. It gives time for Secretary of State William Rogers to discuss the subject with foreign ministers of the other NATO countries at a meeting of the North Atlantic Council scheduled to be held in Lisbon, June 3 and 4, 1971.

If by December 30, 1971, no negotiations have begun, then the administration would have 6 months, until June 30, 1972, to make the first reduction to a level of 250,000 troops. This provision will constitute a strong incentive for the administration and our NATO partners to vigorously seek a negotiated mutual East-West reduction. It is generally true around the world that, where we have troops stationed, the officials of the host country generally prefer that we stay and our diplomats generally prefer to oblige them.

If negotiations do begin by December 30, 1971, the U.S. troop level could remain at its present level until June 30, 1973. Then, if no agreement were reached on mutual reduction, the U.S. troop level would become 200,000 under the provisions of subsection (b). This means that not only is Congress calling for negotiations but we are also calling for an agreement. Of course, it takes two sides to negotiate and to agree. Therefore, if on June 30, 1973, there were no agreement, but negotiations are underway and circumstances justify a further extension of time for negotiations to continue, Congress has the authority to make whatever extensions it deems necessary and appropriate at that time.

Mr. President, to sum up, what this modified amendment proposes is that rather than make a precipitate unilateral cut of one-half in our troop level in Europe, let us schedule this reduction over a little more than 3 years, and at the same time let us try to negotiate a mutual reduction, especially in view of the fact that the Soviet Union has three times offered to negotiate.

Mr. President, let me conclude by saying that if it were not for the Mansfield amendment, we would not even be discussing this issue on the floor today, Mr. Brezhnev would not be making the statements he has, and neither would the administration.

Thus, full credit for bringing this issue into the public dialog goes to the Senator from Montana (Mr. MANSFIELD), the distinguished majority leader, for initiating the issue.

Mr. President, I ask unanimous consent to have printed in the RECORD a further explanation of my amendment as further modified.

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

EXPLANATION OF NELSON AMENDMENT AS FURTHER MODIFIED

After consultation with other members of the Senate, the Nelson compromise amendment to Senator Mansfield's amendment on reduction of troops in Europe has been further modified. In its present form the amendment does the following:

1. Amends subsection (b) of the Mansfield amendment so as to provide that no funds may be used to support or maintain U.S. military personnel in Europe in excess of the following numbers after specified dates: 250,000 after June 30, 1972; 200,000 after June 30, 1973; and 150,000 after June 30, 1974.

2. Expresses the sense of the Congress that the President should enter into negotiations at the earliest practicable date to seek a mutual and balanced reduction of forces and armaments of the United States and the Soviet Union, and other members of the North Atlantic Treaty Organization and Warsaw Pact, in Europe.

3. Provides that the requirement in subsection (b) that the force level not exceed 250,000 after June 30, 1972, shall become inoperative if prior to December 31, 1971, representatives of NATO and the Warsaw Pact have entered into negotiations or formal dis-

cussions regarding a mutual reduction of their military forces stationed in Europe.

Assuming that this legislation were to become law before June 30, 1971, the deadline for action on HR 6531, to which all these amendments pertain, this would provide six months for NATO to begin negotiations with the Warsaw Pact.

If by December 31, 1971, no negotiations have begun then the Administration would have six months, until June 30, 1972, to make the first reduction to a level of 250,000 troops.

If negotiations do begin by December 31, 1971, the U.S. troop level could remain at its present level until June 30, 1973. Then, if no agreement were reached, the U.S. troop level would become 200,000 under the provisions of subsection (b). However, it is recognized that it takes two sides to negotiate and reach an agreement. Therefore, if on June 30, 1973, NATO were seriously seeking agreement with the Warsaw Pact, and if it appeared more time was needed, then Congress could take action to rescind or delay the otherwise automatic U.S. troop cut to 200,000.

Mr. GRIFFIN. Mr. President, will the Senator from Wisconsin yield for just half a second so that we may get the yeas and nays on his amendment?

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield myself 8 minutes or so much thereof as I may use, Mr. President, I want to be notified at the end of the 8 minutes.

Mr. President, the Senator from Wisconsin has altogether a different amendment now from what it was when it was originally introduced. When first introduced it would replace paragraph D of the Mansfield amendment and substitute wording concerning negotiations with the Soviet Union and with members of the NATO which, in a way, is really already in progress.

This amendment in its present form—and certainly the Senator had a right to modify the amendment—is altogether a different proposition. I commend the Senator from Wisconsin, by the way, for his interest in this subject. He is certainly consistent with his votes. I am glad to see his interest continue, as I expressed Monday, in the original amendment that he introduced at that time.

The Nelson amendment as it now reads would require the continuing reduction of U.S. forces at the rate of 50,000 troops per year—and I think this is highly important, I say to my colleagues—unless the Soviet Union and the Warsaw Pact had agreed to begin negotiations with NATO over mutual force reductions.

In other words, there would be an automatic reduction and withdrawal made mandatory unless the Soviet Union and Warsaw Pact had agreed to begin negotiations.

That sounds very simple. It is oversimplification in my humble opinion because by that single stroke of the pen, or by that simple process, we would be putting in the hands of the Soviets the ability to force us to withdraw without the trouble of their being present. By their mere refusal to begin negotiations, just by their refusal to begin these negotiations, we would have an automatic reduction started.

I do not think we could give them a better advantage. I do not think we could come nearer to killing our chances for actual negotiations and getting results in those negotiations than this hasty writing of a provision like this into the law. It just totally disarms this Government so far as the number of troops are concerned. It would force on us a unilateral reduction.

I think the President of the United States, representing us, would be so hand-tied and hog-tied by this amendment that he could hardly make any plans, because a mere negative act, the refusal to negotiate, would cut him off and would cut us off and automatically start a unilateral withdrawal.

That is exactly what the words mean here, when I read from the Senator's amendment:

> The provisions of subsection (b) of this section prescribing a force level of not in excess of 250,000 after June 30, 1972, shall become inoperative if prior to December 31, 1971, representatives of the North Atlantic Treaty Organization and representatives of the Warsaw Pact countries have entered into negotiations, or have entered into formal discussions regarding a mutual reduction by such organizations of their military forces stationed in Europe.

Mr. President, as I say, all they have to do is to refuse to go into negotiations by that time. That would trigger into operation our withdrawal of troops without their agreeing to anything without their taking anything except the negative act of sitting down and saying, "We are not going to enter into negotiations. We are not going to enter into even formal negotiations."

Mr. President, this is too big a load for any government to carry, for any executive to be hamstrung in that way. I speak with the greatest deference here.

Mr. President, I know that the distinguished Senator from Wisconsin is interested in negotiations beginning. So am I. But this is most definitely not the way to achieve it. In fact, I believe it would have the opposite effect—I believe there is every chance that the passage of such an amendment would actually help prevent negotiations.

Mr. CHURCH. Mr. President, will the Senator from Mississipi yield?

Mr. STENNIS. Mr. President, I yield briefly to the Senator from Idaho for a question.

Mr. CHURCH. Mr. President, I am persuaded by the force of the argument that the Senator from Mississipi makes. I share the strong desire to see negotiations commence.

The PRESIDING OFFICER. The 8 minutes of the Senator from Mississippi have expired.

Mr. STENNIS. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 3 minutes.

Mr. CHURCH. Mr. President, I share the strong desire to see negotiations commence for the mutual reduction of forces in Europe. I am struck by the force of the argument that the Senator from Mississippi makes. It seems to me that the amendment, as presently drafted, would constitute an inducement to the Soviet Union to avoid entering into negotiations, for by refraining from doing so, the Soviet Union, under the terms of this amendment, would be assured that our forces would be automatically reduced over a 3-year period.

This, it seems to me, would be a very powerful reason not to enter into negotiations and let our law to take its course.

Mr. President, I want to say to the Senator that I think the analysis he makes has great force.

Mr. STENNIS. Mr. President, I thank the Senator very much for his contribution. It is a subject matter that he is well familiar with.

This amendment, as the Senator from Idaho has said, would place in the hands of the Soviet Union and its allies the option of refusing to negotiate—or even of delaying negotiations until next winter—and thereby forcing the removal of one-half of the U.S. forces from Europe. Does the Senator have any doubt that the Soviets could find some excuse to delay negotiations? We have spent a considerable amount of time at Paris trying to decide on the shape of the negotiating table with only four parties. I am not sure what shape table would be required to accommodate the 22 nations which comprise the Warsaw Pact and NATO, but I would imagine that the Soviets could take at least a few months to discuss that issue if, by doing so, they could force the withdrawal of U.S. forces from Europe.

Mr. President, the big point is that they would not have to do anything, just sit down, as the Senator has so well expressed it.

Mr. President, I think it would be most unwise to enter negotiations with our own negotiators placed under this type of pressure from the Senate. I do not believe the Senate would intentionally go through with what I think would be a farce on the Senate negotiators when there will not be even a prospect of a place for them to meet. There cannot be any negotiation under the terms of the agreement from our viewpoint, and certainly not any that could be effective. But they do not have to win at the negotiation table. They can just stay away from that table, and they have already won their case.

It might be argued that the Soviets have recently indicated an interest in such negotiations. I do not need to remind my colleagues that the Soviet Union is not an open society—Soviet leaders do not face the same kinds of pressure to be consistent as do the leaders of democratic nations. Do we really want to give the Soviets and their allies the opportunity to force the withdrawal of the U.S. forces from Europe at a steady rate of 50,000/year merely by causing slight delays in the beginning of complex and important negotiations? I hope that we do not. I strongly urge you to vote against the Nelson amendment.

Mr. STENNIS. Mr. President, I yield back such time as I yielded myself. However, I do not yield back all of my time. I am prepared to yield time to anyone on the amendment.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I

support the general proposition to reduce the number of American soldiers committed to NATO. I shall vote, Mr. President, for the pending amendment.

Last week I consulted with the majority leader regarding the original amendment he had offered and suggested that the time for the withdrawal of troops should be extended.

Yesterday I consulted with him again and recommended that the withdrawals be phased in increments of 50,000 and that the dates be set at June 30, 1972, 1973, 1974. I find this morning that section (b) of the pending amendment has been modified and contains the recommendations that I submitted to the leader yesterday afternoon. In view of that, I believe that this amendment if agreed to will greatly strengthen the original amendment of the distinguished Senator from Montana. So I shall vote for this amendment.

Twenty years ago, the Senate debated at some length our country's troop implementation of article 3 of the North Atlantic Treaty. At that time, we had two divisions stationed in Europe, and the President had proposed assigning four additional divisions. There was general agreement that additional troops needed to be committed to NATO at that time. Indeed, I concurred in that judgment. Much of the debate, however, centered around an amendment which I offered expressing the sense of the Senate that no additional ground troops, over and above the four divisions under consideration, should be sent to Western Europe in implementation of the treaty without further congressional approval. After thorough debate, my amendment was adopted by a vote of 49 to 43.

Mr. President, I offered that amendment because I believed then that the Congress should be consulted, and that the final decision and authority with respect to the number of troops to be committed in implementation of the treaty is reposed in the Congress—and not in the President. I am still of that opinion.

At that time, we were at war in Korea. As it is now in Vietnam, it was an undeclared war. The issue was the assignment of additional troops to foreign soil in another part of the world. I believed then as now that it was the duty of Congress to make that determination. I expressed my views very strongly in debate here in the Senate at that time.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks certain excerpts from the RECORD of March 29, April 2, and April 3, 1951.

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

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, at that time, in the Korean war, we were doing more than 90 percent of the fighting, paying more than 90 percent of the cost, and making more than 90 percent of the sacrifices in human lives. We were fighting under the auspices of the United Nations, but it became largely our war. We certainly did not get the support in the Korean war from our NATO Allies that we should have received and that caused me to remark in the debate supporting my amendment that:

> Judging from my experience and observation, if we take the lead and carry a part of their fair share of the load, they (the NATO countries) will let us do it . . . Some of our partners in the North Atlantic Treaty have corresponding obligations under the United Nations Charter to help fight the war in Korea. I consider that they have not fulfilled those obligations. . . .

True, Mr. President, that was the Korean war some 20 years ago. But the same has been true—it has been substantially repeated—in the Vietnam war.

Just as in Korea, America is carrying the burden in Vietnam. It is American boys who are dying, it is American dollars that are being expended, and it is American prestige that is dwindling. Where have our Allies been, Mr. President? They have not been of any help to us. In fact, some have criticized and condemned our actions. We are fighting the same enemy there that NATO is designed to deter and to defeat in Europe, should that enemy attack.

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

Mr. McCLELLAN. Mr. President, I ask that the Senator yield me 2 additional minutes.

Mr. NELSON. I yield the Senator 2 additional minutes.

Mr. McCLELLAN. Mr. President, it has become too much of a one-way street. We have spent somewhere between $100 and $150 billion in helping foreign countries to become rehabilitated and economically strong since World War II. And we have given them military support that has served to deter would-be aggressors. Now, why is it that after 20 years the European nations are not willing to contribute more to their own defense. We have done far more than our share, and it is perfectly obvious that the other NATO countries want us to continue doing just that. They are now strong enough to help themselves. They have the manpower, their economy is strong, and yet they are spending only about half of the percent of their gross national product for defense of what we are spending out of our gross national product to maintain our Military Establishment. They can do more for themselves and they should do more for themselves. And, I predict, Mr. President, if we let them know we are going to withdraw some of our troops, and perhaps even more of them later, if advisable, they will do more for themselves.

Mr. President, I would like to ask the distinguished majority leader if subsection (b) in the pending proposal is satisfactory to him, as a substitute for the terms of withdrawal as provided in his original amendment?

Mr. MANSFIELD. In view of the circumstances which have developed, yes, I would say that, and I will say so later in the course of my remarks.

I want to thank the distinguished Senator for the part he played in helping draw up an amendment of this nature. This is most important.

Mr. McCLELLAN. I thank the Senator.

EXHIBIT 1

MARCH 29, 1951

Mr. McCLELLAN. I am. I had an understanding with the senior Senator from Texas that I was to speak now.

Mr. WHERRY. Very well. I simply wanted to have that appear in the Record.

Mr. McCLELLAN. Mr. President, a vote on either of the resolutions now before the Senate, the simple Senate resolution or the Senate concurrent resolution, unexplained by the Member who cast the vote, whether for or against, might well be misunderstood. It would probably be just as susceptible to varying interpretations by citizens as is the Senate resolution itself susceptible to different interpretations as has been made evident by the debate on the floor of the Senate. I do not address the Senate now with the idea that I may influence any of my colleagues toward my viewpoint. It is not necessarily for that purpose or with that in mind that I discuss the resolutions. I address the Senate so that my own position and my own views may be made a matter of record, and that my statement will serve as an explanation of votes I may cast on the two resolutions themselves, and also on amendments which may be offered thereto.

Mr. President, the pending business, Senate Resolution 99, and its companion, Senate Concurrent Resolution 18, are identical in their terms and provisions, with the exception that Senate Resolution 99 declares the sense and judgment of the Senate only; whereas Senate Concurrent Resolution 18, which would have to be considered by the House of Representatives, would declare the sense and judgment of the Congress. As between the two, I should prefer adoption of the concurrent resolution, with proper amendments. However, it may be advisable for the Senate to act favorably on both. If the House did not then concur with the Senate in the concurrent resolution, the Senate would be recorded on the vital issues the resolutions present.

Mr. President, there have been suggestions that neither of these resolutions is adequate for the purposes intended to be served, but rather that a joint resolution, which would have the force and effect of law, should be passed by the Congress, I am not in particular disagreement with that viewpoint. We have a perplexing and confusing and controversial situation, which ought to be cleared up. But I can also appreciate that an effort to enact a joint resolution would in all probability require, for its success, a two-thirds vote of the Members of both Houses of the Congress.

Mr. President, I do not agree with those who think neither the Senate nor both Houses of Congress should take any action regarding the implementation of the North Atlantic Treaty by committing American troops to an international army for the defense of the North Atlantic area. I cannot agree with those who contend that it is solely the constitutional prerogative, duty, and responsibility of the President, as Commander in Chief, to make this grave decision and to order it put into effect.

Section 2, article II, of the Constitution provides:

> "The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

It is contended by some, Mr. President, that this provision of the Constitution vests all power in the President with respect to the assignment and disposition of the Armed Forces of this Nation. But I do not believe that such power is unlimited and unrestricted. Paragraphs 11, 12, 13, 14, 15, and 16 of section 8, article 1, of the Constitution give the Congress the power "to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States."

Mr. President, if all power is vested in the Commander in Chief, then the provision of the Constitution I have read is just so much surplusage. It has no meaning if all powers is in the Commander in Chief to do whatever he wills, whenever he desires, with the Armed Forces of the Nation.

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

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. MCCLELLAN. I am glad to yield.

Mr. MILLIKIN. Of course, I am in complete agreement with the analysis the distinguished Senator from Arkansas has made of the powers of Congress over these military matters. Will the Senator agree with me that the power in the Congress to do the various things the Senator has detailed, as provided in the Constitution, also carries with it the authority to condition the use of such power?

Mr. MCCLELLAN. Mr. President, if the words "government and regulation" do not mean the authority to prescribe conditions and limitations, then those words have no meaning. We have the authority, the Constitution says, and the duty to prescribe the "rules for the government and regulation of the land and naval forces." What does "government" mean? If the use of something is not a part of the government of it, then I do not understand the plain import of those words.

Mr. MILLIKIN. Mr. President, I suggest to the distinguished Senator that even if that provision were not in the Constitution, the granting of an original power also carries with it, as a necessary implication, the power to condition that power.

Therefore, may it not be concluded that the Congress, in the exercise of its constitutional powers, may condition the use of those powers, and that the President under his constitutional power is commander in chief of that which is provided for him by the Congress, conditioned as the Congress may condition it?

Mr. MCCLELLAN. Yes; under the conditions and regulations and rules which the Congress prescribes. That is my interpretation.

Mr. MILLIKIN. I agree entirely with the Senator. As he already has said, there would be no sense to those provisions in the Constitution affecting the Congress if that were not true.

Mr. MCCLELLAN. If that is not true, we might as well tear out that part of the Constitution and throw it away—if we are simply to say that all the Congress can do is draft American boys, put them in the Army, and provide the money with which to clothe and feed and arm them, but lacks the power to prescribe any other conditions in regard to what is to happen to them. Such reasoning is to be found nowhere, in my opinion, except in totalitarian rule, Mr. President; and that is what we do not want in America.

The power of Congress to make rules for the Government and regulation of the land and naval forces includes, in my opinion, the power of the Congress to determine what disposition and assignment shall be made of the land and naval forces of the United States in the implementation of a treaty that provides for an international army. If there were not these restrictions and provisions in the Constitution of the United States, the Commander in Chief, with unlimited power of control, could any day, at his will and by his command, set himself up as the military dictator of this Nation. The founding fathers who wrote the Constitution never intended that the Commander in Chief of our Armed Forces should be, or should be placed in a position to become, a military ruler and dictator of a free people.

Mr. President, the Congress has not declared war. We are at war in Korea; but Congress has not declared it, and the truth is that we are not fighting it as if it were a war. All of us know that to be true. We are fighting a limited war—just toying around with it. True, our troops, as they always have, are crowning themselves with glory in the sacrifices they are making and the bravery and the heroism that they are displaying on the battlefield. But back here on the political front we are not crowning ourselves with glory or heroism or wisdom or prudence by leaving a sanctuary over there, a haven of refuge, for the war potentials of the very country whose soldiers are slaughtering American boys today. It is shameful.

Mr. President, I know it is not pleasant to say some of these things; but sometimes the performance of one's duty as a Member of the United States Senate, as a Member of Congress, or even as a citizen, becomes unpleasant. There are unpleasant tasks to perform; there are unpleasant duties which are imposed upon us.

What is really involved here, and what we are now considering, is the implementation of a treaty that was entered into by our Government through Constitutional processes—the treaty having been negotiated by the executive branch of the Government, and ratified by a two-thirds vote of the United States Senate. It is proposed that our Government now carry out certain obligations which that treaty imposes and which our Government assumed.

How is the treaty to be carried out? Article 3 of the North Atlantic Treaty, the treaty we are now undertaking to implement, provides:

"In order more effectively to achieve the objectives of this treaty, the parties—

'Parties' means governments—

separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack."

That was the objective expressed, Article 5 of the treaty provides:

"The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all—

Such an attack has not yet been made. The emergency would be greater, the danger would be greater, certainly, after such an attack had occurred, than in a period before the attack. Continuing—

and consequently they agree that, if such an attack occurs—

And it has not yet occurred—

each of them, in exercise of the right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary—

Note that it is not necessarily even the action recommended by the Council. The Council may recommend, but there is in the treaty a reservation that the Government itself shall determine to what extent it shall aid, the character of the aid which it shall give, whether it shall act individually in providing the assistance, or whether it shall act collectively with the other signatories to the North Atlantic Treaty. I continue—

such action as it deems necessary, including the use of armed force."

The treaty, in making the reservation, uses the language "that no member of the Atlantic Pact." Neither a member of the North Atlantic Pact nor the Security Council can order us to do a particular thing. To each government is reserved the right of determining what action it shall take, and how it shall be taken, although the treaty contains the over-all obligation to aid and assist.

"Party" or "parties," as used in these articles of the treaty, means one or more of the governments which are parties to the treaty. As "party" applies to the United States, it does not mean the President of the United States acting alone and independently of the Congress. It means action by our Government, by constitutional processes. That is made quite clear by article 11 of the treaty, which provides:

"This treaty shall be ratified and its provisions carried out by the parties in accordance with their respective constitutional processes."

Not only was it necessary, under our processes, for the Senate to ratify the treaty by two-thirds vote, but the treaty itself provides that the obligations of the treaty must be carried out in accordance with the respective constitutional processes of the member governments themselves.

The interpretation which I am placing on the treaty is the interpretation placed upon it at the time the treaty was submitted to the Senate for ratification. It is the interpretation which was placed upon it by the Honorable Dean Acheson, Secretary of State, when he transmitted it to the President of the United States. The Secretary of State, in his letter transmitting the treaty to the President on April 7, 1949, gave an analysis of the treaty. In his discussion of article 9, dealing with implementation of the treaty, Secretary Acheson said:

"Each government—

He did not say "the head of each government," but "each government"—

"Each government remains the judge of what actions it should take in fulfillment of the obligations of the treaty."

If, in transmitting the treaty to the Congress, the President had said, "If the treaty is adopted, I, as Commander in Chief of the Armed Forces of the United States, shall be the one to judge and determine when and if the treaty shall be implemented by committing American troops to an international army," I am wondering whether there would today be a treaty of this character.

The Secretary of State did not say that the President of the United States should be "the judge of the actions" to be taken in fulfillment of the obligations of the treaty. If that had been the interpretation placed upon the treaty at that time by the Secretary of State and by the President of the United States, I dare say the Senate would not have ratified the treaty. I therefore disagree with those who now give the treaty such interpretation, and I shall not be governed nor influenced in my actions by that interpretation of it.

It is my view that the President of the United States should not only consult and collaborate with the Congress, but that he should have congressional approval of any further action taken in implementation of the treaty that involves the assignment of troops to an international army. Congress should approve the sending of troops to Europe, and the President should not commit Armed Forces of the United States to an international army set-up under the treaty without the approval of the Congress. For that reason I am of the opinion that the committal by the President of the United States as Commander in Chief of Armed Forces to an international army in implementation of the treaty without congressional approval would be a usurpation of power, in violation of the Constitution and the plain provisions and intent of the treaty itself.

Mr. President, if I should perchance be wrong in the legal conclusions I have expressed, I should still favor and insist that the Congress should approve any major action taken by our Government to implement the North Atlantic Treaty. In my opinion the President of the United States should want congressional approval. He should not only welcome the sharing of the responsibility by Congress, but in my judgment he should seek and insist upon its sharing it.

Mr. President, there may well be involved in this grave issue that confronts us not only the welfare, best interest and security of

the American people, but also the future course and destiny of our freedom and civilization. The course we and our partners in this treaty take, what we do or what we may fail to do, may well determine whether there shall be peace or war. The lives of millions of Americans may be involved. Untold sufferings of humanity may be at stake here. The proper implementation of this treaty may mean peace, it may deter the totalitarian aggressors, hold them at bay, and give us time and opportunity for a solution of those international controversies and clashing ideologies that will avert war and lead the world to peace. That is what we hope for. On the other hand, Mr. President, what we propose to do could mean war. I do not think it will. I think this is the safest course to pursue in order to prevent war; but we must bear in mind that our hopes and aspirations for peace and our best efforts and labors to that end may fail. If in these efforts and the course of action we take in the hope of preventing war we are not successful, we shall know that war is and was the plan and purpose of Russia, and that she does make and has made war inevitable.

Mr. President, there was serious apprehension when it was first proposed to send troops to Europe to constitute this international army. I shared the apprehension which was in the minds of many persons, that if we were at this late hour to start constituting an international army in Europe for the defense of Europe, it would simply provoke war, that it would cause Russia, if she was much better prepared than we, immediately to undertake to march to the sea. That sounded very logical. The only thing that would deter her from doing so would be the punishment and torture which we could deal out to her with our atomic weapons. But if by building up the defenses of Europe under the Atlantic treaty and its implementation there is such a provocation as to incite an aggressive attack upon these nations now or in the near future, then, Mr. President, we can be sure that the attack would have come in due time, whether we undertook to defend ourselves and to defend our allies or not. I am no longer much concerned about that; I no longer entertain that apprehension. We shall certainly be no worse off by having made this start. We are not jeopardizing our position by doing so. If war should come and we should eventually be driven from the continent of Europe, we would be no worse off than we would be here in Fortress America, never having participated in it.

One reason why I support what is proposed is that the only thing the totalitarians understand is the language of superior force and power.

We cannot get along with Russia by appeasement, or by retreating, or by evidencing fear. In that connection, Mr. President, I think we have a pretty fair example of what I am talking about in the headlines of today's newspapers. We do not convince other nations by indicating that we are unwilling to fight or do not want to fight. They consider that a sign of weakness. That is how Red China is treating General MacArthur's offer to meet on the battlefield and try to settle the bloody and horrible conflict in Korea. They have scorned it; they sneer at it. If we should fight this war as it should be fought, these sneering smiles would turn into painful agony and distress.

In the light of international events that have transpired since the end of World War II, the conduct of Russia and her satellites in the United Nations and elsewhere, with world conditions as they exist today, I believe, Mr. President, we have no alternative except to join with our partners in the Atlantic Treaty in making adequate preparation immediately for our common defense. It is with deep sorrow and regret that I now believe circumstances and conditions compel the forming of an international army by the Atlantic Treaty nations in preparation for their common defense and survival.

I had hoped this course of action would not be necessary, but I am convinced it is necessary. For that reason, I am in general agreement with and support the purposes and policies expressed in these two resolutions. I agree, Mr. President, to the immediate assignment of four divisions of ground troops to the international army under the command of General Eisenhower, but by consenting to the immediate committal of four divisions of ground troops in Europe, I do not agree that the Congress of the United States should or does approve or consent to a policy of permitting the President of the United States as Commander in Chief henceforth to make additional commitments of our troops and implementation of the treaty without the approval of the Congress.

I believe the Congress has the responsibility—that it shares that responsibility with the Commander in Chief. I am unwilling, Mr. President, for the Congress to abdicate its constitutional responsibilities; therefore I shall offer an amendment to section 6 of the resolutions saying that it is not only tne sense of the Senate and the Congress that in the interest of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of "(a) any policy requiring the assignment of American troops abroad when such assignment is an implementation of article 3 of the Atlantic Treaty, but also that it is the sense of the Senate and the Congress that Senate and Congressional approval should be obtained for the assignment of any additional numbers of such troops in pursuance with any such policy."

I believe, Mr. President, that approval by the Senate or by the Congress of sending any troops in addition to the four divisions which these resolutions now approve is absolutely necessary in the interest of sound constitutional processes, and of national unity and understanding. As I stated in the beginning. I think Congress should approve it, not merely one body of Congress.

Mr. President, as I interpret paragraph 6 of the resolutions, together with the other provisions they contain, it has the effect of the Senate, under the Senate resolution, and of Congress, under the concurrent resolution, approving the policy of implementing the North Atlantic Treaty by the assignment of American troops to the international army that is now being constituted. That is where the emphasis is on approval of policy in that section. It is Congress or the Senate, as the case may be, approving the policy. We may approve the policy with reference to the four divisions, but are we approving the policy of sending four divisions, and at the same time approving the policy that the responsibility, the power, and the authority to determine how many more divisions may be sent shifts to the President as Commander in Chief? If the resolutions are adopted in their present form they would at least be susceptible of the interpretation that, inasmuch as the Senate or Congress shall have approved the policy of such assignment of troops and present plans to send four divisions of ground forces to Western Europe, further approval by the Senate or by Congress of the sending of additional troops will not be required. Many Senators are placing such interpretation upon paragraph 6 of the resolutions, because it approves the policy of implementing the treaty by contributing ground troops to an international army.

Other Senators have a different viewpoint. It is not clear. That is why I said in my opening remarks that a vote for or against the resolutions in their present form might be interpreted in many different ways. I favor the general objective of the resolutions, which is to have Congress approve the implementation of the treaty. I am ready to go along so far as it has been indicated up to this time and as has been recommended that we should go. However, I am unwilling to leave the door wide open by approving a policy and then having no control over the implementation or the carrying out of the policy. It is to clarify and to make certain just what we mean that I propose the amendments.

I have interrogated some members of the Armed Services Committee and the Committee on Foreign Relations who are supporting the resolutions. They think further Senate or congressional approval, as the case may be, will be required under the terms of the resolutions as they are now drawn for the sending of additional ground forces to Europe. Mr. President, if they think so, there can be no objection, as I see it, to writing that into the resolutions and saying so in plain and unmistakable terms. There would then be no question about it. We would know what it meant. It would not be difficult then to vote on either resolution. One either favors further congressional approval, if other troops are to be committed, or one does not. A simple amendment to the resolutions would clarify the whole issue.

Other members of the committees contend that under the resolutions no approval of Congress is required, and that all power is vested in the President as Commander in Chief. They contend the resolutions have no legal or binding effect, and that the President is at liberty to send such ground forces to Europe and commit them to this international army as he may desire, irrespective of the will or approval of Congress. Therefore, Senators who voted to report the resolutions from the committee have definitely different opinions as to the correct interpretation of the resolutions, particularly as to what paragraph 6 of the resolutions means. The position is questionable. The issue is debatable. However, whether the resolutions have any legal or binding effect, I want them to say that it is the sense of the Senate and the sense of the Congress "in the interest of sound constitutional processes and of national unity and understanding" that congressional approval should be obtained before any additional ground troops are sent to Europe.

Mr. President, the resolutions at least would carry with them such constitutional advice. They would advise the Commander in Chief that Congress says, "You shall not send them; you shall not commit them until you get the approval of Congress. If you do, you are going against the advice of the majority of the elected representatives of the American people."

The President may want to take that chance. He may arbitrarily disregard that character of advice, and the source of it. I do not know. If he does, he would be acting contrary to the expressed views of Congress. In doing so, Mr. President, he would be directly accountable to the American people, and Congress certainly would have absolved itself by trying to protect the integrity of Constitutional processes of government. That is what I propose to do in my amendment, if I can get sufficient support from my colleagues in this body and in the other legislative body to adopt it.

The treaty we are undertaking to implement is in effect a partnership agreement between the governments that are signatories thereto. The governments under the treaty assume mutual obligations. An enterprise for joint protection and security can hope to succeed only if all the partners perform and in good faith fulfill the obligations they have assumed. We hope they will do it, but we have no absolute assurances that they will do it.

We do not want a repetition of the character of performance and fulfillment of obligations such as we are now experiencing in

Korea with some of the governments under the United Nations Charter, some of which are parties to the Atlantic Treaty. Mr. President, if Korea is a fair sample of their performance and fulfillment of obligations, what we now witness in Korea should be a warning signal to us and to Congress to exert all our power to retain some control over the fate and destiny of the Nation. In Korea we are today fighting a war against Red China in the name of the United Nations. If we win the war against Red China it will be a United Nations victory. If we lose that war, it will be a defeat for the United States. That is how the scales are balanced. If we win, we win under the United Nations flag. If we lose, we lose in the name of the United States, primarily.

Mr. President, in the Korean war we are doing more than 90 percent of the fighting, paying more than 90 percent of the cost, and making more than 90 percent of the sacrifices in human lives. Whose war is it? For all practical purposes, and from the standpoint of human suffering and human sacrifices, the war in Korea today is the war of the sons on American fathers and mothers. We are the ones who are paying the price. We are operating under the United Nations. That includes the Atlantic Treaty nations, for whose benefit it is now proposed that we acknowledge the power of the Commander in Chief to send unlimited forces to the potential battlefields of Europe.

Mr. President, I favor the Atlantic Treaty, and I favor an international army under it; I want to see it constituted; but I do not want to see it constituted out of the flesh and blood and lives of Americans only. When the day comes, if it ever comes, that a battle must actually be fought, I want to know that the other countries have made their fair share of contributions.

Judging from my experience and observation, if we take the lead and carry a part of their fair share of the load, they will let us do it. Make no mistake about it. Some of our partners in the North Atlantic Treaty have corresponding obligations under the United Nations Charter to help fight the war in Korea. I consider that they have not fulfilled those obligations. For that reason I am unwilling to agree that the Commander in Chief of our Armed Forces has or should have the power and authority to commit, at will and at his discretion, the lives of American soldiers to the defense of Western Europe and other Atlantic Pact nations, irrespective of whether the other governments who are parties to such treaty carry out their obligations under it.

Mr. President, I want this program to move along evenly this time. I do not want to see happen what has happened in Korea. We march out in front and say, "Come on," and when we look behind us we see very few following us. I am willing, under present conditions, that four divisions of American troops be assigned to Europe now; but in my judgment those four divisions, whose assignment we are willing to approve, together with the two divisions we already have over there, will constitute our fair share of an international army of at least 30 or 35 divisions of ground troops. We are going that far in advance. We are taking the lead. We are showing our good faith. We are contributing six divisions now. I dare say that at this moment not more than that number have yet been contributed by all the other nations.

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

Mr. MCCLELLAN. I yield.

Mr. WATKINS. I find myself in agreement with much of what the distinguished Senator from Arkansas has said. I noted a moment ago that he stated that he wanted the whole program to proceed in an orderly way.

Mr. MCCLELLAN. What I meant, if I may clarify my remark, is that I do not want the United States to put up 25 or 30 divisions and let the other nations provide less than that number, or just that number. I think that would be out of balance. If we provide 6 divisions, my own thinking is that they ought to contribute 30. That is only a rough estimate. There may be some factors which enter into the determination which would make their contribution a great deal more or a little less, in the correct interpretation of what their fair share means. But I do not regard our share of ground troops to mean 49 percent. I do not wish to have the United States contribute 49 percent, or more than 50 percent, and let the other nations drag along behind. I want them to contribute as we contribute.

Mr. WATKINS. Does not the Senator feel that, as between the United States and the other members of the Atlantic Pact, there ought to be some type of over-all agreement marking out the participation of the various nations, particularly with reference to the furnishing of armed forces?

Mr. MCCLELLAN. I intend to make some reference to the fair share in my remarks. I believe, of course, that these questions should be settled as we go along. That is why I am placing the emphasis on my position. However, these questions cannot all be settled at once. There must be some elasticity, so that adjustments may be made from time to time. I can well appreciate that. However, I do say that we could very easily get ourselves into a position similar to the position we occupy in Korea today. That is what I want to see avoided.

Mr. WATKINS. Is not that the question which is bothering many people in this country with respect to this program? There seems to be no safeguard to keep us from being gradually sucked in until we have 90 percent of the personnel on the war front.

Mr. MCCLELLAN. That is why I take the position I assume. That is probably the most important reason why I take such a position. It is to protect our country. We must let the other countries know that we are going to determine, on the basis of what is right and just, what our fair share is. If they do not measure up, and contribute along with us as we build this international army, then we had better let it fold up now, than to commit ourselves and get our boys abroad and expose them to attack without much support from the countries with which we are in alliance in undertaking to provide mutual aid and protection.

Mr. WATKINS. Does not the Senator consider that it would be wise to have some kind of agreement before we send too many troops to Europe?

Mr. MCCLELLAN. I agree with the Senator.

Mr. WATKINS. We should indicate very clearly approximately what the other nations should do, and what we intend to do, so that there may be no question of gradually pushing us in until we reach the point where we are furnishing 90 percent of the troops.

Mr. MCCLELLAN. That is exactly what I am trying to avoid. That is why I take the position I have indicated. I am willing to go that far. They cannot question our good faith until they have contributed their fair share.

I may be mistaken, but, frankly, I do not believe there is a single division of troops yet definitely assigned to General Eisenhower's command by any of the other countries. There is a great deal of testimony in the hearings about how many divisions each country expects to have in 1952 or at some other time in the future. However, the point is that having 25 or 30 divisions of troops not under the command of General Eisenhower does not fulfill the letter, the spirit, or the intent of the treaty. They should be committed to him, just as we are committing our troops to this international army. It is the number they commit about which we should be concerned, together, of course, with the number they may have in reserve. But under this treaty there should be a committal of a number of divisions of troops, with fair ratio bases as between those countries and ourselves.

Mr. WATKINS. I think I agree with the Senator from Arkansas. But I should like to ask him if he has considered the program that was outlined by the Congress in implementing the United Nations Charter in 1945, when Congress passed the United Nations Participation Act, when it declared that the President was authorized to negotiate agreements with the Security Council as to our participation, covering the number of troops we were to put in, the disposition of them, and so on. Is the Senator familiar with what was done in 1945 about the implementation of the United Nations Charter?

Mr. MCCLELLAN. Yes; but the truth about it is we were never able to constitute an army under the United Nations. But when an assault came, when an attack was made on South Korea, the United Nations Security Council took action, and asked all member nations to undertake to defend South Korea, and we went right on in, assuming, I am sure, that other nations, certainly the larger nations, those with membership on the Security Council, would join with us in that effort. But, Mr. President, according to my evaluation, they have made only a token contribution to the war effort in Korea. In my opinion Great Britain is thinking today in terms of business as usual with Red China, and is more concerned about that than she is about bringing about an end to the war in Korea with a victory that will teach the Communists a lesson.

Mr. WATKINS. I may say I agree with the Senator in his conclusions with respect to that matter. I should like to point out, however, that we do have a pattern for the implementing of these international agreements beginning with the United Nations Charter. I have been going over the history and checking what was done at the time we ratified the Charter, and I find that the Congress, in close cooperation with the President, implemented the United Nations Charter, or attempted to implement it, by authorizing the President to enter into agreements with the United Nations Security Council for the furnishing of our Armed Forces, armaments, and what not, to this international police force. The President himself told the Congress that he wanted it that way, and he assured the Congress that he would cooperate, and that if these implementations were authorized, he would send the agreements to Congress—not to the Senate, but to the Congress—for approval by passage of a joint resolution or a bill. That was the purport of his letter to the Congress; it is not exactly the wording of the letter, but that is its meaning in substance. The Congress—and I believe the Senator from Arkansas himself—voted for that kind of a program.

Would not the Senator consider it to be a practical proposition even now, in carrying out the provisions of the Atlantic Pact, as provided in article 11 for implementing it in the long run, that we have the President negotiate an agreement of that kind, bring it to the Congress, and let us approve it? I do not think he should be required in the agreement to specify the exact number of troops or anything of that sort, or when they were to be sent, there should be a great deal of elasticity in the agreement; but there should be some kind of understanding with the various nations who do not do their part and have not done their part, so that we will be sure that they will do it before we get sucked into a condition where our troops are doing 90 percent of the fighting and dying, and we are putting up the money to pay the expenses of the war.

Mr. MCCLELLAN. The Congress should be sufficiently informed regarding foreign policy and international proposals which commit this Government, so that the Congress can wisely exercise its constitutional functions,

where it has responsibility, so as to prevent future misunderstandings, and also to prevent possible disasters. The Congress has a responsibility in this field, and the Chief Executive has a duty to inform the Congress of the proposals submitted.

Mr. WATKINS. Should he not ask that they be approved by the Congress?

Mr. MCCLELLAN. That is what I am saying exactly, as is shown by the position I am taking with respect to the resolutions. I think Congress should approve them.

Mr. WATKINS. I agree with the Senator fully. I point out that in 1945 the President of the United States and the Congress, by almost unanimous vote, set up the pattern for the implementing of a treaty of this kind by the procedure I have outlined. That is the purpose of the joint resolution I have presented, which asks that the President now go along with us and help us put over that kind of a formula. I believe such action would unite the country and make an effective defense as against our enemies.

Mr. MCCLELLAN. I thank the Senator.

I am willing under present conditions that the four divisions of American troops be assigned now; but, Mr. President, in my judgment, these four divisions—whose assignment we are willing to approve, together with the two divisions we already have over there—will constitute our fair share of an international army of at least 30 to 35 divisions of ground troops. And until and unless the other governments commit the remainder of that number of divisions to this army, I oppose our contributing additional armed forces to it.

The term "fair share," as used in these resolutions, Mr. President, is a very loose term. It does not fix a ratio. Maybe the fixing of a ratio for contribution of each nation at present would be difficult and inadvisable. But we can certainly indicate to the other governments involved what we regard as our fair share and insist that they measure up to their responsibilities and demonstrate their good faith and purpose by making substantial major contributions of manpower of which we know they are capable.

I have heard many arguments, Mr. President, about building up the morale of these other countries and stimulating in them the will to fight. That is well and good, but morale and will to fight are not something peculiarly required in Europe alone. The morale of the American people is also important and necessary. We must think, too, of their will to fight, and I am of the opinion that the morale of the American people will be strengthened, and their will to fight, if it becomes necessary to fight in this joint defense effort, will be greatly augmented if they can know and be made to realize that the other countries in this pact with us are likewise doing their fair share and are contributing fighting forces comparable to our own, and of which they are capable.

The American people are not at all happy, Mr. President, about this war in Korea. Many feel that we have figuratively speaking been sucked in and been left holding the bag. We are going to win this war in Korea. I do not believe Red China can possibly defeat us. We must win now that we are in the fight, but we should learn from this experience. The American people do not want and they will not tolerate a repetition of what has happened in Korea. These other nations must do their part; they must cooperate, contribute, and sacrifice along with us according to their several capacities in this joint enterprise of mutual help, protection, self-defense, and security. I say, Mr. President, it is the responsibility of the Congress, the elected representatives of the people, to make certain that other Atlantic Pact nations cooperate and make their fair share of contributions and sacrifices. The American people will hold the Congress as well as the President of the United States accountable if we permit other Governments to refuse or fail to do so. The Congress should not abdicate its responsibility to the President as Commander in Chief. Let us accept it and declare in these resolutions that it is the sense of the Senate and the Congress that approval should be obtained before additional American lives are committed to potential battlefields in Europe.

Mr. President, I send to the desk two amendments, one to each of the two resolutions, which I have discussed, and I ask that they be printed and lie on the table.

The PRESIDING OFFICER. (Mr. SPARKMAN in the chair). The amendments will be received, printed, and lie on the table.

Mr. MCCLELLAN. Mr. President, I now ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, two editorials, one of them being entitled "Our One-Sided War," published in the March 26 issue of the Washington News; and the other is entitled "Let Britain Take Over." This editorial was published in the Washington News for March 28, 1951. Mr. President, these editorials very largely express my sentiments.

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

[From the Washington Daily News of March 26, 1951]

OUR ONE-SIDED WAR

When Gen. Douglas MacArthur called upon the commander of the Communist forces to meet him in the field to discuss an end of the Korean war, he warned that Red China faced military disaster if the United Nations dropped its tolerant attitude and decided to authorize direct action against the Chinese mainland.

But the Chinese Communists were promptly told by our own side that they had nothing to fear.

In Washington, the administration disassociated itself from General MacArthur's declaration and said the political issues would be dealt with by the U.N. At the same time a spokesman for the United States delegation to the U.N. repudiated the general's warning by saying the United States had no intention of carrying the war to Red China, even if the truce proposal were rejected.

So the Chinese Communists can continue their war against the Republic of Korea with the knowledge that their homeland will be safe from attack.

It's a nice way to fight a war—for the Chinese Communists. And for the British, too, because they are piling up profits by trading with the Reds at Hong Kong. But it's an outrageous handicap to impose upon the U.N. forces in the field.

This situation stems from the fact that while Americans and South Koreans are doing most of the fighting, war policy is being dictated by governments such as Britain which is supplying one-tenth of the troops, or those not supplying any troops at all, such as India.

This was the bill of goods Prime Minister Attlee sold to President Truman when he recently visited this country.

We are so boxed in that if we win the war it will be a United Nations victory, while if we lose it, it will be an American defeat. Meanwhile we will continue to suffer most of the casualties. If anything can destroy American confidence in the integrity of our international relations, this kind of an arrangement is most likely to do it.

[From the Washington Daily News of March 28, 1951]

LET BRITAIN TAKE OVER

The Joint Chiefs of Staff have instructed General MacArthur to clear all future statements of a political nature with official Washington.

Thus the general who has been fighting with his hands tied, now has been gagged as well.

This is strictly unofficial, of course, and is credited only to the familiar authoritative source. No one in high official position seems to have the temerity to take direct issue with General MacArthur and meet him in the open on equal terms. To do that would be playing with dynamite. So another effort is being made to cut the general down to size by unofficial statements inspired by official sources.

The diplomats are angry because General MacArthur has been trying to force them to make an articulate statement of the United Nations war aims and say how they are to be accomplished. There has been a studied silence on that score since Red China's intervention last November.

Such a statement is long overdue and cannot safely be withheld much longer.

When General MacArthur first crossed the thirty-eighth parallel, some months ago, it was under authority of the British-sponsored resolution, passed by the U.N. General Assembly on October 7, which directed him to take all appropriate steps * * * to insure conditions of stability throughout Korea. That was universally interpreted as meaning North Korea as well as South. This resolution has not been repealed or modified. Yet the British now take the position that the general cannot again cross the parallel without allied consultations.

Meanwhile, to confound existing confusion, an official French declaration has been made that the one purpose of the United Nations has been to resist aggression, not to win a war. A soldier in the field could not be expected to make sense out of that.

Nor is there any immediate promise of a clarification of Korean war issues. According to the United Press, the statement of war aims which the State Department has prepared and is circulating among the 13 nations contributing to the fighting, clearly indicates United Nations willingness to end the war on honorable terms drafted by the U.N., reaffirms the U.N.'s intention to continue the fight against aggression if peace negotiations cannot be started, and does not as General MacArthur implied, threaten to extend the war into China.

All of that has been stated again and again, and what has it accomplished other than to encourage the Communists to new adventures? It was just this kind of pretty-please eyewash that invited Red China's intervention in the first instance.

Since it is the British who have insisted that this war be so conducted as to avoid offending the Chinese Communists, why not ask Britain to take over, with British troops under a British commander? Britain, the principal sponsor of the appeasement policy, should be willing to take responsibility for it.

APRIL 2, 1951

Mr. MCCLELLAN. Mr. President, I desire to call up an amendment which I desire to offer to the pending resolution. It is my amendment B.

The VICE PRESIDENT. The Secretary will state the amendment.

The amendment proposed by Mr. MCCLELLAN to Senate Resolution 99 was read, as follows:

"On page 5, at the end of line 2, change the semicolon to a comma, and immediately thereafter insert the following: 'but it is the sense of the Senate that no troops in addition to such four divisions shall be sent to Western Europe in implementation of the North Atlantic Treaty without further senatorial approval.' "

The VICE PRESIDENT. The Senator from Arkansas is recognized for 30 minutes.

Mr. MCCLELLAN. I yield myself 10 minutes.

Mr. President, the purpose of this amendment is to clarify section 6 of the pending resolution. There are those who opposed the

two resolutions because they think that any expression by the Senate or by the Congress is an infringement upon the constitutional prerogatives of the President as Commander in Chief. With that viewpoint I do not agree. When I addressed the Senate last Thursday, I stated my position with reference to the constitutional questions that are here involved. Assuming that the Senate takes action, it is contemplated that one of the two resolutions, or both, will be agreed to by a majority of the Senate and of the House. We should therefore make every effort to have the language of the resolutions made so clear and certain in its terms that, when adopted, we will know what we have said and done.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. MCCLELLAN. I yield.

Mr. HICKENLOOPER. In the Senator's amendment, with which I am thoroughly in agreement, I notice the language is used "without further senatorial approval." That violates my view that there must be congressional approval.

Mr. MCCLELLAN. I may say to the able Senator that two resolutions are pending, and to each resolution I have proposed a similar amendment. Therefore, if only the Senate resolution should be adopted providing for senatorial approval, then I think the Senate should approve.

Mr. HICKENLOOPER. Will the Senator yield further?

Mr. MCCLELLAN. I yield.

Mr. HICKENLOOPER. My thought is, that even in the Senate resolution, we are justified in expressing the sense of the Senate that the Congress shall approve.

Mr. MCCLELLAN. That is all right, but we shall have the same opportunity in connection with the concurrent resolution to say "it is the sense of the Congress."

Mr. WHERRY and Mr. CORDON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arkansas yield; and if so, to whom?

Mr. MCCLELLAN. I am glad to yield first to the minority leader.

Mr. WHERRY. I agree with the Senator that he has offered his amendment to both resolutions, but does he not feel that whether the amendment be to the Senate resolution or to the Senate concurrent resolution, the objective should be accomplished of having the approval of Congress——

Mr. MCCLELLAN. If the amendment to the concurrent resolution is agreed to and the concurrent resolution is agreed to, there is no point in arguing it. But if we are simply going to let the Senate express itself, let us conform to that and say, "It is the sense of the Senate."

Mr. WHERRY. I brought the question up because I wanted to make that point clear. If the Senate resolution should be agreed to does the Senator feel that the Senate ought at least to include its approval of sending troops to Europe?

Mr. MCCLELLAN. That is my point exactly. If the suggested amendment should be adopted, then we are certain that it will be in the Senate resolution if it is agreed to. I am hoping that my amendment will be agreed to, and then we can feel certain that a similar amendment will be adopted to the concurrent resolution.

From the very beginning of the debate, since these resolutions were reported, I have been asking members of the Committee on Armed Services and of the Committee on Foreign Relations whether, under the language of the resolutions as now written, they would require the President of the United States to come to Congress for approval, or do they express the view that it is the sense of the Senate or the sense of the Congress that congressional approval should be had of additional assignments of troops. Nearly every Member to whom I have talked and whom I have interrogated has had some different idea or interpretation of the meaning of the resolution.

Either we believe the President should come to Congress to get approval or come to the Senate to get approval before assigning additional troops to the international army, or we do not so believe. We either favor it or we do not favor it.

If my amendment is adopted, this resolution is plain; it is absolutely positive. There can be no equivocation; there can be no misunderstanding or misinterpretation on the part of the President of the United States or on the part of anyone else. But if we adopt the resolution in its present form some of us will be voting for it believing and hoping that it expresses the sense of the Senate that further congressional approval will be required if additional troops are to be assigned, and others will take the position once the policy is approved, as this resolution approves it, the President is free to send unlimited numbers of troops abroad without obtaining approval from either the House or the Senate.

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

Mr. MCCLELLAN. I am glad to yield.

Mr. CORDON. Does the Senator intend that his amendment shall refer to ground troops?

Mr. MCCLELLAN. Yes; that is what the resolution deals with. I am perfectly willing to modify the amendment in that respect.

Mr. President, at this time I ask consent to modify the amendment to insert the word "ground" before the word "troops," in line 3. I thought it was clear.

The VICE PRESIDENT. The Senator may so modify his own amendment.

Mr. MCCLELLAN. The able Senator from Wisconsin [Mr. WILEY], in his address this morning, referred to this question. I thought I understood him to say that, according to his opinion, a majority of the members of the Committee on Armed Services and of the Committee on Foreign Relations, which heard the testimony and reported with resolutions, did so in the belief and with the understanding that the President, under the resolution would be required to come to the Senate to get further approval. That was the Senator's understanding, and a majority so understood it.

Let us clarify it. We do not have to leave it that way. There is no sense in adopting the resolution when it is so ambiguous that it will be susceptible of different interpretations. This is simple and easy. We are either for the President coming to Congress for approval, or we are opposing it. If the resolution is amended as proposed by me, there will be no misunderstanding about how the Senate feels, once a vote is cast upon the resolution.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I am glad to yield to the Senator from New Jersey.

Mr. SMITH of New Jersey. Did not the Senator intend to refer to article 3 of the Atlantic Treaty?

Mr. MCCLELLAN. It is in implementation of the whole treaty.

Mr. SMITH of New Jersey. No one has questioned the procedure under article 5 of the treaty. We do not want the President to come to Congress in case article 5 should be involved. It seems to me it should be limited to article 3.

Mr. MCCLELLAN. I have no objection to dealing with only the present situation. The purpose is the implementation of the entire treaty, to be prepared for attack if it should come, to be prepared for aggression if aggression should come and if an attack is made. It is in implementation of the whole treaty, including article 5.

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

Mr. MCCLELLAN. I am happy to yield to the Senator from Virginia.

Mr. ROBERTSON. I invite the Senator's attention to the fact that he is amending paragraph 6, which reads as follows:

"It is the sense of the Senate that, in the interests of sound constitutional processes and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty."

Then the Senator offers to amend that which already ties his amendment to it.

Mr. MCCLELLAN. Absolutely. It is a declaration of the sense of the Senate, and this amendment ties in with it.

Mr. ROBERTSON. Article 3 relates to the sending of troops when there is no actual warfare.

Mr. WHERRY. Mr. President, will the Senator further yield?

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. MCCLELLAN. Mr. President, I yield myself three more minutes.

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

Mr. MCCLELLAN. I am glad to yield.

Mr. WHERRY. The observation made by the distinguished Senator from Virginia was one of the observations which I wanted to make, but I should like to ask this question; In the event the amendment of the Senator from Arkansas is not agreed to, is it his feeling that it is unnecessary for the President to come to Congress to ask for authority to assign any more troops under the resolution?

Mr. MCCLELLAN. I have grave fear that the resolution in its present form is susceptible to that interpretation.

Mr. WHERRY. That is correct.

Mr. MCCLELLAN. There are those who favor the resolution in its present form and who want it to have that interpretation. That is why I desire to clarify it, so there will be no doubt, and I am asking my colleagues to vote either for or against it. If it is adopted, there will be no question about what is intended.

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

Mr. MCCLELLAN. I yield.

Mr. CAIN. I expect to vote for the amendment of the Senator from Arkansas, because I think it is both positive and clear. My question is this: If the Senator's amendment, however clear and positive it may be, is adopted, will it amount to anything more than an expression of opinion by the Senate of the United States?

Mr. MCCLELLAN. Irrespective of the legal conclusions we arrive at, the whole purpose is in the interest of constitutional processes and national unity and understanding. That is why we are proposing to take action. Let me say further that national unity and understanding can best be promoted by obtaining the approval of the people of the Nation through their elected representatives in Congress. Any attempt to circumvent and avoid having the elected representatives of the people share in the responsibility will bring about greater disunity, greater misunderstanding, and less willingness to have our boys sent abroad, where they may have to be sacrificed on foreign battlefields. If we want unity and understanding, let Congress share the responsibility. Mr. President, I am willing to share it. I believe we should send some troops to Western Europe.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. MCCLELLAN. Mr. President, I yield myself 2 more minutes.

The VICE PRESIDENT. At this time the Senate is compelled to proceed to the Hall of the House of Representatives. The Senator from Arkansas will be recognized when the Senate reassembles.

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE IN THE HALL OF THE HOUSE OF REPRESENTATIVES—RECESS

Mr. MCFARLAND. Mr. President, formal arrangements have been made for a joint meeting of the House and Senate to hear an address to be delivered by the President of the Republic of France. I therefore move that the Senate stand in recess for that purpose, that the Members of the Senate now proceed to the Hall of the House of Representatives, and that the Senate reconvene immediately after the conclusion of the address.

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

Mr. MCFARLAND. I yield.

Mr. WHERRY. The motion is debatable, is it not?

The VICE PRESIDENT. The Chair thinks it is debatable.

Mr. WHERRY. I shall not debate the motion at length; but I want to have an understanding about whether the adoption of the motion invalidates the unanimous-consent agreement under which the Senate is now operating.

The VICE PRESIDENT. There is a specific provision with respect to it in the unanimous-consent agreement.

Mr. WHERRY. I should like to have the provisions pointed out to me, because my understanding was that the Senate would stay in continuous session.

The VICE PRESIDENT. The motion has no affect upon the unanimous-consent agreement, except to suspend the agreement while the Senate is in recess and attending the ceremonies in the Hall of the House of Representatives.

Mr. WHERRY. That is the statement I wanted to hear. The adoption of the motion does suspend the provisions of the unanimous-consent agreement. I should like to ask another question of the distinguished Vice President. The same situation may be presented if we decide to recess tonight at 6 o'clock. Would a recess then suspend the operation of the unanimous-consent agreement? The unanimous-consent agreement provides that the consideration of the resolutions shall be proceeded with continuously until they are disposed of. Is that correct?

The VICE PRESIDENT. The Chair so understands. A temporary suspension would not invalidate the unanimous-consent agreement.

Mr. MCFARLAND. Mr. President, the unanimous-consent agreement provides that the Senate is to remain in continuous session until consideration of the two resolutions has been concluded. That will be done, unless we enter into a unanimous-consent agreement to do otherwise. However, the unanimous-consent agreement also provides—

"That it shall be in order on said Monday, April 2, notwithstanding the provisions of the above agreement, for the Senate to attend a joint meeting of the two Houses in the Hall of the House of Representatives to hear an address by the President of France."

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and (at 12 o'clock and 3 minutes p.m.) the Senate stood in recess.

Thereupon, the Senate, preceded by its Secretary (Leslie L. Biffle), its Sergeant at Arms (Joseph C. Duke), and the Vice President, proceeded to the Hall of the House of Representatives to hear the address delivered by His Excellency, Vincent Auriol, President of the Republic of France.

(For the address delivered by the President of the Republic of France see page 3113–3120 of today's proceedings in the House of Representatives.)

At 12 o'clock and 55 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Vice President.

MESSAGES FROM THE PRESIDENT

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

ASSIGNMENT OF GROUND FORCES TO DUTY IN THE EUROPEAN AREA

The Senate resumed the consideration of the resolution (S. Res. 99) approving the action of the President of the United States in cooperating in the common defense efforts of the North Atlantic Treaty nations.

The VICE PRESIDENT. When the Senate recessed, the Senator from Arkansas had used 13 minutes and had remaining 17 minutes.

Mr. MCCLELLAN. Mr. President, I yield myself two more minutes in order that I may yield to the Senator from Virginia.

The VICE PRESIDENT. The Senator has control of his entire time.

Mr. MCCLELLAN. I am yielding to the able Senator from Virginia for the purpose of a question. Or, if he would like the floor, I shall be glad to yield him some time.

Mr. ROBERTSON. Mr. President, I merely wanted to comment on the interpretation of section 6, and to say that I feel that the amendment offered by the senior Senator from Arkansas is in line with what I always thought section 6 meant.

Let us analyze it. It begins by saying:

"In the interests of sound constitutional processes—

That relates to policy where a treaty is involved—

and of national unity and understanding."

Everyone wants unity if we are going into a major military effort. It is very desirable. Then the section goes on to say that under those circumstances, before any troops are sent abroad under article 3, which is the peace-serving article of the Atlantic Pact, there should be congressional approval. I am omitting reference to the fact that the President has notified us that he wants to send four divisions abroad under article 3 of the North Atlantic Treaty, and we approve sending four divisions abroad. The first part of the paragraph clearly indicates that it refers to a continuing policy. If there are to be two or four or six additional divisions sent later, the amendment offered by the Senator from Arkansas merely means, as I construe it, that if the President wants to send more than four divisions later, the same rule shall apply, and the Congress shall be notified that the President wants to send additional troops to implement our commitment to the Atlantic Pact, and desires the approval of Congress.

To me, Mr. President, that is a very simple procedure, and I hope that all Senators who believe in paragraph 6 will also accept the amendment offered by the Senator from Arkansas.

Mr. CONNALLY. Mr. President, I should like to have a vote on the amendment offered by the Senator from Arkansas [Mr. MCCLELLAN].

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield for a question?

Mr. MCCLELLAN. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I call the attention of the Senator from Arkansas to the fact that paragraph 6 of Senate Resolution 99, which the Senator now proposes to amend provides, in line 21, at page 4, "congressional approval should be obtained," whereas I note in the amendment offered by the Senator from Arkansas the language is: "further senatorial approval." Does not the Senator think that there is an inconsistency and contradiction between the two provisions, unless the second provision, just read from the Senator's proposed amendment, is changed to read "congressional approval"?

Mr. MCCLELLAN. I may say that I have no objection to making it "congressional approval." I intend to offer such an amendment to Senate Concurrent Resolution 18. In this instance we are dealing with a Senate resolution.

Mr. HOLLAND. Will the Senator yield further?

Mr. MCCLELLAN. Yes.

Mr. HOLLAND. While it is correct to say that we are dealing with a Senate resolution, it is also true that paragraph 6 of the Senate resolution, if adopted, would require a finding that it is the sense of the Senate that congressional approval should be obtained. It states:

"6. It is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty."

It seems to the Senator from Florida that an inconsistent note would be injected into paragraph 6 if the amendment of the Senator from Arkansas were to remain in its present form, because it refers to "further senatorial approval," whereas paragraph 6 in the Senate resolution speaks of "congressional approval."

Mr. MCCLELLAN. I appreciate the Senator's suggestion. I have no objection to modifying the amendment, if the Senator thinks it is important to do so. Accordingly, Mr. President, I modify my amendment by striking out "senatorial approval" in the last line of my amendment and inserting in lieu thereof "congressional approval," so as to conform the language with the text of paragraph 6 of the Senate resolution.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senator from Arkansas modifies his amendment accordingly.

Mr. WHERRY. Mr. President, I appreciate the Senator's making the modification.

Mr. MCCLELLAN. I am glad to do so, even though we are dealing with a Senate resolution at this time.

Mr. WHERRY. It would still mean that what we did was the sense of the Senate, namely, that congressional approval be obtained.

Mr. MCCLELLAN. I am glad to make the modification. I had promised to yield 1 minute to the Senator from Ohio [Mr. TAFT]. I do not see him in the Chamber.

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

Mr. MCCLELLAN. I yield.

Mr. MORSE. I am not certain that whether the Senator has modified his amendment in line 5 by including the words "in implementation of article 3 of the North Atlantic Treaty."

Mr. MCCLELLAN. I do not think it is necessary to do so, because paragraph 6 deals with article 3.

Mr. MORSE. Does the Senaor from Arkansas have any objection to inserting the reference to article 3? I ask the question because some Members of the Senate would go along with the Senator's amendment if he were so to modify it.

Mr. MCCLELLAN. Mr. President, I have no objection to so modifying it, because that is exactly what paragraph 6 relates to. It refers to the implementation of article 3. If such a modification would clarify the amendment, I have no objection to modifying it in that way.

Mr. MORSE. I think it would clarify the amendment.

Mr. MCCLLELLAN. Mr. President, I further modify my amendment by adding after the word "implementation" in line 5 the words "article 3", so as to make the phrase read "implementation of article 3 of the North Atlantic Treaty."

The PRESIDING OFFICER. The Senator modifies his amendment accordingly.

Mr. KNOWLAND. Mr. President, I am glad

that the Senator from Arkansas has accepted the suggestions of the Senator from Florida and the Senator from Oregon. I think in so doing he clarifies his amendment to the point where there will be no dispute about it. Otherwise, the semicolon might have left the inference that the amendment applied to the entire North Atlantic Treaty, rather than to article 3 of the treaty.

Mr. MCCLELLAN. I thank the Senator.

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

Mr. MCCLELLAN. I yield for a question. May I ask the Senator from Texas whether he intends to use any time in discussion of the amendment? If so, I should like to reserve some time.

Mr. CONNALLY. I do not intend to use more than a few minutes.

Mr. MCCLELLAN. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. I appreciate the Senator's modifying his amendment, because I feel there are a number of Senators who now feel better about voting in favor of it.

Mr. MCCLELLAN. I thank the Senator. Mr. President, I yield the floor.

Mr. MCCLELLAN. Mr. President, I yield myself such time as I have remaining. I desire to make but a very brief statement.

I have listened to the arguments in opposition to the amendment. Those who want the President to have and to exercise all power to commit American troops to an international army want the pending resolution adopted in the form in which it was reported by the two committees. We might just as well get the issue straight. Those who do not believe that the President should have that power, or that consent of the Congress should be a prerequisite to his exercise of such power, want the amendment adopted, in order that the resolution may say what we intend that it shall say.

The argument made by the able Senator from Louisiana, if valid, would mean that the entire proceeding of adopting a resolution was futile, a mere empty gesture. Why have we consumed any time at all, beyond the time required to approve the sending of four divisions at this time? It is because our sense of duty impels us to do so, and because we have the constitutional right to do so. Merely because we approve the policy of sending four more divisions now is no reason why we should permit the President to send 25 or 50 more divisions later, particularly in view of the fact that other members of the North Atlantic Pact may not be doing their fair share toward committing troops to the international army under the command of General Eisenhower, in furtherance of the defense program.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MCCLELLAN. I yield.

Mr. LONG. It is my understanding that our reason for having a debate is that we are passing upon the policy of whether the President may commit troops to the international army, not because the Congress is expected to indicate how many troops it thinks ought to go to any particular place.

Mr. MCCLELLAN. The resolution says it is the sense of the Senate that the Congress shall approve the policy, as well as approve the sending of the four divisions. I contend that when we approve the policy, we ought to make it clear that we are merely approving the sending of four divisions; that that is the extent of our approval of the policy. But the implementation of the policy from here on does not require us to give the President of the United States authority to commit further divisions indiscriminately, without approval by the Congress. We retained that right under the United Nations Charter, which is a document of higher authority and which covers more territory than does the pending resolution. Why should we not retain at this time the power which we have under the United Nations Charter?

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MCCLELLAN. I yield.

Mr. LONG. Can the Senator tell me when in American history, Congress has ever directed the disposition of the ground troops of this country, stating how many divisions should be in one place, and how many in another?

Mr. MCCLELLAN. We have never before, in our entire history, had a charter similar to the United Nations Charter. We are either going to retain the power vested in us by the Constitution, in the interest of national unity, or we are going to surrender that control, with a realization that it will be productive of disunity and further misunderstanding.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment offered by the Senator from Arkansas [Mr. MCCLELLAN], as modified.

The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 5, at the end of line 2, it is proposed to change the semicolon to a comma, and immediately thereafter to insert the following:

"But it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval."

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Arkansas [Mr. MCCLELLAN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG (when his name was called). On this vote I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR], who is absent because of illness. If he were present and voting, he would vote "nay" and if I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The Senator from Nevada [Mr. MCCARRAN] is absent by leave of the Senate on official business.

The Senator from Tennessee [Mr. MCKELLAR] is absent because of illness.

I announce further that the Senator from Washington [Mr. MAGNUSON] is paired on this vote with the Senator from Nevada [Mr. MCCARRAN]. If present and voting, the Senator from Washington would vote "nay" and the Senator from Nevada would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. VANDENBERG] is absent by leave of the Senate.

The Senator from Wisconsin [Mr. WILEY] is detained on official business.

The result was announced—yeas 44, nays 46, as follows:

YEAS—44

Bennett, Brewster, Bricker, Bridges, Butler, Md., Butler, Nebr., Byrd, Cain, Capehart, Carlson, Chavez, Cordon.

Dirksen, Dworshak, Ecton, Ferguson, Hendrickson, Hickenlooper, Holland, Jenner, Johnson, Colo., Johnston, S.C., Kem.

Knowland, Langer, McCarthy, McClellan, Malone, Martin, Millikin, Morse, Mundt, Nixon, O'Connor.

Robertson, Schoeppel, Smith, Maine, Smith, N.C., Taft, Thye, Watkins, Welker, Wherry, Williams.

NAYS—46

Aiken, Anderson, Benton, Case, Clements, Connally, Douglas, Duff, Eastland, Ellender, Flanders, Frear, Fulbright, George Gillette, Green.

Hayden, Hennings, Hill, Hoey, Humphrey, Hunt, Ives, Johnson, Tex., Kefauver, Kerr, Kilgore, Lehman, Lodge, Long, McFarland, McMahon.

Maybank, Monroney, Murray, Neely O'Mahoney, Pastore, Russell, Saltonstall, Smathers, Smith, N.J., Sparkman, Stennis, Tobey, Underwood.

NOT VOTING—6

McCarran, McKellar, Magnuson, Vandenberg, Wiley, Young.

So Mr. MCCLELLAN's amendment, as modified was rejected.

The VICE PRESIDENT. The resolution is open to further amendment.

Mr. CASE. Mr. President, I move reconsideration of the vote by which the McClellan amendment was rejected.

The VICE PRESIDENT. The Senator from South Dakota moves that the vote by which the so-called McClellan amendment was rejected be reconsidered.

Mr. WHERRY. Mr. President, I ask for the yeas and nays.

Mr. MCMAHON. Mr. President, a parliamentary inquiry.

Mr. MORSE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. MCMAHON. Is that motion debatable?

The VICE PRESIDENT. Yes; under the limitation of 30 minutes to a side.

Mr. MCMAHON. Does the limitation of time under the unanimous-consent agreement apply to the motion to reconsider?

The VICE PRESIDENT. It applies to motions as well as to amendments.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MORSE. I raise the question as to whether or not my good friend from South Dakota is in a position to move to reconsider, and ask for a ruling as to how he voted on the first roll call.

The VICE PRESIDENT. He voted in the affirmative.

Mr. WHERRY. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Just a moment. The Senator from South Dakota is not eligible to make the motion, he having voted in the affirmative.

The clerk is confused about it. The Chair is now informed that the Senator from South Dakota voted in the negative. Therefore he is eligible to make the motion.

The question is on agreeing to the motion of the Senator from South Dakota (Mr. CASE) to reconsider the vote by which the so-called McClellan amendment was rejected.

Mr. WHERRY and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, may the amendment be stated?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, at the end of line 2, it is proposed to change the semicolon to a comma, and immediately thereafter to insert the following:

"But it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval."

The VICE PRESIDENT. The clerk will call the roll on the motion to reconsider.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The Senator from Nevada [Mr. MCCARRAN] is absent by leave of the Senate on official business.

The Senator from Tennessee [Mr. MCKELLAR] is absent because of illness.

I announce further that the Senator from Washington [Mr. MAGNUSON] is paired on

this vote with the Senator from Nevada [Mr. McCARRAN]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Nevada would vote "yea."

If present and voting, the Senator from Tennessee [Mr. McKELLAR] would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. VANDENBERG] is absent by leave of the Senate.

The result was announced—yeas 49, nays 43, as follows:

YEAS—49

Bennett, Brewster, Bricker, Bridges, Butler, Md., Butler, Nebr., Byrd, Cain, Capehart, Carlson, Case, Chavez, Cordon, Dirksen.

Dworshak, Ecton, Ferguson, Frear, George, Hendrickson, Hickenlooper, Holland, Jenner, Johnson, Colo., Johnston, S.C., Kem, Knowland, Langer, McCarthy, McClellan, Malone.

Martin, Millikin, Morse, Mundt, Nixon, O'Conor, Robertson, Schoeppel, Smith, Maine, Smith, N.C., Taft, Thye, Watkins, Welker, Wherry, Wiley, Williams, Young.

NAYS—43

Aiken, Anderson, Benton, Clements, Connally, Douglas, Duff, Eastland, Ellender, Flanders, Fulbright, Gillette, Green, Hayden, Hennings.

Hill, Hoey, Humphrey, Hunt, Ives, Johnson, Tex., Kefauver, Kerr, Kilgore, Lehman, Lodge, Long, McFarland, McMason, Maybank.

Monroney, Murray, Neely, O'Mahoney, Pastore, Russell, Saltonstall, Smathers, Smith, N.J., Sparkman, Stennis, Tobey, Underwood.

NOT VOTING—4

McCarran, McKellar, Magnuson, Vandenberg.

So Mr. CASE's motion to reconsider was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment lettered "B," offered by the Senator from Arkansas [Mr. McCLELLAN], as modified.

Mr. WHERRY and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The Senator from Nevada [Mr. McCARRAN] is absent by leave of the Senate on official business.

The Senator from Tennessee [Mr. McKELLAR] is absent because of illness.

I announce further that the Senator from Washington [Mr. MAGNUSON] is paired on this vote with the Senator from Nevada [Mr. McCARRAN]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Nevada would vote "yea."

If present and voting, the Senator from Tennessee [Mr. McKELLAR] would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. VANDENBERG] is absent by leave of the Senate.

The result was announced—yeas 49, nays 43, as follows:

YEAS—49

Bennett, Brewster, Bricker, Bridges, Butler, Md., Butler, Nebr., Byrd, Cain, Capehart, Carlson, Case, Chavez, Cordon, Dirksen, Dworshak, Ecton, Ferguson.

Frear, George, Hendrickson, Hickenlooper, Holland, Jenner, Johnson, Colo., Johnston, S.C., Kem, Knowland, Langer, McCarthy, McClellan, Malone, Martin, Millikin, Morse.

Mundt, Nixon, O'Conor, Robertson, Schoeppel, Smith, Maine, Smith, N.C., Taft, Thye, Watkins, Welker, Wherry, Wiley, Williams, Young.

NAYS—43

Aiken, Anderson, Benton, Clements, Connally, Douglas, Duff.

Eastland, Ellender, Flanders, Fulbright, Gillette, Green, Hayden.

Hennings, Hill, Hoey, Humphrey, Hunt, Ives, Johnson, Tex.

Kefauver, Kerr, Kilgore, Lehman, Lodge, Long, McFarland, McMahon.

Maybank, Monroney, Murray, Neely, O'Mahoney, Pastore, Russell, Saltonstall.

Smathers, Smith, N.J., Sparkman, Stennis, Tobey, Underwood.

NOT VOTING—4

McCarran, McKellar, Magnuson, Vandenberg.

So Mr. McCLELLAN's amendment, as modified, was agreed to.

Mr. WHERRY. Mr. President, I now move that the Senate reconsider its vote whereby the amendment of the Senator from Arkansas was agreed to.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

Mr. RUSSELL. Mr. President, I make the point of order that the vote of the Senate on the amendment has been reconsidered on one occasion.

The VICE PRESIDENT. The previous motion was that the Senate reconsider the vote by which the amendment was rejected. That motion was agreed to.

The motion now before the Senate is that the Senate reconsider the vote by which the amendment was adopted. That motion is in order.

The question is on agreeing to the motion of the Senator from Arkansas to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

APRIL 3, 1951

Mr. McCLELLAN. I offer and send to the desk an amendment to the first part of the amendment proposed by the Senator from Massachusetts.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. At the end of line 3 it is proposed to insert the folowing:

"But it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval."

Mr. LODGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. Am I correct in believing that the first vote will come on the amendment which the Senator from Arkansas has just offered to the first part of my amendment?

The VICE PRESIDENT. The first vote would come on the amendment offered by the Senator from Arkansas to the amendment of the Senator from Massachusetts.

Mr. LODGE. And that is an amendment proposed to the first half of my amendment; is it not?

The VICE PRESIDENT. That is correct.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. Having offered an amendment to the amendment, do I have 30 minutes in which to discuss it?

The VICE PRESIDENT. The Senator has 30 minutes, if he wishes to take it.

Mr. McCLELLAN. Mr. President, may I inquire whether there is further time on the pending amendment of the Senator from Massachusetts, and whether the Senator from Texas has time remaining on it?

The VICE PRESIDENT. The Senator from Massachusetts has 3 minutes, but, if they desire, Senators are not required to use their time on the main amendment. Does the Senator prefer to use the time on the amendment, until the amendment to the amendment is disposed of?

Mr. McCLELLAN. Mr. President, I yield myself such time as I may desire on the amendment which I have offered to the pending amendment.

The VICE PRESIDENT. The Senator from Arkansas is recognized for not to exceed 30 minutes.

Mr. McCLELLAN. Mr. President, I have never before witnessed in the Congress such a concerted effort to place all the power and control of the destiny of the Nation in the hands of one man as apparently is now being attempted by the procedures which are in process. There are those of us who favor the implementation of the Atlantic Treaty. There are those of who who conscientiously believe that the program of establishing defenses in Western Europe under the Atlantic Treaty by self-help and mutual cooperation is not only desirable but is in the interest of the security not only of Western Europe but of the United States.

It is for that reason, Mr. President, that we supported the Atlantic Pact. But if what has been suggested is the correct interpretation of the Atlantic Pact and how it was intended to be implemented when it was presented, then the proponents of it perpetrated a fraud upon the Congress and upon the people of the United States. They did not unfold this plan at that time. They did not tell the American people that they wanted to leave the implementation of the pact to the President alone. It is stated in the treaty that the Congress should implement it.

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

Mr. McCLELLAN. I yield.

Mr. LODGE. I hope the Senator is not referring to me personally.

Mr. McCLELLAN. If the Senator wants to join them, it is all right with me. That is the effect and the result of it.

Mr. LODGE. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. LODGE. I deny that I ever took any part in such an effort.

Mr. McCLELLAN. That is the result of it, because those who sponsored the treaty, as the testimony will reveal, gave Congress to understand that in the implementation of the treaty the President would have to come to the Congress. I say now that if it is insisted that the President of the United States alone, without the consent of Congress, can implement the North Atlantic Treaty to the extent of sending an unlimited number of American boys to potential battlefields which have not yet developed, then it constitutes a fraud on the American people. I do not want to have any part in it. I desire to point out that that is the result of it, and that character of legislation and that character of policy and procedure may do more to destroy the democracy which we are pretending and professing to defend than will any threat from across the seas.

We have a constitutional government. That is the way it was constituted. Every time it seems expedient to disregard the constitutional processes, there is always a temptation to some to do it. We want to preserve those processes. Since when cannot Congress be trusted. Who has lost confidence in his body? Those who oppose the amendment I offered are placing themselves in that position. That is what you are saying by trying to delegate away from the Congress its constitutional prerogative. I do not want Congress to shirk its responsibilities in any such fashion. To charge Congress may debate the issue is no excuse. There is less danger in Congress debating an issue than there is in conferring arbitrary power upon any President of the United States. If that had been a safe procedure, certainly the founding fathers would have said so. We would not have had any treaty ratification provisions in the Constitution. Why not let the Chief Executive do not only

the negotiating but the ratifying? Ratification carries with it the right and the responsibility of the Congress to implement the treaty. Certainly it was written in the Atlantic Treaty that the Congress should implement it.

Mr. President, this pending issue and controversy have taken on aspects which strike at the very foundation of American liberty and constitutional government. Senators can argue that we do not have time for Congress to act. Let me remind them that there has been no aggression in Western Europe of the type referred to in article 5. The steps now being taken are only precautionary. Are Senators willing to have Americans bear the whole burden? Are we to send our boys to Western Europe, irrespective of whether the countries in that area are measuring up and doing their part? Why cannot Congress take a look at the situation from time to time. Why should it not do so? What are we here for? Yet every time the administration, or someone from the State Department, comes to Congress with a program, it is said, "All we want you to do is to let us control." I do not like that idea, Mr. President.

If this is being disloyal to my country, make the most of it. I am as much interested in the lives of American boys and where they are sent and under what conditions they will fight as are my colleagues. I think I am as much interested in them as is the President of the United States or any general in the Army. I think I have just as much responsibility to try to protect their interests and their welfare and to vote my sentiments and convictions on these vital issues as has the President of the United States

I believe that Members of Congress have some responsibility. It was intended that they should have responsibilities when this treaty was written. It so provides. Now we are asked to abdicate our responsibilities.

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

Mr. McCLELLAN. I yield.

Mr. McMAHON. Where does the North Atlantic Treaty so provide?

Mr. McCLELLAN. Where it uses the words "under constitutional processes." The Secretary of State who sent the treaty here so stated.

Mr. McMAHON. That is not my question. I asked where that is stated in the treaty.

Mr. McCLELLAN. In article 11 the treaty says that it shall be carried out under constitutional processes.

Mr. McMAHON. Does the Senator think that this body should deploy the ground troops of the United States?

Mr. McCLELLAN. This body should determine and decide the implementation of the treaty; yes.

Mr. McMAHON. In other words, the Senator believes that the United States Senate is the Joint Chiefs of Staff for the United States Government. That is what the Senator is saying. Now we can get a "Gallup poll" of the Senate.

Mr. McCELLAN. Mr. President, that argument of the Senator from Connecticut is ridiculous. I have said nothing about a Gallup poll, but I may say to the Senator that this question is being polled today in the hearts of American fathers and mothers. The issue is whether one man is going to send millions of American boys to foreign battlefields or whether the Congress is going to take some responsibility and exercise its constitutional duty in the process.

(Manifestations of applause in the galleries.)

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

Mr. McCLELLAN. I am glad to yield.

Mr. HICKENLOOPER. In connection with the Senator's statement that the treaty was sent to the Congress on a certain understanding and now is being interpreted differently——

Mr. McCLELLAN. Whom are we to believe? The Secretary of State said the Congress should have the right to pass on the implementation of the treaty, and now the same Secretary of State is wanting us to abdicate that responsibility. I want to keep the record straight, Mr. President. I am for implementing the treaty. I readily agree to sending four divisions, but I do not want, by any resolution adopted by the Senate or by the Congress, to say that having done that I consent to and agree that hereafter Congress has no more to do with it; that it is simply the responsibility of the Commander in Chief.

Mr. HICKENLOOPER. If the Senator will yield so that I may ask my question, I will say that I was a member of the Committee on Foreign Relations at the time the North Atlantic Pact was submitted to the Senate. The Senator is completely right. It was sold to the Senate on the pledge of the State Department and others that Congress would implement any future program under the pact. At this time I wish to read again, so that we may have the exact words in the RECORD, what the Secretary of State said. In answer to a query by the Senator from Michigan [Mr. VANDENBERG], the Secretary of State said:

"Any future military-assistance program involving Atlantic Pact countries"—

That does not mean only England or France. It says "involving Atlantic Pact countries"—

Mr. McCLELLAN. We were certainly included.

Mr. HICKENLOOPER. It includes any Atlantic Pack country—

"will be prepared and submitted to the Congress on the basis of recommendations which will be made by the organization to be established under article 9 of the treaty."

That is utter proof of what the Senator says.

I ask the Senator from Arkansas a further question. Is he aware that the Council to be set up under article 9 has made no recommendations whatever, and that we do not even have the recommendations of the International Council, so far as the implementation of the treaty is concerned, upon which the Secretary of State said we would act as a Congress when such recommendations were made?

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

Mr McCLELLAN I wish to thank the Senator from Iowa. I do not believe there is a Member of this body who will deny that the time the treaty was ratified Congress was reassured over and over by those who negotiated and sponsored the treaty that no troops would be committed in implementation of the treaty without the consent of Congress.

Mr. President, we ought to keep the record straight. Are we to be confronted with what amounts to repudiation by the administration itself of what it represented to the Congress at the time the treaty was entered into? I say to you, Mr. President, that the time has come when the American people and the Congress should be dealt with honestly and conscientiously by this administration. They should not be deceived. Facts should not be withheld from them. No trick or artifice should be used to get Congress to do something, and then immediately afterward have it repudiated and insinuations made that those who oppose the repudiation are betraying their country. Who is betraying whom?

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

Mr. McCLELLAN. I yield.

Mr. WATKINS. I invite the Senator's attention to the fact that at the time Congress was considering the Arms Implementation Act, the purpose of which was to guard the peace and preserve the security of the world, nearly every Senator voted for the identical control which is now proposed by the Senator from Arkansas. The act provides that the President shall make arrangements, but that he shall submit such agreements to Congress for approval. The act does not provide that he shall submit such agreements only to the Senate for approval, but to the entire Congress.

Mr. McCLELLAN. I thank the Senator.

Mr. WATKINS. I believe the Senator from Connecticut was one of the Senators who voted for it, as did the chairman of the Committee on Foreign Relations, and almost every Member of the Senate. There were only a few Senators who cast their votes against it.

Mr. McCLELLAN. Mr. President, I wish to reserve a little time to myself. I am sincere in my convictions about this issue. Every Senator is entitled to his own opinion, of course. However, let us face the facts. If we do what is requested by the administration, we are recording the fact that the whole plan was misrepresented to us at the time the treaty was ratified. I want to go along on every reasonable proposal. I am willing to go along with the resolution. I think we ought to take the action. I said so before the amendment was offered. However, we are confronted now with an issue that strikes at the very heart of American democracy. If the President can send an unlimited number of troops abroad, and Congress by its action declares it to be its policy to let the Commander in Chief do it in implementation of a treaty which clearly says it can be done only by democratic processes, we would be saying, in effect, that the will, the order, or the decree of the Commander in Chief with reference to implementing a treaty and committing American boys to an international army was a constitutional process. No one has ever made such a contention. It was not even so contended at the time the treaty was submitted, when the Senate was assured, by the same authority which is demanding the action now proposed, that the power was reserved in the Congress by the treaty itself.

APRIL 4, 1951

The VICE PRESIDENT. The time of the Senator has expired. All time has expired.

The question now is on agreeing to the resolution as amended.

Mr. WHERRY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Tennessee [Mr. KEFAUVER] are necessarily absent.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The Senator from Nevada [Mr. McCARRAN] is absent by leave of the Senate on official business.

The Senator from Tennessee [Mr. McKELLAR] is absent because of illness.

I announce further that, if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. MAGNUSON], the Senator from Nevada [Mr. McCARRAN], and the Senators from Tennessee [Mr. KEFAUVER and Mr. McKELLAR] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Michigan [Mr. VANDENBERG] is absent by leave of the Senate.

The result was announced—yeas 69, nays 21, as follows:

YEAS—69

Aiken, Anderson, Benton, Brewster, Bridges, Butler of Maryland, Byrd, Capehart, Carlson, Chavez, Clements, Connally, Douglas, Duff, Eastland, Flanders, Frear, George, Gillette, Green, Hayden, Hendrickson, Hennings.

Hickenlooper, Hill, Hoey, Holland, Hunt, Ives, Johnson of Colorado, Johnson of Texas, Johnston of South Carolina, Kerr, Kilgore, Knowland, Lehman, Lodge, Long, McCarthy, McClellan, McFarland, McMahon, Martin, Maybank, Millikin, Monroney.

Morse, Murray, Neely, Nixon, O'Conor, O'Mahoney, Pastore, Robertson, Russell, Saltonstall, Smathers, Smith of Maine, Smith of New Jersey, Smith of North Carolina, Sparkman, Stennis, Taft, Thye, Tobey, Underwood, Watkins, Wiley, Young.

NAYS—21

Bennett, Bricker, Butler, Nebr., Cain, Case, Cordon, Dirksen, Dworshak, Ecton, Ellender, Ferguson, Fulbright, Jenner, Kem, Langer, Malone, Mundt, Schoeppel, Welker, Wherry, Williams.

NOT VOTING—6

Humphrey, Kefauver, McCarran, McKellar, Magnuson, Vandenberg.

So Senate Resolution 99, as amended, was agreed to.

The resolution, as agreed to, is as follows:

Resolved, That—

1. the Senate approved the action of the President of the United States in cooperating in the common defensive effort of the North Atlantic Treaty nations by designating, at their unanimous request, General of the Army Dwight D. Eisenhower as Supreme Allied Commander, Europe, and in placing Armed Forces of the United States in Europe under his command;

2. it is the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area;

3. It is the sense of the Senate that the President of the United States as Commander in Chief of the Armed Forces, before taking action to send units of ground troops to Europe under article 3 of the North Atlantic Treaty, should consult the Secretary of Defense and the Joint Chiefs of Staff, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Armed Services Committees of the Senate and the House of Representatives, and that he should likewise consult the Supreme Allied Commander, Europe;

4. it is the sense of the Senate that before sending units of ground troops to Europe under article 3 of the North Atlantic Treaty, the Joint Chiefs of Staff shall certify to the Secretary of Defense that in their opinion the parties to the North Atlantic Treaty are giving, and have agreed to give full, realistic force and effect to the requirement of article 3 of said treaty that "by means of continuous and effective self-help and mutual aid" they will "maintain and develop their individual and collective capacity to resist armed attack," specifically insofar as the creation of combat units is concerned;

5. the Senate herewith approves the understanding that the major contribution to the ground forces under General Eisenhower's command should be made by the European members of the North Atlantic Treaty, and that such units of United States ground forces as may be assigned to the above command shall be so assigned only after the Joint Chiefs of Staff certify to the Secretary of Defense that in their opinion such assignment is a necessary step in strengthening the security of the United States; and the certified opinions referred to in paragraphs 4 and 5 shall be transmitted by the Secretary of Defense to the President of the United States, and to the Senate Committees on Foreign Relations and Armed Services, and to the House Committees on Foreign Affairs and Armed Services as soon as they are received;

6. It is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval;

7. It is the sense of the Senate that the President should submit to the Congress at intervals of not more than 6 months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe;

8. It is the sense of the Senate that the United States should seek to eliminate all provisions of the existing treaty with Italy which impose limitations upon the military strength of Italy and prevent the performance by Italy of her obligations under the North Atlantic Treaty to contribute to the full extent of her capacity to the defense of Western Europe;

9. It is the sense of the Senate that consideration should be given to the revision of plans for the defense of Europe as soon as possible so as to provide for utilization on a voluntary basis of the military and other resources of Western Germany and Spain, but not exclusive of the military and other resources of other nations.

The VICE PRESIDENT. Without objection, the preamble to the resolution is agreed to.

Mr. CONNALLY. Mr. President, I move that the Senate reconsider the vote just taken in adopting Senate Resolution 99.

Mr. GREEN. Mr. President, I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The Senator has 19 minutes remaining. Who yields time?

Mr. NELSON. Mr. President, I yield 2 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I thank the Senator from Wisconsin, and would associate myself with the remarks of the senior Senator from Arkansas.

Mr. President, one of the better known cold war warriors of the past recently described the amendment of the distinguished majority leader asinine.

I would now read part of a statement by a distinguished American author in a book which came out last week:

When the decade began, the official vision of the Communist world was still that of "a political monolith"—the word was still much used—relentlessly bent on the destruction of what few were embarrassed to call the "Free World."

If there were divisions within the Communist world, they were presumably on how best to pursue the revolution. Foreign policy vis-a-vis the Sino-Soviet bloc, as it was still called, was accordingly a facilitating instrument for a larger conflict.

Cold War diplomats solemnly contemplating the world over their martinis still evoke the Communist conspiracy on which their fame and fortune were founded. They rejoice in anything that seems to suggest a revival of the conflict; they try to warn a generation that does not share their wisdom.

But their audience dwindles; and amusement replaces even nostalgia in what remains. The "terrible fact" obtrudes. The Communist world is as relentlessly plural as the non-Communist world; China and the Soviet Union are much farther from coordinated action than France and the United States.

On the record, too, the Communist powers are cautious—rather more cautious perhaps than the government of the United States—about risking disaster in pursuit of an idea.

One must sympathize with those whose lives were predicated on the theory of a more unified, and heroic communism. They are the walking wounded of the cold war.

The cold war vision of communism always owed much to men whose place in the American pantheon and whose "self-confidence of outlook" substantially exceeded their information. But there has also been change in the substance of world affairs. When the decade began, the United States and the U.S.S.R. were each equipped with weapons capable, even at the lowest levels of military expectation (then more sanguine than now), of destroying each other, and most of the world between. At the end of the decade, each was capable of destroying the other from five to fifteen times over.

The difference to a population already dead is not decisive.

Mr. President, there would appear logic in those pertinent observations. I will support the Nelson amendment with some misgivings. But later I will speak as to why I think the Mansfield amendment is the right and proper amendment for this Senate to pass today. We cannot afford, with our increasingly limited resources, to continue to defend and finance the world. At the same time they do so little to defend themselves, the foreign central bankers continue to lecture this Government with respect to the careless manner they say we handle the funds necessary to protect them, all of which is done at the expense of the now all too well-known needs of the American people here at home.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, in the opinion of the Senator from Michigan, the Senate is now confronted with a very dangerous amendment.

It appears to take account of the efforts long afoot within NATO to proceed to negotiate a mutual and balanced force reduction with the Soviet Union. But, Mr. President, this amendment suffers from a fatal defect.

Adoption of this amendment would place the President and his Secretary of State in an impossible negotiating position, as the distinguished floor manager of the bill (Mr. STENNIS) has stated.

Is it reasonable and responsible to threaten a unilateral withdrawal of American forces if the Warsaw Pact nations refuse to negotiate? That is what the Nelson amendment does; that is its fatal defect.

Mr. President, we should clearly understand the meaning of the Nelson amendment. It says, in unambiguous terms, that if the other side just drags its heels concerning negotiations to reduce its troops in Europe—as it would have every incentive to do—we will go ahead and withdraw ours anyway. That is hardly an inducement to the other side to negotiate.

The Nelson amendment contains no

threat or inducement of any kind so far as the Warsaw Pact nations are concerned. Instead it threatens our side with a self-inflicted wound if the other side chooses to ignore our wish to negotiate. It is a "giveaway strategy" which would impede rather than help in our effort to achieve a mutual and balanced reduction of forces in Europe.

Each Senator ought to reflect on what his own reaction would be if he were charged with the task of negotiating with the Soviet Union on a mutual and balanced force reduction. Just suppose that you were expected to go out and negotiate a mutual and balanced reduction of forces with the other side, and suppose that you knew that the highest card in your hand, and a very strong card, too, was the readiness to reduce our forces in return for an agreement by the other side to reduce theirs. Suppose you knew, that the Russians knew, that if you could not get negotiations started within the next 6 months, we would be bound to go ahead and reduce our forces anyway.

I wonder what the reaction of a Senator charged with that kind of responsibility would be. I suggest it might not be suitable to print in the CONGRESSIONAL RECORD.

The language now before the Senate does not promise mutual troop reductions. It only promises the other side that we will unilateraly withdraw our forces if they do nothing.

Mr. President, I fervently hope the Senate will not destroy what chances we have—and they appear rather bright at the moment—to enter into meaningful negotiations and, indeed, to achieve what we have long been seeking—a mutual and balanced force reduction.

Accordingly, I urge the defeat of this amendment.

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

The Senator from Montana has a unanimous-consent request to make.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be an additional 30 minutes on the pending amendment, the time to be equally divided and controlled by the same Senators who controlled the original time.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—as to this amendment alone I am willing to agree. It came up in an unexpected way, to an extent, and I am willing to agree to that additional time.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this time not be allocated to either side.

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

Mr. GRIFFIN. Mr. President, is it correct that under these circumstances the half-hour will be taken out of the 3 hours to be allocated later?

Mr. MANSFIELD. No.

Mr. SYMINGTON. Mr. President, if there is going to be extended time, I would like 3 minutes on this amendment. Therefore, I would not like to see all the time go to the other side.

Mr. STENNIS. It would be 15 minutes to each side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I get 3 additional minutes.

Mr. President, the manager of the amendment says he will give me 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent for the additional time? The Chair hears none, and, without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, last Thursday I spoke on this issue and gave the reasons why I oppose the amendment of the distinguished Senator from Montana. As I stated then, it is not often that we disagree.

For essentially the same reasons, I oppose the amendment which has been offered by the Senator from Wisconsin (Mr. NELSON). Several journalists and several Members of our body have suggested that, in view of the problems which have arisen regarding Vietnam and the division in the country, and in the Congress, it would be well for the Senate to cooperate or take a lead in helping establish a foreign policy for the future.

I would like to say that I think such a joint effort is now being made, I think the amendments which we will vote on if adopted could undercut these efforts.

The questions which have been raised by the Senator from Montana are valid questions; 300,000 men or 250,000 men are not immutable figures. These forces can be reduced in safety if the Soviet Union reduces its forces a roughly equivalent number. But I submit there is something which ought not to be changed, and that is the effort to maintain parity or rough balance of strength between the Soviet Union and its allies and our country and our allies. If we do not accept this thesis, then, of course, we say there is no possibility of any threat from the Soviet Union; if there is no threat, no danger, it follows it would be reasonable to withdraw all of our troops. But I do not think the supporters of the Mansfield or Nelson amendments would so vote. NATO is important to U.S. security.

In fact, our country is making an effort now to negotiate an agreement for parity or some rough basis of equality between the Soviet Union and the United States in the field of nuclear weapons. We now have that rough parity between NATO and Warsaw Pact forces. NATO forces should not be reduced except by mutual agreement between the Soviets and their allies and by mutual agreement between the United States and its allies.

In my view, this amendment would, as other Senators have stated, remove the stability that now exists and reduce incentive upon the part of the Soviet Union to reduce its forces in Europe.

I believe that a unilateral reduction of our forces in Europe at this time, when negotiations are underway concerning the Mideast, when we are negotiating about Berlin, when the SALT talks are underway, when the countries of Western Europe are trying to settle issues which have plagued Europe since the end of World War II, would reduce the chance of success of these great movements.

I must say that this administration has offered positive initiatives for force reductions. Its initiatives offer the possibility of settling some issues in Europe that have caused tensions and held danger.

Most important is the possibility of bringing into parity, and reducing through negotiations, nuclear weapons and the nuclear threat which hangs over our heads.

I hope we will take into consideration these long-term issues of foreign policy, help formulate policies which may reduce tensions, and which may help deter war.

I look upon our strength in NATO at this time as an element of peace—an element which has helped maintain the peace thus far, and gives us hope for the future.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 27 minutes.

Mr. NELSON. How much time does the distinguished Senator from Mississippi have?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. NELSON. I yield 3 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, on April 15, in a hearing before the Senate Armed Services Committee, I made this observation to the Assistant Secretary of Defense:

> Mr. Secretary, when I was in Europe last week, at a nuclear Army base, one of my constituents, a private, asked me why his wife was not allowed to have a job although she would work for the same pay that a German would work. I asked the general to answer the question, and his answer was the Germans would not permit it.
>
> Now the Germans have imported people from other countries, they have no unemployment of any kind, and they import Greeks, Italians, Spaniards, and Arabs—

I might add, Mr. President, this Nation also imports people from behind the Iron Curtain—

> and yet they won't allow a wife of an American soldier defending their country to work on the base.
>
> I went to a nuclear Air Force base with Senator Pastore a little while after that, asked the same question and received the same answer. For the record I will put in the number of people who were working at that base which they gave me as quickly as they could, 743 Germans authorized and 77 Americans unauthorized.

Mr. President, I had to go to the Senate floor. The Assistant Secretary of Defense then stated in my absence that

they were glad to know of the information, had it, and were working on it.

I might add that the Germans are importing some 2,700,000 workers. Now there is 6-percent unemployment in my city of St. Louis, and I understand 14-percent unemployment in the State of Washington.

When later I came back to the committee, I asked of the Assistant Secretary of Defense:

Mr. Secretary, we have a rule now if you have time on the floor you have to be there and I had 15 minutes to 11 o'clock so I had to leave. What was your answer to the problem incident to the refusal of the Germans to let the wife of an American work on a United States base?

Here is the answer, Mr. President:

Mr. KELLEY. My response was that I learned of this problem in the course of preparing myself for these hearings, and I am in the process of challenging that policy.

Senator SYMINGTON. How long ago did you learn about it?

Mr. KELLEY. I learned of it 2 days ago.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the requirement in the pending amendment—that the Executive negotiate reciprocal force reductions under a congressional instruction to reduce unilaterally if negotiations are not in progress—would make it almost inconceivable that negotiations would even begin since the Warsaw Pact could effectuate U.S. force reductions simply by stalling on the beginning of any mutual and balanced force reduction talks.

Even if MBFR foreign negotiations were to begin before the deadline imposed by the Nelson amendment, a clearly expressed congressional interest in unilateral force reductions in Europe would undercut the negotiating position of NATO, since the Warsaw Pact would be fully aware of the pressures on the United States to reduce whether or not an MBFR agreement was reached.

The amendment would produce an extremely damaging and severe psychological effect on our NATO allies in Europe since Europeans would probably conclude unilateral U.S. reductions were inevitable regardless of the agreements that might be reached in MBFR negotiations.

The ability to obtain a larger European contribution to NATO defense would be undermined, since the Europeans would have serious doubts as to the utility of attempting to correct the NATO-Warsaw Pact imbalances which would result from even gradual U.S. withdrawals.

The impact of any U.S. withdrawals, even though phased over a period of time, would make it necessary for NATO to undertake a basic review of its strategy.

The executive branch, as recently as Sunday, expressed its willingness to proceed to negotiate with the Soviet Union. There is little use in undertaking such negotiations, however, unless they can be meaningful. While I am assured that it will use all due speed, the executive branch should not be placed under time limits as to the negotiations.

I should like to make the point here that Congress neither constitutionally nor physicaly is able to conduct negotiations with the other powers involved, that this is clearly an Executive responsibility, and the hands of the Executive ought not to be tied under the delicate conditions which prevail.

The proposed amendment legislates foreign policy without a prior opportunity for joint consideration between executive and legislative, such as the holding of hearings.

Finally, our U.S. Ambassador to Belgium, the Honorable John Eisenhower, who has talked with several Senators, including the Senator from Illinois (Mr. PERCY), believed this matter of such international importance that he placed a transatlantic telephone call to me here in Washington. Ambassador Eisenhower asked that I convey to my colleagues in the Senate the deep concern this proposed unilateral move has caused among our NATO allies, and his own hope that the Senate would not take any action which would impede the progress of bilateral negotiations.

We have heard the views of all the living former Presidents, and from this President. We have heard from former Secretaries of State, from Ambassadors at Large, and from most of the persons principally involved in establishing our relationships with our Western European allies, and they have all said the same thing: that this proposal would be disastrous, that it would be dangerous, that it would run counter to the continuing and delicate negotiations now in process.

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

Mr. SCOTT. Mr. President, I hope the Nelson amendment and the Mansfield amendment will be defeated.

Mr. STENNIS. Mr. President, if time is not used I know it will not be charged.

I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I oppose the Nelson amendment, for the following reasons:

I think it could be decisive for the voting pattern here what happens on the first vote. If the majority leader had risen and said, "I would like to incorporate the Nelson amendment in my amendment, notwithstanding the yeas and nays," I am sure no one would have objected. But that is not our situation. The situation is that the Nelson amendment is ostensibly a compromise. If it is adopted, the theory might be that those who join in adopting it may then feel "a compromise has been obtained; we will go to the main event."

This, I think, would be a disastrous mistake for our country, for this reason, basically:

The situation in Europe is in the balance as to whether the United States will or will not continue to be the backstop for European defense. It is very clear that Europe is conscious of the fact that it is incapable of its own defense against the full nuclear power of the USSR.

If the United States gives the signal—and it does not even matter whether the Mansfield amendment is going to be enacted law—at the end, it is the Senate vote that counts. That is why, at great personal sacrifice, I and many others are here today. The Senate vote will count. It will signal to Europe, "Don't depend on us. Count us out. Make your own arrangements."

What are the consequences of that? Europe has 20 divisions or more. We have four and one-third. Europe is spending $20 billion and more. We are spending, even at the figure cited by Senator MANSFIELD, $14 billion.

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

Mr. JAVITS. I cannot yield. I have only 3 minutes. I would be happy to yield.

The answer, in my judgment, is that this will be the result: If we give the signal to Europe that we are pulling out, an infinitely greater defense burden will soon accrue on the United States than we have dreamed of before. This is not hardheaded finance, is very unwise, and is very improvident.

I do not mean that we have to go on along this line forever, but we cannot, in my judgment, tie the hands of our negotiators in the counterproductive way which this would tie them. The Nelson amendment actually presents a disincentive to the U.S.S.R. and the Warsaw Pact to negotiate. For now, balancing off whatever incentives they have to negotiate mutual force reductions—and I think they do have incentives—there would be the incentive to delay negotiations to force U.S. unilatered withdrawals.

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

Mr. JAVITS. I yield.

The PRESIDING OFFICER. Who yields time? The time of the Senator from New York has expired.

Mr. STENNIS. Mr. President, I yield to the Senator from Missouri for the purpose of asking a question.

Mr. SYMINGTON. I thank the Senator from Mississippi. Does not the Senator from New York believe that it would be incomprehensible for the Europeans, inasmuch as there is testimony on the record that the United States has emplaced in Europe some 7,000 nuclear warheads, there is justification for these Europeans to believe they are being deserted just because we decide to pull out some of our conventional ground forces?

Mr. JAVITS. Mr. President, the 7,000 nuclear warheads are far more of a worry to Europe than an assurance. The fact that we are there physically is the real assurance to Europe—and the best assurance against any premature resort to nuclear war.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Idaho.

Mr. CHURCH. Mr. President, the issue we face in this debate has to do with the desirability of reducing the size of the American Army in Europe. This is the issue.

I think, for many years now, it has been desirable to reduce the size of our European forces. The reasons have been recounted in the course of this debate, and I need not dwell upon them now, but I would mention, in passing, just a few.

There is no compelling reason to believe that it is necessary for us to maintain 300,000 American troops and 250,000 wives and children in permanent residence in Europe. It has been a generation now, and we have seen no significant reduction in that force. Everyone knows that there is fantastic featherbedding in connection with that force. There are 128 generals, if you please—one general for every 2,343 men. Prudent reductions could be made without affecting the fighting quality of our forces. Indeed, it might even be improved should such reductions be made.

Second, there is the refusal of our allies to repay us the amount of our dollar drain, which they are more than able to pay, for they are rich, far richer than they have ever been before; and this continuing failure has added so to our mounting deficit in our balance of payments that now we see the dollar cracking under the pressure, with all the farflung repercussions this could have upon the general prosperity of the Western World.

Third, there is the serious strategic question as to whether so large a conventional force is really needed, when its principal purpose is to provide "tripwire" assurance that we stand ready to use our nuclear deterrent in case Western Europe is ever attacked.

Mr. President, for these and other reasons, I support a move now to reduce the size of American forces in Europe. We could do this in one of two ways. We could do it unilaterally. I think the time has come when a prudent reduction, perhaps not as many as 150,000, but a prudent reduction, taken on a unilateral basis, would be helpful in setting the climate for further relaxation of tensions in middle Europe. Second, we could do it by negotiation, which is what Senator MATHIAS seeks to do. But I can see no way for proceeding in a manner that attempts to combine the two. I stand for doing it unilaterally and will support the Mansfield amendment.

But the amendment offered by Senator NELSON attempts to combine the two approaches. This could only force the President and his representatives into an impossible negotiating position. It would mean that if they went to the negotiating table, they would go handcuffed by a law which says to the Russians, in the first place, "All you must do is stand back, refrain from negotiating, and the American law will automatically bring about a series of reductions in U.S. troop levels over the next 3 years." Thus, the amendment removes the incentive to negotiate by placing us in a straitjacket in advanced, which not only would be unfair to the President, but would also largely negate any possibility for successful negotiations.

For these reasons, Mr. President, difficult as it is for me to disagree with the distinguished Senator from Wisconsin and others who support this amendment, I think it cannot be justified.

We have two choices: either to move unilaterally or to refrain from moving unilaterally and go first to the negotiating table. This amendment attempts to combine these two approaches and I think it is unworkable. For that reason, Mr. President, I will oppose the amendment, and I hope the Senate will reject it.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield myself 1 minute.

Mr. President, the irony of the position of the Senator from Idaho is that he is opposed to this amendment on the argument that it will tie the President's hands. Yet, he is going to be on the floor of the Senate within the next few weeks supporting a withdrawal of our troops from Vietnam on a date certain in the face of the same argument that this will tie the President's hands in his negotiations with the North Vietnamese.

The circumstances are just the same. The Senator is saying that this will tie the President's hands in negotiations, but he is willing to tie the President's hands by voting to withdraw troops from Vietnam.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. NELSON. I yield myself an additional minute.

The interesting thing about all this is that the Mansfield amendment would have passed if Mr. Brezhnev had not said, "We are willing to negotiate," and repeated it three times.

The question is, Should there be a reduction in forces or should there not? On the merits, I think there should be. I am prepared to permit negotiations to go ahead, to see whether they can agree upon a reduction in forces. But I am not agreeable to saying that we are not permitted to reduce forces which we think are not necessary there because it might interfere with negotiations that were not underway and no one thought were going to occur, anyway, until Mr. Brezhnev suggested it.

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

Mr. FULBRIGHT. Mr. President, will the Senator yield me 2 minutes?

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

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. NELSON. I yield 2 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. I want to make clear that I support the Mansfield amendment as offered, but I want to say a word about this amendment to the Mansfield amendment.

It seems to me that section (d) is not clear. My impression is that the sponsor intends to suspend or to make inoperative only the first provision, with regard to the 250,000 troops after June 30, 1972. It strikes me that if that is the purpose of the sponsor of this amendment, it ought to be made clear by adding words to the effect that only that provision of this amendment is operative, that the last two amendments are not affected by section (d).

Mr. NELSON. Mr. President, if it will make the amendment any clearer by using the word "only," I would ask unanimous consent that that word be added.

Mr. STENNIS. Mr. President, reserving the right to object, any language changes by unanimous consent I would like to have submitted in writing.

Mr. FULBRIGHT. This is just to make it clearer. There are two ways which I think can clarify it. One is to strike the "s" from the word "provisions" which I think is merely a typographical error. I do not think the Senator from Wisconsin intends that there be any doubt about his amendment. The purpose is to suspend only that first provision relating to June 30, 1972 and not the other two provisions. Of course, my feeling is that this delays it. It will not be nearly so effective as the Mansfield amendment, which I prefer.

Mr. NELSON. The "s" at the end of the word "provisions" is a typographical error.

Mr. FULBRIGHT. I would hope that the Senator from Mississippi would not object to that change, at least.

Mr. NELSON. It has just been called to my attention. That "s" is a typographical error. It was added to the original. Does the Senator from Mississippi have any objection to deleting the "s" from the word "provisions"?

Mr. FULBRIGHT. I would hope that could be done. I would like to make it crystal clear that the words "only this provision" would clarify it.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to such modification?

Mr. GRIFFIN. Reserving the right to object, until the Senator from Mississippi has an opportunity to check on this——

Mr. MANSFIELD. Mr. President, I understand it is just a typographical error. The word is "provision." It should not be "provisions." Does the Senator from Wisconsin request that the letter "s" be stricken?

Mr. NELSON. Yes, I do. The explanation placed on each Senator's desk shows what it means exactly. The "s" has been added there. It is a typographical error.

Mr. FULBRIGHT. I would hope that the Senator from Mississippi would not object to making this correction. We should not vote on something about which there may be some doubt.

Mr. GRIFFIN. Mr. President, having reserved the right to object, I want to make it clear that I do not intend to object to this minor typographical change but I would like for the Senator from Mississippi to be able to check on it first. So far as any substantive changes in amendments are concerned, as we get down close to the point where we are going to vote, there could be expected to be some objections.

Mr. FULBRIGHT. Could I say, this is not substantive at all.

Mr. GRIFFIN. I agree.

Mr. FULBRIGHT. I would like to clarify what the Senator's amendment means. That is what he meant. That is what he wants it to be.

Mr. STENNIS. Mr. President, if the Senator from Wisconsin would state his request now, I would be very glad to consider it.

Mr. NELSON. Mr. President, I ask

unanimous consent that in subsection (d), at the second word, "provisions" strike the letter "s". As Senators will note from the explanation on their desks, we want it to mean exactly that. The "s" may change the meaning.

Mr. STENNIS. I have no objection to that.

Mr. DOMINICK. Mr. President, reserving the right to object, I should like to know from the sponsor of the amendment if that means——

The PRESIDING OFFICER (Mr. GAMBRELL). Who yields time?

Mr. STENNIS. I do not have any time.

Mr. DOMINICK. I have the right to object or to reserve the right to object. Whether I am going to object or not will depend upon the answer to my question and that is, we are saying——

The PRESIDING OFFICER (Mr. GAMBRELL). We are under controlled time.

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

The PRESIDING OFFICER. Nineteen minutes.

Mr. NELSON. I thank the Chair. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. NELSON. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, by striking out the "s" on that, it means that the Senator is saying the force level as of June 30 shall not become operative but that the other force levels in subsection (b) to which the Senator refers, for 1973 and 1974, would become operative.

Mr. NELSON. That is correct. That is the explanation placed on each Senator's desk and is based on the amendment. I assume that the "s" was erroneously added.

Mr. DOMINICK. So the Senator is saying he would cut off only the first date and not the other two.

Mr. NELSON. That is correct.

Mr. DOMINICK. He is not trying to cut down on what the President can do in the last 2 years there.

Mr. NELSON. Unless they reach agreement themselves and that, as I say, is what the explanation says which has been placed on each Senator's desk.

The PRESIDING OFFICER. (Mr. GAMBRELL). Is there objection to the modification of the Senator from Wisconsin? The Chair hears none, and the modification will be made.

Who yields time?

Mr. NELSON. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Sixteen minutes.

Mr. NELSON. I yield 5 minutes to the distinguished Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. GRAVEL. Mr. President, the main thrust, thus far, of the opposition today has been brought up before. But particularly today it has been said that if this amendment is agreed to, it would impair the negotiating power of the administration.

I would like to take a strong stand on that. The record of this administration shows that it does not have a strong predisposition to negotiate. Therefore, we are not usurping anything, because what is there is not being used.

I want to quote from the U.S. Foreign Policy for the 1970's—A New Strategy for Peace, a report to the Congress by Richard Nixon, President of the United States, February 18, 1970—page 35, second paragraph:

> Our association with Western Europe is fundamental to the resolution of the problems caused by the unnatural division of the continent. We recognize that the reunion of Europe will come about not from one spectacular negotiation, but from an extended historical process.

Mr. President, I cite that to show the predisposition that exists in the administration today.

Now I go to the next statement, by the distinguished Senator from Vermont (Mr. AIKEN), who brought out the fact yesterday that the first recent effort was not on March 30 but on June 27, 1970, over a year ago, and that this effort by the Soviets was responded to by the administration. Apparently this fell totally flat and nothing happened. It was again renegotiated by the Soviets on March 30 and nothing happened. Only now is this offer to negotiate revealed in order to thwart the efforts of the majority leader. This is the reason why the administration now talks of negotiations, but it has had ample time, ever since it has been in office, to demonstrate its desire to negotiate, if that is its policy; but of course it is not.

In reply to talk of unilateral reductions, I used figures yesterday that were not challenged which showed that the Army of the United States in 1965 increased from 967,000 to—I am using the date October 1970—to 1,300,000; while the army of the Soviet Union decreased in 1965 from 2,300,000 to its strength last year, which was 2,000,000 men. This is a unilateral decrease on the Soviet side which was not matched by our side.

Our experience with the SALT talks has not been good. It has been impeded by the policy of this administration by linking things such that we must advance the whole spectrum of our involvement, or not at all. We continue to hang on to the troop levels we have.

I make this economic point. It is not a statement that I prepared, but something printed in the RECORD by the Senator from Washington (Mr. JACKSON) yesterday, where he talks of how much the United States is spending with respect to how much our friends in Europe are spending.

An average of 3.9 percent of their gross national product is spent by our European allies on defense. Broken down, that is 1.5 percent by the United Kingdom, 4.4 percent by France, and 3.5 percent by West Germany, while this country spends 8.7 percent of its gross national product on defense.

That tells a story in itself.

We have 8.5 percent of our young men of military age in the services. West Germany has 4 percent. Our per capita is about $1,396. That of Germany is $93.

The simple question is, if defense is so significant for us, I would hope we could see an equal effort made by those in Western Europe. This fundamental point was challenged yesterday by the chairman of the Armed Services Committee—the figures which I put forth—and I will reveal my source. The source is the distinguished majority leader, who inserted the figures into the RECORD on May 11, and I was merely quoting them.

But I want to point out a discrepancy between the figures put forth by the majority leader and figures put forth by the chairman of the Armed Services Committee through the distinguished Senator from Washington (Mr. JACKSON).

Mr. President, the differences are quite interesting. The majority leader talked of 22 divisions in Central Europe, including 4⅓ divisions of the United States. This does not include two French divisions presently in Western Europe, for a total of 24 divisions.

According to the figures given by the Senator from Washington (Mr. JACKSON), who did not say they were Department of Defense figures, there are 20 divisions of the allies in Central Europe, 4⅓ divisions from the United States, five French combat-ready divisions, and in the rest of Europe 25 divisions.

George Ball stated in his argument recently that we are faced with 91 divisions on the other side of the fence. Any suggestion that our efforts are anything more than a trip wire is simply inaccurate.

I might add that the point the Senator from New York made is that we want flexibility. I might ask him to consult the table of organization and the plans that in the first 24 hours, in the first 90 hours, there will be recourse to the "Nukes." If they are to be used as part of our plans, then I submit that it is unrealistic.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

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

The PRESIDING OFFICER. The Senator from Mississippi has 3 minutes remaining.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. BENTSEN. Mr. President, the debate on the amendment to reduce our NATO forces by 150,000 men has been an enlightening discourse. There has been strong debate, and sound discussion on the measure offered for consideration of this body.

We have to weigh those arguments. Certainly, no one can argue against the need for improving our balance of dollars flow.

It is a valid position. However, it is only one factor in the case, only one point to weigh.

Further, there are much better ways than unilateral withdrawal to lighten the financial load, principally by requiring that our allies pick up more of the check for the maintenance of American troops in Europe. And I mean substantially making the outlays for the costs,

not just helping the immediate balance of payments by purchase of American bonds or American obligations to offset the dollar flow. That merely delays the result of an imbalance in payments. We have a right to expect more direct payments from our allies.

Well, then, it is argued, why do we not let the Germans and the French and our other allies put the men, the troops, on the line?

That, too, has some merit. But it, too, fails to meet the need which we have to consider. The Germans, who have half a million men under arms, are the logical ones to put more men on the line.

Therein are the negative considerations the strongest one being that even her neighbors still have fear of a strongly rearmed Germany which can dominate the military scene of Europe. And, the Russians whose presence and posture are the reasons for any troops being there, certainly are not going to permit an overwhelming German military presence.

Thus, we need the German treasure to help pay for our men there, not their troops if we are to meet the cost balance and not give rise to greater fears.

Why Americans? And why so many Americans?

There are continuing and sound reasons for the maintenance of U.S. strength in Europe, most of which have been heard in these chambers in this debate. I do believe that there is room for reduction of the support elements for our combat troops there because the figures show that these support troops are the highest ratio to combat units anywhere in the world. These can be trimmed—we can harden the muscle of the force, and we can cut the fat from the strength of the divisions we have there without weakening our total combat potential. But this number is far, far less than the figures considered in the amendment before us today.

Others have made a sound case for the continued maintenance of our troops—NATO is a sound alliance, it has worked, it continues to work, it buys the United States security and it has, above all, bought the stability in that part of the world where stability has been so necessary for the recovery of the western nations of Europe. And stability contributes directly to our own overall security.

And, importantly, the case has been made that instability favors the Warsaw Pact force, and instability will encourage an accommodation by the Europeans with the Warsaw Pact. Certainly, with the growing possibility of negotiations for mutual withdrawals, we must not weaken our own stance by unilateral withdrawal.

For years, the very basis of the NATO alliance has been that it not only provides the protective umbrella for Europe, but is inherent to our own security. That foundation is just as strong today, and the argument remains just as valid. I believe that the Europeans should provide more of the strength for their own defense, but we must not forget that our own forces are there for our own security. That remains constant today.

Obviously, we lessen our options and weigh the choice more heavily in favor of nuclear response if, God forbid, the day comes when we have to face the Russians and the Warsaw nations in combat. We must not limit that option, and we must allow the President a greater choice than just capitulation or nuclear response so long as that threat exists. Winston Churchill stated it well when he said the Russians have always wanted the fruits of battle, but not the costs of battle. The Russians are well aware that for any possible victory in Europe—even with conventional weapons—they would pay a terrible price.

I reject the argument that all we need in NATO is a token force. The game of counting divisions is misleading. I associate myself with Senator COOPER and others who have made the case that our forces are near par with the Warsaw Pact forces. For example, one U.S. division has the firepower and combat strength of three Russian divisions. Indeed, the present NATO force has the capability of withstanding an attack to permit reinforcements to be brought in. The Russians know this. So there is a military power equation sufficient to discourage attack.

As a member of the Armed Services Committee, I have heard a great deal of testimony concerning our Armed Forces, our alliances, our policies, and our positions around the world.

I have previously mentioned stability. One of the successes of this Nation's policies—and even with all the problems of Vietnam, Czechoslovakia, and other lesser conflicts today in the world. In total, there has been no great conflagration despite the great potential of confrontation of major powers. That is testimony to the effectiveness of our alliances, and the continuity of the U.S. effort since World War II. It is true that times have changed, and our alliances may be changing. Certainly, Vietnam has taught us a hard lesson in Asia, and we have a great distance to go to bring equal attention to our own neighboring continent of South America in concern over conditions there. Nevertheless we have succeeded in retaining comparative stability, and NATO has been a cornerstone of that stability in Europe. Our goal is still the same—stability in this world. NATO is still contributing to that stability.

I favor the lower profile of U.S. presence in most of the world. I even favor it in Europe, and I believe we are in a position to reach some substantive agreements on a bilateral reduction of forces there.

Finally, Mr. President, I want to make the important point that this entire issue, this amendment and its airing in this body and in the world press, has been a constructive move. It has forced us to review our own NATO position, and in that review, I believe we will find that on balance, its strengths remain greater than its weaknesses.

The attention has forced our allies to recognize that they cannot forever expect our peoples and the Congress to remain ever patient. Our allies who are directly under the Russian guns should measure their concern in more than expressions, but in marks, in pounds, and in francs. They must be willing to contribute more, to join in the alliance in a stronger fashion.

The United States allocates 7 percent of its gross national product for defense spending, versus an average of 5 percent for our NATO allies. We have a right to expect more from them. Nevertheless, the basic premise of maintaining our strength in NATO is too sound to reject.

On balance, the weight of the argument is against the unilateral cutback of our forces. This remains a dangerous and potentially explosive world. The stability which we have brought with NATO is too necessary, too mandatory if you will, to risk the adoption of this amendment.

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

Mr. STENNIS. Mr. President, I am sorry that I cannot yield the Senator any more time. I have only 5 minutes remaining.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, will the Senator yield me one-half minute?

Mr. NELSON. Mr. President, I yield the Senator one-half minute.

Mr. GRAVEL. Mr. President, I would like to quote from a statement made yesterday by the President pro tempore referring to excerpts from Senate hearings of June 12, 1958.

Senator ELLENDER asked Admiral Burke:

Do you feel NATO has been a success?

Admiral Burke answered:

Yes, sir.

Mr. ELLENDER asked:

What about the 36 divisions we are supposed to have? Where are they now? You have nothing but paper divisions, and you know it.

Admiral Burke answered:

That is absolutely correct, sir.

The statement put in the RECORD by the Senator from Montana from Edward King also states that in part the American force, not speaking of our allies, is understrength.

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

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

The PRESIDING OFFICER. The Senator from Wisconsin has 10 minutes remaining.

Mr. NELSON. Mr. President, I yield 10 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following my remarks, an article in yesterday's Evening Star by Tom Wicker, entitled "Mike Mansfield's Welcome Heresy."

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

MIKE MANSFIELD'S WELCOME HERESY
(By Tom Wicker)

Sen. Mike Mansfield of Montana has done us all a service. His proposal to force a 50 percent reduction in American forces in Europe has made it clear how difficult it is in

this country to change a policy that has achieved institutional status, no matter how little sense the policy may have come to make.

Mansfield's welcome Heresy also has exposed the extent to which American foreign policy-making is dependent, not just upon the standards and concerns but even upon the personalities of the past. For not since the Grand Army of the Republic held its last encampment has there been such an ingathering of elders and bygoners as President Nixon has mobilized in support of the proposition that NATO must never—no, never—be reconsidered like any other question of priorities.

Never mind the crumbling and festering American city; never mind the mounting demands for tax dollars for education, health, transportation, welfare, job training; never mind the cost of maintaining a half-million persons, including dependents and 128 generals, as well as 7,000 tactical nuclear weapons, in Europe; never mind the international payments deficit to which this endless commitment annually contributes $1.8 billion.

Never mind all that; the wisdom of the ages says NATO must go on essentially untouched.

One primary argument against Mansfield's proposal is that since NATO is an alliance, the United States must not proceed unilaterally but only in concert with the other parties.

The record shows, unfortunately, that the French have pulled out, the Portuguese have their forces on duty maintaining their African empire, Britain has eliminated conscription, Canada has cut its European contingent, etc., ad infinitum. Who's unilateral? And who has borne the bulk of the load for two decades, with precious little help in sight?

The other argument is that Mansfield's proposal would sabotage any effort to follow up Brezhnev's suggestion that a reduction of forces and armaments in Europe might be negotiated by the NATO and Warsaw Pact countries.

Of course, when Brezhnev said something about like that last year, nothing came of it. And the major reason Washington seems more interested this time around is because the Brezhnev proposal provides a handy argument against Mansfield's amendment.

In fact, Nixon has made such a concerted effort—one of the most vigorous of his administration—to defeat the Mansfield amendment because of the internal power of a policy long established, particularly when those who established it are still around to defend their handiwork.

There is nothing to suggest that, before Mansfield acted, the administration had any great plans for negotiating troop reduction, either with the allies or the Soviets; and many of the patriarchs who were rushed into the breach have also opposed other movements in the glacier of East-West relations—say, Chancellor Brandt's efforts to begin Soviet-German reconciliation.

So the truth is that, far from being the disaster pictured at the White House, Mike Mansfield's amendment (which comes 26 years after World War II ended and only after he failed to stir three administrations with milder proposals) not only shows us something about the viscid sense of priority and reality in government, it may also force some action at least, even if it is defeated this week.

Having insisted that the Mansfield amendment would kill any chance to negotiate reductions with the Soviets, the administration can hardly fail now to make a serious effort to get such negotiations going; if it refuses to do so, or if it backs off from any effective agreement, Mansfield and his supporters will be strengthened in future demands for unilateral reductions.

As the senator says of his amendment, "if defeated, it will not be dead." That means the issue is going to be forced—which, sadly enough, is about the only way issues ever get dealt with around here, in any administration.

Mr. MANSFIELD. Mr. President, in the Washington Post of June 20, 1969, on page 8 there is an article headed "Kissinger —" not Henry, but the Chancellor—"Urges Europe Defend Self."

Then, under a dateline from Bonn, Germany, June 19, AP, "Chancellor Kissinger told the German Congress yesterday that it is a disgrace that Americans must defend Europe." Describing the North Atlantic Treaty Organization as the "optimum political solution" for West Germany, Kissinger asked:

Is it not a disgrace that 200 million Americans must protect 300 million Europeans?

Mr. President, this was handed to me by a friend this morning. I had no knowledge of it before. If I had seen it in the press, I had overlooked it. Mr. President, for the past week we have heard the wailing of Cassandra from downtown, uptown, on this floor, and from overseas. We have read it in the press. We have heard it from the mouths of horses, so that we should be shaking in our boots, and we should be fearful that if we do anything, the foundations of NATO will not only be shaken, but, loosened, and finally will crumble.

Mr. President, we have listened to a considerable debate since the amendment for U.S. troop reduction in Europe was introduced. It has been an informative debate which has been interspersed with an input of additional ideas. I believe there is much sympathy with the purposes of the original amendment even as there are concerns about some of its implications. If I read the latter correctly, they have mostly to do with a possible loss of whatever opportunity for a mutual troop reduction may have been opened by the Brezhnev proposal of several days ago.

Properly, Senators are considerate of the President's constitutional prerogatives which may be involved in this matter. By the same token, however, Senators are not unaware of the constitutional responsibilities of the Senate. One of those responsibilities is to provide for the maintenance of U.S. military forces in such circumstances and only in such circumstances that the Congress may find appropriate. If I am not mistaken, most of the Members of the Senate wish to bring about a reduction in the cost and size of the U.S. deployment in Europe under NATO. I am aware that there is concern, however, lest the reduction proposed in the original amendment is too drastic and precipitous and so, upset what is certainly a cornerstone of U.S. foreign policy—the North Atlantic Treaty. I stress the treaty which is fundamental to policy as distinct from NATO which is but the established military mechanism derived from the treaty 20 years ago in order to meet the situation then prevailing.

I have given a great deal of thought to the understandable concerns of Senators. I have considered and reconsidered both the perfecting amendment and the substitute amendment. It seems to me that the perfecting amendment, the Nelson amendment, as modified on yesterday, deals very effectively with the concerns. Clearly, however, it will not produce the U.S. troop reductions as promptly as the original amendment.

It is my personal judgment now as it has been for some years that the U.S. contingent in Europe ought to be reduced without delay. It ought to be reduced with or without negotiations and quite apart from considerations of the international financial situation. It is a matter of principle; in my personal judgment, these troop reductions have been desirable and are desirable now in the interests of this Nation. In my personal judgment, moreover, the cuts can be made now without doing violence in any way to our commitment to the Atlantic Treaty or the opportunities for a negotiated detente. Excess, waste or obsolescence in the U.S. troop commitments under the North Atlantic Treaty, as I see it, are not bargaining chips in negotiations; they are as an albatross around the neck of the Nation's basic policies.

That is my personal judgment and the original amendment was a legislative expression of that judgment. Other Members see it differently, a situation not uncommon in the processes of the Senate.

The authors of the pending perfecting amendment clearly see it differently and, therefore, they would put off a legislated cut a while longer. For the present, they would entreat the President most earnestly by this amendment to enter into negotiations with a view to mutual East-West troop reductions—a step, in any event, which there is every indication that the executive branch is now prepared to take after years of reticence. May I say that is all to the good. The advice of the Senate or the Congress in a matter of this kind is most proper in a constitutional sense; it has been offered many times to many Presidents.

What impresses me even more in the pending perfecting amendment, however, as distinct from the proposed substitute which is to come later, is that this amendment would also provide, as does the original, for legislated troop reductions, although, on a very gradual basis. Specifically, the reduction under the perfecting amendment would be to 250,000 by the end of fiscal year 1972; to 200,000 by the end of fiscal year 1973; and, finally, to 150,000 by June 30, 1974.

This provision, may I say, would be a most proper exercise of the constitutional authority of the Congress regarding maintenance of the Armed Forces. Of course, the President may disagree with the proposed approach; indeed, he may express that disapproval by veto in the end. But the responsibility is in the Congress, at this time, and specifically in the Senate. The responsibility to decide on troop reduction rests with the Senate at this point and now with the agents and drummers of the executive branch. The executive branch should no more presume to direct us in this matter than we should presume to direct the President in conducting negotiations with the Soviet Union if he chooses to enter into them. And I must say that I am somewhat perturbed by the cavalier treatment of this fundamental constitutional distinction during the past few days.

In my judgment, the perfecting amendment goes far to accommodate any reasonable needs of the President in the conduct of negotiations on troop reductions. It offers to suspend the operation of the first cut in forces, and along a well-defined formula, which would otherwise be to 250,000 by June 30, 1972, if by the end of this year, negotiations are under way between the Warsaw Pact and NATO countries. If these talks are once begun, there will be no legislated reductions of U.S. forces whatsoever under this proposal for the next 2 years. That would not preclude the President, of course, from acting on his own to make a drawdown at any time he sees fit.

To me, Mr. President, this proposal commends itself to Senators who are prepared to see the general purposes of the troop reduction amendment realized but at a much slower pace and after still one more effort to bring off effective East-West negotiations on mutual reductions. It is an ingenious attempt to reconcile the constitutional responsibilities of the President and the Congress in a reasonable fashion.

I reiterate that the amendment does not bring about very promptly what I believe to be a most desirable adjustment in our military deployment in Europe. It does, however, go beyond the expression of a sense of the Senate which is the substance of the substitute amendment coming later and by means of which many of us thought, fruitlessly, to bring about a troop reduction in past years. The pending amendment has teeth in that it does put a legislative deadline on further Executive delays in this matter, even if the deadline is distant. I sho'ld think that its passage would not inhibit the Congress from subsequently moving up that deadline if future circumstances should so indicate.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi.

Mr. President, I oppose the Mansfield amendment, but I do believe that the distinguished majority leader should be given the right to have his amendment voted up or down by the Senate.

I believe that unless any amendment to the Mansfield amendment is a vast improvement over the Mansfield amendment it, too, should be rejected.

Therefore, feeling that the Nelson amendment is not an improvement on the Mansfield amendment I will oppose the Nelson amendment, as well.

The Mansfield amendment demobilizes no one; all it does is to seek the transfer of 150,000 of our soldiers. Already the number of men in the armed services is decreasing sensationally from around 3,500,000, which was the number on July 1, 1968, to around 2,700,000 now. Under the terms of the draft extension bill, the number would be around 2,450,000 by July 1, 1972.

Mr. President, the Nelson amendment does not afford any incentive whatsoever to negotiations between the NATO nations and the Soviet Union, or the nations of the Warsaw Pact; actually, it presents a deterrent. Strange to say, if the Russians do not negotiate, our troops will automatically drop to 250,000 on July 1, 1972; if they negotiate, it would stay at the 300,000 level. There would be no negotiation if the Nelson amendment were to become law because the Soviets could not possibly have any better settlement than that presented by the terms of the Nelson amendment.

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

Mr. ALLEN. Mr. President, will the Senator yield to me for 30 additional seconds?

Mr. STENNIS. I yield 30 seconds to the Senator from Alabama.

Mr. ALLEN. Mr. President, the Soviets could not possibly have any better settlement because the Nelson amendment provides for a stated reduction of 50,000 troops per year and the Soviets would be permitted to have an unlimited build-up under the terms of the Nelson amendment. Certainly that is not in the best interest of this country.

I therefore will vote against the Nelson amendment; and also I shall vote against the Mansfield amendment when that amendment comes before the Senate.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I shall vote against the Nelson amendment. I consider it to be the Mansfield amendment on the installment plan.

I also say that if this amendment is agreed to it will stand in the way of any effective negotiations with the Soviet Union.

My position with the Soviet Union on the matter of troop withdrawals in Europe is that we should give them positively nothing, or certainly we should not give them something for nothing.

If the Soviet Union wants to negotiate let us negotiate, but let us not legislate ourselves out of the negotiating position which is what we are apt to do unless we defeat these amendments.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I cannot yield further. I have only 2 minutes remaining.

Mr. President, it all boils down to this: If the Soviets stay away from the table and stay away from the conference, the effect is that, insofar as the amendment is concerned, they get all the reductions, everything put on the table.

Mr. President, you will take your choice. Anything goes under this amendment so far as they are concerned but it would be binding on us, as if we did not have an executive head of this government. I am talking about our defense.

The Senator from Idaho is certainly no—he is a knowledgeable person—he is not a hawk. [Laughter.]

He said, it seems to me, that the amendment as presently drafted would constitute an inducement to the Soviet Union not to enter into the negotiations.

So I say the name Cooper-Church is not a hawkish name, and the Senator from Kentucky, with his fine wisdom, and the Senator from Idaho, with his fine knowledge and wisdom of this matter, are shocked by the terms of this amendment; and I hope it will be overwhelmingly voted down.

PERFECTING AND SUBSTITUTE AMENDMENTS TO MANSFIELD NATO AMENDMENT

Mr. THURMOND. Mr. President, the reasons for my opposition to the Mansfield amendment were expressed on the Senate floor last Wednesday, May 12. Since that time I have heard additional arguments as to why this amendment should be defeated.

Also, following the introduction of the Mansfield amendment I have noted a flurry of substitute and perfecting amendments being offered or readied. While I agree with the intent or thrust provided by some of these amendments, it is my feeling the Senate should not pass any amendments on this subject at this time.

The President of the United States has indicated a desire to negotiate a reduction of U.S. troop strength in Europe. The Soviet Union has just recently indicated a renewed interest in such an effort.

These negotiations between the North Atlantic Treaty Organization countries and the Warsaw Pact countries should begin this year. It would be unwise and ill-timed to send our negotiators to this conference under a mandate or threat of U.S. force level cuts in Europe.

We must not forget that U.S. forces in Europe have been cut by the Nixon administration and other administrations in the past 10 years. During this time U.S. forces in Europe have fallen from 417,000 to the present 280,000.

Considering the size and strength of the Warsaw Pact forces deployed against NATO the Allied forces cannot be reduced much further without seriously weakening our position. If U.S. forces are further reduced then such a reduction must be in concert with an increased commitment from our NATO allies.

Thus, the proposed talks hold out the best hope in that they would allow for a reduction of forces by both sides—NATO and the Warsaw Pact.

The sense of the Congress is clear in that all would wish to see the U.S. troop commitment in Europe reduced to the lowest safe levels. Now that the long sought negotiations between the two sides offer some hope of reductions it would be bad timing for the Senate to send U.S. negotiators to such a conference under the threat or implied threat of congressional action should the discussions fail.

Mr. President, for these reasons I oppose the Nelson amendment and other amendments having the same effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the

Senator from Washington (Mr. JACKSON), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

On this vote, the Senator from Montana (Mr. METCALF) is paired with the Senator from Wyoming (Mr. MCGEE).

If present and voting, the Senator from Montana would vote "yea" and the Senator from Wyoming would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Dakota (Mr. MUNDT) and the Senator from Ohio (Mr. TAFT) would each vote "nay."

The result was announced—yeas 26, nays 63, as follows:

[No. 60 Leg.]

YEAS—26

Aiken	Hart	McGovern
Bayh	Hatfield	Mondale
Burdick	Hollings	Moss
Byrd, W. Va.	Hughes	Nelson
Cranston	Inouye	Proxmire
Eagleton	Long	Randolph
Fulbright	Magnuson	Symington
Gambrell	Mansfield	Williams
Gravel	McClellan	

NAYS—63

Allen	Dole	Packwood
Anderson	Dominick	Pearson
Baker	Eastland	Percy
Beall	Ellender	Prouty
Bellmon	Ervin	Ribicoff
Bennett	Fannin	Roth
Bentsen	Fong	Saxbe
Bible	Goldwater	Schweiker
Boggs	Griffin	Scott
Brock	Gurney	Smith
Brooke	Hansen	Sparkman
Buckley	Hruska	Spong
Byrd, Va.	Humphrey	Stennis
Cannon	Javits	Stevens
Case	Jordan, N.C.	Stevenson
Chiles	Kennedy	Talmadge
Church	Mathias	Thurmond
Cook	McIntyre	Tower
Cooper	Miller	Tunney
Cotton	Montoya	Weicker
Curtis	Muskie	Young

NOT VOTING—11

Allott	Jordan, Idaho	Pastore
Harris	McGee	Pell
Hartke	Metcalf	Taft
Jackson	Mundt	

So Mr. NELSON'S amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to call up my perfecting amendment. I have discussed this with the Senator from Maryland. It will not take long, but we have worked our way into position here. I think I should call it up so that I can at least get 10 minutes to talk on the Mansfield amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

Mr. GRIFFIN. Mr. President, reserving the right to object, may I understand again what the request is?

Mr. HOLLINGS. I asked unanimous consent to call up the perfecting amendment I have at the desk.

Mr. GRIFFIN. The perfecting amendment to——

Mr. HOLLINGS. The Mansfield amendment. I may be persuaded, after I debate it, to withdraw it.

Mr. STENNIS. Mr. President, reserving the right to object, so that everyone will understand what the pending order of business is, will not other perfecting amendments be offered?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. STENNIS. As I understand the situation, the Senator is proposing now another perfecting amendment to the Mansfield amendment.

Mr. HOLLINGS. That is correct.

Mr. STENNIS. I have no objection.

The PRESIDING OFFICER. Is there objection to calling up the perfecting amendment of the Senator from South Carolina before the time for the debate on the Mathias amendment has expired?

Mr. BAYH. Mr. President, reserving the right to object, is it appropriate at this time—may I ask, in the form of a parliamentary inquiry—to see whether others who have perfecting amendments will have the opportunity that the Senator from South Carolina has? I think that is the appropriate parliamentary procedure to follow, to perfect before we try to substitute. Several of us also have perfecting amendments, and I should like to know what the sense of the Senate might be.

Mr. STENNIS. Mr. President, reserving the right to object, the Senator from Mississippi is not clear as to whether or not, under the agreement, anything except the Mathias amendment is in order now, and I make that parliamentary inquiry.

The PRESIDING OFFICER. Until the debate is utilized or the time yielded back, no other amendment is in order except, of course, by unanimous consent.

Mr. STENNIS. Mr. President, reserving the right to object, we might have many other requests for perfecting amendments which the unanimous-consent agreement has already precluded until the debate is concluded, under that unanimous-consent agreement.

I have another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. At the conclusion of the debate on the Mathias amendment and before the vote, would the perfecting amendment of any Senator be in order?

The PRESIDING OFFICER. The perfecting amendment of any Senator then would be in order.

Mr. STENNIS. Mr. President, with great deference, I think we had better stick to the original agreement about the Mathias amendment being next.

The PRESIDING OFFICER. Is the Senator objecting?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. MANSFIELD. Mr. President, if I may be recognized——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana is recognized.

Mr. MANSFIELD. A Senator has a right to offer a perfecting amendment, and any amendment so offered can be called up after the debate has been disposed of, let us say, on the Mathias substitute; but then the vote on the perfecting amendment comes first. At least, that is my understanding, and that is why we worked it out differently in the beginning.

So I would hope that no Senator's right, regardless of his position, would be abridged in the consideration of an amendment he wants to offer; because, if objection is made, it appears to me that the situation would become more complicated and complex and would hinder rather than further the consideration of the pending legislation.

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

Mr. HOLLINGS. Mr. President, before we have the quorum call, may I say a word?

The PRESIDING OFFICER. Does the Senator withhold his request for a quorum?

Mr. GRIFFIN. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. The reason for the request at that particular time is—

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I will yield myself all the time the Chair will give me.

The point is that if you have a perfecting amendment to the Mansfield amendment, you cannot talk for the Mansfield amendment, because the Senator from Mississippi says, "No, I am against that." So you go to the Senator who has the perfecting amendment and he says, "Are you going to talk for me?" I say, "No, I am going to talk for the Mansfield amendment." And he says no also. So you are locked in and cannot talk for the amendment they are trying to perfect.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that no time be taken out of either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed

to proceed without any time limitation or in competition with the time limitation on the Mathias substitute.

Mr. STENNIS. Mr. President, may we have order? I was interrupted—I am sorry—I did not hear what the leader said.

Mr. MANSFIELD. I asked unanimous consent to speak without having a time limitation or being in competition with the time limitation on the Mathias substitute.

The PRESIDING OFFICER (Mr. STEVENSON). Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from South Carolina (Mr. HOLLINGS) wishes to offer a perfecting amendment; that the distinguished Senator from Indiana intends to do the same thing; that the distinguished Senator from New York likewise has one in mind; that the distinguished Senator from Illinois likewise has a perfecting amendment in mind. That is all that I know of.

Are there any other amendments which are being considered?

Mr. SYMINGTON. Mr. President——

Mr. MANSFIELD. Oh, and the Senator from Colorado (Mr. DOMINICK), too.

Mr. SCOTT. Mr. President, I suggest that if any other Senators have perfecting amendments, they speak up now, or forever hold their pieces.

Mr. SYMINGTON. Mr. President, I thought the Senate was proceeding in an orderly way—like a marriage ceremony, but it looks like we are having a divorce here. I would like to ask unanimous consent—I have a talk I should like to make for the Mansfield amendment, but it seems that under all these "highfalutin" rules, we are having trouble. I sympathize completely with the distinguished Senator from South Carolina (Mr. HOLLINGS). I would like to ask, do I have to put in a perfecting amendment in order to make a talk?

Mr. MANSFIELD. No, because we have 3 hours on the amendment.

Mr. SYMINGTON. But that might be after an amendment is agreed to. That is the point.

Mr. MANSFIELD. Mr. President, I would add the name of the Senator from Missouri (Mr. SYMINGTON) for a perfecting amendment.

Mr. FULBRIGHT. I would like to have the same consideration.

Mr. MANSFIELD. Mr. President, I give up.

Mr. BYRD of West Virginia, Mr. President——

Mr. SCOTT. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken from any time heretofore allocated.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that we have order in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for a period of 2 minutes without the time being charged against any side on any question.

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

Mr. BYRD of West Virginia. Mr. President, under the standing rules, as Senators know, the debate and the vote on a perfecting amendment precede the debate and the vote on a substitute amendment, and only by virtue of the unanimous-consent agreement in this instance does the debate on the Mathias amendment precede debate on a perfecting amendment.

Now Senators have, I think, very good justification to complain because they are locked out, if they want to express opposition to a perfecting amendment. If they are for the Mansfield amendment, they cannot get the floor to express opposition to any perfecting amendment unless they can be yielded to by a Senator in control of the time under the agreement.

Lest there be some misunderstanding regarding the agreement, all time on perfecting amendments was to have been under the control of the mover of the perfecting amendment and the majority leader or his designee. So the majority leader saw fit to designate the very distinguished Senator from Mississippi (Mr. STENNIS) as the individual to be in control of the time in opposition to a perfecting amendment.

Now Senators cannot get time when they want to express their viewpoint in opposition to a perfecting amendment and in support of the Mansfield amendment. So, the only resort a Senator has, if he wants time, and cannot get it, is to offer a perfecting amendment and then withdraw it.

I ask unanimous consent to proceed for 1 additional minute under the previous condition.

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

Mr. BYRD of West Virginia. Mr. President, so a Senator is forced to offer a perfecting amendment in order to get some time to talk and then he will withdraw the amendment. He is perfectly within his rights in doing that. If the Senator from South Carolina can do that, 99 other Senators can do it, and they will do it, if they are disposed to do so and are opposed to a perfecting amendment and if they favor the Mansfield amendment.

Therefore, the way out of this whole web of intricacy is simply, if we get an agreement at this time, to allow Senators who control the time on the basic Mansfield amendment to yield time therefrom to any Senator on any other amendment.

Now, I hope there will not be any objection to a unanimous consent a little later that Senators who have control of the time on the Mansfield amendment be allowed to yield therefrom to any Senator on any other amendment. May I say that it all comes out the same in the end, because we cannot vote on the Mansfield amendment before 5 o'clock today, anyhow; otherwise we may come to 5 o'clock and still have 3 hours to go on the Mansfield amendment.

I do not blame Senators for complaining. They should have the opportunity to offer perfecting amendments and be able to talk on them. But if we really want to get ahead with our business here, I hope we will agree to the unanimous-consent request that I am going to make; namely, that time on the Mansfield amendment may be yielded to Senators on other amendments.

Mr. STENNIS. Mr. President, reserving the right to object, it is no use going over the long period of time that we have taken trying to get down to a vote, and the many times this bill has been set aside by unanimous consent for an appropriation bill, particularly the SST, and the railroad problem, so certainly there is no disposition to wish to be arbitrary. We are up to the point here where understandings have been had——

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. I ask unanimous consent to proceed for 1 additional minute under the previous conditions.

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

Mr. STENNIS. Senators would rush back here this afternoon, some for and some against the Mathias amendment. We have had these firm agreements about these matters to move along. I have some obligation here. I feel an obligation to complete the bill and move it along in so far as we can. I propose to do that.

If I may make further inquiry on this matter, how much of the time the Senator from Montana has is he willing to yield for the purposes indicated by the Senator from West Virginia?

I am willing to yield part of it that we have on the Mansfield amendment, but by no means all of it. How much is the Senator from Montana willing to yield, or what is the maximum that he proposes to yield for the purposes indicated here of accommodating Senators?

Mr. BYRD of West Virginia. The majority leader is not here, but it seems to me it would not make any difference if he wanted to yield it all. The Senator from Mississippi could retain his hour and a half or yield as much of it as he would wish.

Those who want to speak in support of the Mansfield amendment will go to the Senator from Montana. If he wants to yield all his hour and a half, let him yield it.

Mr. STENNIS. The Senator from Montana is not in the Chamber. I am not in a position to yield all the time against it, but if he will yield 30 minutes of his time, I will yield 30 minutes of our time. That will be 1 hour for the Senators to use here and then we can see where we go from there. I would like the Senator from West Virginia to represent me in allotting that time.

Mr. BYRD of West Virginia. I thank the Senator. I hope he will not require that we nail it down to the exact number

of minutes that Senators in control of the time on the Mansfield amendment will have in which to yield. There is an hour and a half on each side. The Senator from Mississippi may not want to yield all his time, while the Senator from Montana may or may not want to yield his hour and a half to accommodate any Senator.

Mr. STENNIS. I am willing to yield 30 minutes. If the Senator from Montana should use all his time and later feel he was entitled to more, I would not be opposed. I agree to yield back 30 minutes of the time under the present situation to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may have an additional 2 minutes under the previous condition.

Mr. SYMINGTON. Mr. President, reserving the right to object, I would like to get a clarification of the matter. It appears to me that this is one of the most important matters that has come before the Senate in many years. It is not possible for Senators to be on the floor at all times.

What worries me is that inasmuch as I was back in my State on Monday and Monday evening and felt I would have time today regardless of any agreement, it seems incredible to me that the distinguished Senator from South Carolina cannot offer a perfecting amendment to an amendment regardless of any time limitation. If that is the rule of the Senate, then I think the rule should be changed, because if this is carried out, it is very clear that we are establishing a gag rule on some of us who would like an opportunity to present our position.

There have been Senators on the floor talking for hour after hour and day after day on this matter. I have not talked a total of 5 minutes.

I do not think we should pass unanimous-consent agreements until the issue is very clear and Senators who wish to speak on what is going on from the standpoint of the national interest have a right to express their own position. There is not a shadow of criticism in what I say with relation to the able majority whip. However, I believe that those of us who believe in the Mansfield amendment should be able to speak. Someone said on the floor that it was precipitate. The majority leader put into the RECORD that we had almost the same debate on August 31, 1966. I do not see anything precipitate about it. We continue to lose our position financially and in all other ways around the world. I think it should be debated at great length as long as there are Senators on the floor who are interested in the matter.

The problem that came up yesterday and today is not the problem of the majority leader. His amendment has created such interest throughout the country and in the minds of Senators on the floor that it has created a great many amendments.

As I understand the order, those expressing an opinion on the matter have to have a perfecting amendment. That in itself disturbs me.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may have an additional 2 minutes under the same condition.

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

Mr. BYRD of West Virginia. Mr. President, let me reiterate my understanding of the rules. Perfecting amendments have precedence over substitute amendments. At the time the agreement was entered into, no one understood that there were going to be perfecting amendments to the amendment offered by the Senator from Montana. We only knew of the Mathias substitute and possibly a substitute by the Senator from Colorado (Mr. DOMINICK).

Mr. President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD of West Virginia. Mr. President, the Senator from Mississippi is interested in moving this bill along. I concur with him. If we do not agree to this unanimous-consent agreement, we will not move the bill along, because we are going to have many perfecting amendments offered so that Senators will have an opportunity to speak.

The Senator from Missouri, may I say, was in error if he felt that Senators are precluded from offering perfecting amendments to the Mansfield amendment.

Mr. SYMINGTON. Mr. President, I said the only way one could talk about the amendment was to offer an amendment. Why should I offer an amendment to an amendment that I think is right?

Mr. BYRD of West Virginia. Mr. President, if we really want to move the bill along, we should agree to this unanimous-consent request. We will save time in the long run.

Mr. President, I ask unanimous consent that debate on perfecting amendments may precede debate on the Mathias amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and that portion of the unanimous-consent request is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent further that time on the Mansfield amendment may be yielded by Senators in control thereof to any Senator on any amendment, motion, or appeal with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object, what time was the Senator referring to in the last request? Was it the time allotted to the Mansfield amendment under the present agreement and also additional time that Senators might get for their perfecting amendments?

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, the time on the Mansfield amendment is limited to 3 hours. So, there is a limitation of 1½ hours on each side for yielding.

May I say further that, yes, that would be the idea, that it would supplement the hour on any perfecting amendment. But if we do not agree to this request, Senators can offer perfecting amendments, get 1 hour thereon, then withdraw the amendments, and there would still be 3 hours on the Mansfield amendment.

Mr. STENNIS. Does the Senator propose that any Senator having a perfecting amendment can get 30 minutes to his side under the agreement, and the Senator would allow him additional time out of the time allotted to the Mansfield amendment?

Mr. BYRD of West Virginia. Mr. President, if a Senator wants additional time, to be yielded from the time on the Mansfield amendment, he would have to come to the Senator from Montana or to the Senator from Mississippi, depending on which side he is supporting.

Mr. STENNIS. Mr. President, I do not see the relevancy of the request for this additional time. I was going to agree that the time on the Mansfield amendment be disposed of as he might wish, for whatever purpose he might wish, and not object.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Senate be in order? This is a very complex matter, and it needs our attention.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD of West Virginia. Mr. President, would the Senator repeat his question?

Mr. JAVITS. He means no more than 3 hours.

Mr. STENNIS. Mr. President, under the present situation, the Senator from Mississippi understands that on any perfecting amendment there is 30 minutes to each side. That is 1 hour.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. STENNIS. Mr. President, as I understand it, the Senator proposes to give anyone who needs time in addition thereto time from the Mansfield amendment, which would be an hour and a half for each side.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. STENNIS. Mr. President, of course, I could not surrender all of the time.

Mr. BYRD of West Virginia. No.

Mr. STENNIS. Why is there a request for additional time if a perfecting amendment is offered?

Mr. BYRD of West Virginia. Mr. President, because any Senator who is opposed to a perfecting amendment and is for the Mansfield amendment cannot get time yielded to himself from any Senator who has control of the time on the perfecting amendment.

Mr. GRIFFIN. Mr. President, reserving the right to object, I think the proposal of the able majority whip would make a

lot of sense if we were to enumerate the amendments and were limited to that, as we do in many requests for unanimous consent. Then the time on the Mansfield amendment would give flexibility for more debate on some of the other amendments.

We do not know how many amendments will be offered because, as the majority whip pointed out, we could have any number of amendments and we would still be in the same position unless we have an agreement on those amendments that are perfecting amendments.

Mr. STENNIS. That is my objection to the unlimited number of perfecting amendments we might bring on and the time to be taken.

Mr. BYRD of West Virginia. May I respond to the distinguished Senator by saying that if we do not agree to this unanimous-consent request we could get 100 perfecting amendments, with 1 hour on each.

Mr. GRIFFIN. With all due respect, we could have that situation anyway.

Mr. BYRD of West Virginia. Yes; but I say to the distinguished assistant Republican leader that I am hesitant to shut off any Senator who may not now be here. I do not think there will be that many perfecting amendments to create a problem.

Mr. JAVITS. Mr. President, I would like to express my agreement with the Senator. It was said I was offering a perfecting amendment. I am not. The majority leader has just gotten consent to write a few words in the Mathias measure. When I obtain the floor I will speak with reference to those words. But I have no perfecting amendment. I think what the Senator from Michigan said is correct.

Mr. STENNIS. Mr. President, I will agree that anyone who has a perfecting amendment he wants to offer should be able to offer it. I will agree that he can come in and offer the perfecting amendment under the rules, 30 minutes to a side. If someone wants some time to speak on the matter I will offer some time. I will agree in advance on some of the time allotted to the committee, but only about one-third of it.

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

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. I think one-half of that time would be under my control.

Mr. BYRD of West Virginia. Yes.

Mr. MANSFIELD. I would be prepared to yield any of my time to a Senator to make his views known, for or against.

Mr. STENNIS. Both of us agree.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I have a perfecting amendment I wish to offer to the Mansfield amendment, which I have discussed with him. Will that be in order?

The PRESIDING OFFICER. It will be.

Mr. FULBRIGHT. At what time?

The PRESIDING OFFICER. It is in order at any time the Senator is recognized to call up his amendment and no perfecting amendment is pending.

Mr. FULBRIGHT. An amendment to the Mansfield amendment?

The PRESIDING OFFICER. Yes.

Mr. FULBRIGHT. I thank the Chair.

The PRESIDING OFFICER. Will the Senator clarify his unanimous-consent request?

Mr. BYRD of West Virginia. Mr. President, the first request has been agreed to; has it not?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the amendment offered by the distinguished majority leader may be yielded by Senators in control of that time to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the unanimous-consent agreement is agreed to.

Mr. HOLLINGS. Mr. President, I call up my perfecting amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 2, line 8, after the word "personnel" insert the words "or dependents".

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HOLLINGS. Mr. President, I yield myself 15 minutes but I will probably take only 10 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BYRD of West Virginia. Mr. President, may we have the attention of the distinguished Republican whip?

I have been authorized by the distinguished majority leader to suggest at this point that we might enter into an agreement, if the parties are willing, to limit time on all perfecting amendments to 30 minutes, to be equally divided, with the exception of the Mathias substitute, which is already locked into the agreement.

Mr. FULBRIGHT. What was the request?

Mr. GRIFFIN. I would be very much in favor but I do not know, without checking with the Senator from Illinois (Mr. PERCY), and perhaps one or two others. I think we can respond.

Mr. BYRD of West Virginia. Mr. President, I withhold my request.

Mr. HOLLINGS. Mr. President, I will not yield further. We have already spent 1 hour debating whether my 10-minute remarks may be heard.

The question is not a matter of time, but of the fairness and fullness of the debate. Yesterday, wanting to speak for the Mansfield amendment and against all perfecting amendments, I called and was told that I could speak today around 11:15 a.m. or 11:30 a.m. And so, today I came to the Chamber and found what a distinguished Vice President once characterized as a "fox in the chicken coop." I wanted to be heard on the Mansfield amendment, but the distinguished gentleman from Mississippi said, "Oh, no; I am against the Mansfield amendment so I cannot yield you time. You go to the fellow who has the amendment up." I went to the distinguished Senator from Wisconsin and he said, "Oh, no, you are not for my amendment, you are for the Mansfield amendment." As I said, this is not a matter of time, but of the freeness and fullness of debate on the amendment.

Now, as to the Mansfield amendment, I have the greatest admiration for the Senator from Montana, the Senator from Georgia, and others whom I believe are amenable to objective thought in this body.

I know that with the widespread misunderstandings and lack of information, the Mansfield amendment could be looked upon as a move to weaken the defense and the national security. Nothing could be further from the truth.

I believe we have learned at least one lesson in Vietnam—a democracy will not support a war of attrition. We may not have fought the war to end all wars but we certainly have fought the war to end all "operations meatgrinder," such as we have in Indochina. The people will not tolerate more wars of attrition. Mr. President, after a point the number of troops in a battle no longer controls. And in certain places on this globe the number of troops loses significance in the ordinary military sense. Russia could overrun Berlin while we are debating this measure. The number of troops in Berlin is not the key. The key is the commitment of the United States. Russia knows of our commitment, the world knows, and everyone understands—we will go nuclear if the Soviets overrun Berlin. The number of U.S. troops in Europe itself no longer controls so long as our NATO commitment is clear. And it is clear. As for their own forces, European members of NATO, exclusive of the United States, have a combined armed force in excess of 3,795,000 men. Warsaw Pact countries, including the entire Russian force, have a total armed force of 4,275,000. The conventional forces of our Western European allies—still excluding all American forces—and of the Warsaw Pact are not very different. Certain it is that with the conventional forces so distributed, conventional warfare, a war of attrition, is out of the question. The resort would quickly be to nuclear arms. America would be in that war, no matter if we have 100,000 troops in Europe at that time, or many hundreds of thousands. Everyone knows that.

The U.S. troop contingent in NATO, therefore, does not constitute a force for extended combat. Rather it amounts to a contingent of hostages. Russia knows, and our NATO allies know, that so long as there is a token amount of American troops guaranteeing U.S. involvement in any assault, then the nuclear formula takes force. Not troops to defend but hostages to guarantee. I ask you, what can 535,000 hostages guarantee that 100,000 hostages cannot guarantee? General Eisenhower knew what we are talking about today when he lamented the fact that we had not withdrawn our troops. General Eisenhower said, and I quote:

One American division in Europe can "show the flag" as definitely as can several.

Who would call President Eisenhower "asinine"? Who would charge him with "bugging out" and "lacking faith" and "precipitous conduct"? Yet these adjec-

tives have all been hurled at those who support the Mansfield amendment. But here we have General Eisenhower, one of the greatest war leaders in the history of this land. It has been 8 long years since General Eisenhower pleaded for a reduction of American troops in Europe.

The fightingest country in the world, Israel, with 2½ million people, is surrounded by 14 countries of 100 million Arabs. The front line is the Suez Canal. Do you know how many troops are in that front line, the Bar Lev line, at the Suez Canal? Nine hundred sixty two troops. Nine hundred sixty-two at the Suez Canal. I was there 2 weeks with them. The Egyptians could overrun them at any time. In fact, the Israelis say the attack could come from the rear. They know it could come. They know that the Egyptian Army could overrun them, but they know also what everyone else knows—that if Arab forces overran these 962 troops, the Israelis would strike back with a severe retaliation. The Arab forces know this, so no attack is made. It is not in the number of troops at the front line that the national security of a nation is measured. Its national security is measured in the resolve of its people. Israel is resolved. It demonstrates that resolve in the universal draft—everyone is committed, even young girls of 18. If America wants to demonstrate its resolve, I would suggest the continuation of the draft and not this professional or mercenary army that is being recommended. What does the President do?

He takes the most expensive route, and the routes of least wisdom.

He asks for a professional army which would cost $8 billion and at the same time asks that we keep all the troops and their families eating and sleeping in Europe, costing more billions of dollars. Then while the Europeans devalue those dollars while we are trying to defend them, the President eliminates Appalachia, Headstart, VISTA, comprehensive health centers, hospital construction, prescription feeding for the hungry, food stamps, lunchrooms, schools, housing, and jobs for Americans.

Three hundred thousand GI veterans who fought to save the land of the free and the home of the brave come back only to find they cannot get jobs. They find that the land is still free, but there is no home for the brave—because we are 26 million housing units behind. And they call Senator MANSFIELD asinine when the majority leader proposes to remedy this situation. They call him precipitous. They shout, "Meat cleaver" and hurl epithet after epithet at his commonplace proposal.

Ten years ago the gentleman from Montana warned of the folly of our policy. He was admonished that we should talk about it, that we should study it, that we would see what could be done.

One little aside which I think may be significant. I think the country sometimes tires, the way we sometimes tire here, of Senators lecturing one another. When the professor from Minnesota tells the professor from Wisconsin what he thinks, and the professor from South Dakota tells the professor from Wisconsin what he thinks, and the professor from Iowa on the other side of the aisle lectures another professor on this side of the aisle, people's patience wears thin. We have at least one colleague, once a real professor himself, who is tired of lecturing and wants to have action. And I am going to back the Senator from Montana in his commitment to action. That is what we need in this body.

President Eisenhower after he left the White House expressed his regret over the folly of delaying the reduction of our troops in Europe. I quote President Eisenhower:

> 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 these troops.

When was this? Back in October 1963, 8 years ago. Eisenhower realized the time was late then. I can imagine what he would think now. I know he would not be calling our able majority leader precipitous.

I have only been in the Senate 5 years, but I have heard Senator MANSFIELD debate this whole matter twice. The distinguished leader from Montana's personal consideration for all of his colleagues in the Senate is only exceeded by his loyalty to this land and the deliberateness with which he approaches his duty. It should be noted that he has not pressured, he has not even asked anyone to vote for this amendment. He has thought it out. He acts for the best interests of his country. He realizes what John F. Kennedy realized when he said there is not an American solution for every problem the world faces—that the United States is neither omiscient nor omnipotent. Put in context of this discussion, the power of the United States does not lie in the number of troops. The defense and the security of our Nation and of NATO do not lie in the number of troops. On the contrary, we should show wherever possible that the power of America lies in the American creed that all power derives from the just consent of the governed, not from the barrel of a gun. Too long have we helped prove the charge of "imperialist" with the display of military might. Today the very people whom we defend in European are embarrassed by the display. Twenty-six years after World War II, no one likes to see foreign soldiers in uniform all over the streets of his or her land. So keen is this resentment that our so-called troops travel more in civilian garb than in the uniform of their country. It would be a tragic mistake for this to persist. It weakens our economy, it weakens our dollar, it weakens our national defense, it weakens faith in America.

Mr. President, I wish we could pressure Russia with the number of our troops in Europe. At this point, the large number is not important. The remaining substantial number makes our commitment clear and at this point negotiation with the Soviet is not the priority of the moment. Negotiation with ourselves is the priority. Can we reinvigorate our economy and reestablish ourselves domestically? This is the priority. The domestic front has sacrificed and sacrificed to the point of despair and distrust. Twenty-six years after World War II, we cannot continue to play the big cheese in Europe. This is not a matter of negotiation. That is why I oppose all the perfecting amendments. The charade must stop and we must go to work here at home.

Mr. President, I support the Mansfield amendment.

And I would add that I am not a bit surprised that Brezhnev has come out for the first time and said he is willing to negotiate. If I was running the Kremlin in Moscow, that is exactly what I would do—keep us talking and keep American troops in Europe. Keep our troops there to prove the Communist charge that we are "imperialists." Keep the American troops there and bleed the economy of the United States white. A bankrupt country will not be providing a credible defense very long. The Russians know that. If it looks like we are about to come to our senses and reduce our number of troops, Brezhnev suggests that we talk. For him, negotiating means delaying. And delaying means sapping the strength of America. They know they can defeat us from within more than from without. We cannot support the military unless we first build economic viability. Eternal vigilance means the long haul—not throwing everything into a few years' defense and then finding that we are left without the means of providing defense over the long road ahead.

Mr. President, do I have more time?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. HOLLINGS. We have much disillusionment over the war in Vietnam. Now is the time to pull in the horns and steady the boat. This is not isolationism. It is good common sense.

It was good patriotism 8 years ago, under our most patriotic President—Mr. Eisenhower; and it is good commonsense under the Senator from Montana today. I support his amendment.

Mr. President, having talked against these perfecting amendments, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina is withdrawn. What is the will of the Senate?

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

MESSAGES FROM THE PRESIDENT

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

REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602), I am herewith submitting to you the 1970 Annual Report on the administration of this Act transmitted to me by the Secretary of Health, Education, and Welfare.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1971.*

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, announced that on May 18, 1971, the President had approved and signed the following act and joint resolution:

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

S.J. Res. 100. A joint resolution to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States, submitting sundry nominations which were referred to the appropriate committees.

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

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.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Not to be counted against the time on either side.

I withdraw the request again.

AMENDMENT NO. 100

Mr. BAYH. Mr. President, I call up my amendment No. 100.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and the amendment be considered as read.

The PRESIDING OFFICER. Without objection, the amendment will be considered as having been read, and will be printed in the RECORD.

Mr. BAYH's amendment (No. 100) is as follows:

AMENDMENT No. 100

Beginning on page 1, line 6, strike out everything after the words "Western Europe" and insert in lieu thereof the following: "or lessening the prospects for improved East-West relations in Europe, and 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 North Atlantic Treaty Organization alliance, and if such burden sharing cannot be accomplished, to provide for a significant phased reduction of United States 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 North Atlantic Treaty Organization 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, to 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 two hundred and twenty-five thousand, 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 one hundred and fifty thousand."

The PRESIDING OFFICER. The Senator from Indiana is recognized. How much time does the Senator yield himself?

Mr. BAYH. Mr. President, I yield myself 5 minutes, and suggest the absence of a quorum, the quorum call to be taken out of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. How much time does the Senator from Indiana yield himself?

Mr. BAYH. I yield myself 10 minutes.

Mr. President, I had previously discussed at some length the philosophy behind this perfecting amendment to the Mansfield amendment. I shall now try to summarize what I feel are the important aspects of the proposal which is now before the Senate.

Having looked at the way the Senate dealt with the Nelson amendment on the last vote, and the disposition of the amendments of other Members of the Senate, I am not laboring under any false illusions as to the strength for this amendment which may or may not exist in this body. However, I think it is important for us at least to make some progress on the issues of our troop level in Europe, and the support of those troops.

It seems now, if the vote on the Nelson amendment is to be used as a benchmark, there will not be enough votes to adopt the Mansfield amendment. This is an amendment, the substance of which I have supported for the last 6 years. I share the thoughts many Senators have expressed here—the distinguished Senator from Idaho among them—that we do not need 300,000 American GI's stationed in Western Europe to have a credible deterrent. Thus, it seems feasible to me that we are able to withdraw the 150,000 troops mentioned in the Mansfield amendment.

Also, as I have said earlier, I am concerned about mutual withdrawal forces. I favor anything that can deescalate the arms race, whether it is an agreement on ABM, strategic weapons, conventional armaments, or troops stationed on both sides of the Iron Curtain. But I think some Senators are laboring under a false premise. They are equating the Russians' willingness to withdraw troops with our willingness to withdraw troops. I suggest to my colleagues that if we had 1½ million troops in Western Europe, that might be the matter of overriding concern to the Russians. But we do not. We have some 300,000 troops there.

The one matter that is most important to the Russians, the one political consideration the Russians must concentrate on deeply before they withdraw troops from Warsaw Pact nations, is what impact this is going to have on the political structure of the Warsaw Pact nations. I wish this were not the case. But I think of Czechoslovakia and Hungary and Berlin and Poland. Those are names that give sad testimony to what has happened in the past. They have a bearing on what the Russians might do in the future so far as their troop deployments and troop levels in Europe are concerned.

The thrust of the Senator from Indiana is to try to salvage something out of this debate. For 6 years, I have supported the Mansfield resolution, and I have heard enough discussion about sharing the burden and creating additional incentive to negotiate mutual withdrawal almost to fill this Chamber.

There are those who are supporting very well-intentioned amendments proposed by the distinguished Senator from Maryland and by others that talk in rather nebulous terms about what we want to do but do not have any teeth in them.

What I suggest in amendment No. 100, which is cosponsored by the distinguished Senator from Ohio (Mr. SAXBE) and the distinguished Senator from Connecticut (Mr. RIBICOFF), is that we leave the determination as to how much U.S. presence is necessary to be a credible deterrent—whether these 150,000 troops are necessary—for the time being, to the Europeans. It seems to me that the minimal result of this debate should be a provision that they assume an additional increment of the burdens that are directly related to the maintenance of these troops in Western Europe.

Very simply put, amendment No. 100 would say, one, that negotiations should take place during this year to try to get the NATO allies to assume 50 percent of the remaining balance-of-payments deficit attributable to the presence of our troops in Europe.

Frankly, the Senator from Indiana would really hope they could assume 100 percent of this balance-of-payments deficit, because we are really talking about only $650 million that is not already offset. Wanting in no way to appear

to threaten or act peremptorily toward our European allies, I have suggested not that they cover all of the balance-of-payments deficit but that they cover half and we cover half of the remainder. If they feel that it is not sufficiently in their interests to cover that amount—only $325 million a year—then, in increments of 75,000, on June 30 of next year and December 31 of next year, we would withdraw the 150,000 troops.

Very simply put, it seems to me that this would put the burden in fairer proportion than is now the case. Of course, the Senator from Indiana would be perfectly happy if they determined that it was not in our mutual interest, and thus we could withdraw the 150,000 troops. That is why I have supported and do support and will support the Mansfield amendment. But it seems to me that the very least the outcome of this debate should be legislation broadening the base of financial support to cover one-half of our deficit which is not presently covered by various other offsets.

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

Mr. BAYH. I yield.

Mr. CHURCH. Mr. President, I have listened with much interest to the argument made by the distinguished Senator from Indiana. I want to say to him that it has always puzzled me when I hear it said that our NATO allies—Germany, Belgium, the United Kingdom, France, and others—all of which are well able to pay the whole of the balance-of-payments deficit incurred by the United States in maintaining this large force in Europe, insist that so large a force is vital to their security interests, and that any diminution would place their security in dire jeopardy.

If that is really so, would not the Senator from Indiana believe that such rich countries as those I have named would find it relatively easy to put up the additional money required to help us manage our balance-of-payments problem?

Mr. BAYH. I certainly do. That is why the Senator from Indiana, the Senator from Ohio, and the Senator from Connecticut have proceeded along this particular pathway.

What we are talking about, as the Senator from Idaho well knows, is present expenditures of $14 billion in the budget. What the Senator from Indiana is dealing with is the immediate problem of the balance of payments, and I concur with the judgment of the Senator from Idaho.

Mr. CHURCH. The Secretary of State, in testifying before the Committee on Foreign Relations on Friday, said that the balance-of-payments deficit we were incurring in Europe was approximately $800 million. So the effect of the Senator's amendment would be to ask our rich NATO allies to assume half of that amount, or $400 million, if they want us to continue to maintain so large an army in Europe. Is that correct?

Mr. BAYH. That is accurate.

Mr. CHURCH. I must say that there is considerable force in the Senator's argument. When, in the past, we have left it up to the Executive to negotiate a solution to the balance-of-payments problem, we have fallen far short of our goal. The best we have done is to induce West Germany to buy American bonds, which, of course, we must then repay at interest. Our Presidents have apparently regarded such arrangements as adequate.

Obviously, the Senator would go much further. He would write into the law the proposition that if our allies are not willing at least to pay half of our balance-of-payments deficit incurred in maintaining this large force, we would then put them on notice that incremental reductions will be made in that force in the future.

Mr. BAYH. That is accurate.

I must say that I realize the severity of this step. It is right in the law and is a specific requirement. It is because of the severity of this step that I have suggested only 50 percent offset of the currently uncovered payments deficit. I have read the other well-intentioned resolutions, one of the Senator from Maryland (Mr. MATHIAS), and another from the Senator from Illinois (Mr. PERCY). I have sat in on NATO parliamentary conferences with him and heard him argue effectively that we do something about the balance of payments. But unless we write into the law specific legislation strengthening the President's hand it will have no force and effect at all. That is because each President has been trying to do something about burden-sharing whether it was President Nixon, Lyndon Johnson, or John F. Kennedy. They all have wanted to do something about it. For us to pass this particular resolution strengthens our hand and gives them a much stronger negotiating position to deal from. It would be an improvement on the well intentioned yet rather meaningless verbiage we consider here year after year and then go home and tell our constituents that we have been indignant about our balance of payments and the cost of our troops.

Let us do something about it. I think this is a moderate approach. It makes a great deal of sense to me.

I appreciate the colloquy and the thoughts of the Senator from Idaho who has been leading the charge to try to do something about our force level in Europe long before the Senator from Indiana.

I yield 8 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Chair advises the Senator from Indiana that he has only 8 minutes remaining.

Mr. BAYH. I am more than happy to yield those 8 minutes to my distinguished colleague and cosponsor of the resolution.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, as a cosponsor of this amendment, I think we should not try to fool anybody that we think this is going to be the law of the land. However, I do feel that our purpose should be apparent to those who say that the Mansfield amendment is too precipitate, in other words, that they have no alternative.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SAXBE. I point out that the purpose of this amendment is to call to the attention of those Senators who say that the Mansfield amendment is too precipitate, in other words, that it gives no opportunity for those other members of NATO to respond by picking up the deficit, that in this amendment we do permit a time period, so that if those nations of NATO wish to respond and save us harmless for at least 50 percent of the remaining deficit after their contribution, which we are not overlooking, then the withdrawal will be delayed.

However, I point out also that should the Bayh amendment fail, it is my intention to vote for the Mansfield amendment, and I have followed very carefully the arguments of the Senator from Missouri and the statements of my cosponsor with Senator BAYH, the Senator from Connecticut (Mr. RIBICOFF) in regard to the situation in which we find ourselves.

I agree in most respects, but I should point out that when we went into this NATO agreement after 1945 and during the arrangements up to 1950, we said, "Never again is America going to be caught short; never again are we going to be in such a position that we cannot defend ourselves or our allies. Never again are we going to permit Japan and Germany to rearm themselves and to be in such a position."

Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. "Or ever permit them to become again the militaristic nations that they had been."

So NATO was formed, not just for the purpose of protecting Europe, but also as our first line of defense. I think we overlook this fact sometimes when we do not recognize that it is ourselves we are defending just as much as those nations.

But I remind Senators, too, that we were the big spenders of the day. We were the No. 1 country to emerge from World War II. We had money sticking out of all our pockets. Japan and Germany were completely financially broken. We had ideas that we could afford to do all these things, anywhere in the world. So we were the big spender that picked up the check every time it came around.

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

Mr. SAXBE. I yield.

Mr. RIBICOFF. In other words, the objective of the amendment for which the distinguished Senator from Ohio is now speaking is to say in effect to the European countries, "Times have changed; you are now rich countries; you are dollar rich as well. If you want American troops to remain for your defense, you have an obligation to pay a higher share of the American balance-of-payments deficit in dollars.

Is that not correct?

Mr. SAXBE. That is correct; and also, I might point out that we say, "If you cannot do this, we will be forced to withdraw these troops on a schedule."

But I might say I followed what was said by the Senator from Connecticut and the Senator from Missouri about our being capable of doing this. I have been in both Germany and Japan within the last 30 days. In Germany, employment

is so high that they are importing 3 million workers, from countries to their south, generally. In Japan, there are seven jobs for every high school graduate. They have tremendous developments in heavy industry. There is no poverty. There are no slums. The shops are full of merchandise and full of customers with money.

When we come home, we find unemployment, we find distress in many areas, we find poverty, and we find that we can no longer be the big spender we once were.

What we are still doing, though, is walking around Europe, with the "big spender" sign in front and "kick me" sign on the back.

Mr. RIBICOFF. If the Senator will yield further, this morning, before the Subcommittee on International Trade, George Ball, the former Under Secretary of State, was a witness.

Only this morning, in the Washington Post, the former Under Secretary made a strong argument against the Mansfield amendment. He is convinced that we must keep 300,000 men in Europe.

He was questioned closely by my colleague the distinguished Senator from Arkansas (Mr. FULBRIGHT), and they engaged in a very spirited colloquy. I then asked Mr. Ball whether there was any justification, with the financial situation as it is in the NATO countries and the United States, for the NATO countries to refuse to contribute more for keeping our troops in Europe.

He said, "Absolutely not."

Mr. SAXBE. On that point, I think it is apparent to most of our people who observe this—certainly it is back in Ohio—that these are "Uncle Sucker" tactics we have been engaging in.

One of the Members of this body yesterday said that we are most anxious to be No. 1 in defense, and we are most anxious to be No. 1 in every way except when it comes to protecting our people—and I am talking now about economic protection, not military. We want to be No. 1 militarily, but when it comes to protecting ourselves on shoes, on soybeans, on machine tools, or on automobiles, we are quite willing to relegate ourselves to a second, third, or fourth rate position in the world.

If we are going to be No. 1, it seems to me we have to be No. 1 for some purpose—in other words, to help economically our country. Germany and Japan certainly do not hesitate at all times to advance the economic welfare, the employment, and the business development of their countries. We, on the other hand, pick up the check every place, and when one of our manufacturers comes around, a soybean grower or a shoe manufacturer, we say, "Well, now, this is not part of our international situation."

As the Senator from Florida (Mr. CHILES) said when I talked to him yesterday:

> The American people want a dog that can fight, and they want him to fight for our position in this world.

We pay for this right by providing defense all over, and we get to be known as "Uncle Sucker" by scrapping to pick up the check. But when it comes to one of the other areas of world influence, affecting our employment and affecting our taxes, we say, "We do not want to push ourselves, we will just coast."

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. SAXBE. I might point out that the Senator from Montana still has 30 minutes reserved with respect to this amendment. If the Senator would yield time, I am sure we could proceed.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am opposed to the amendment. I yield time in opposition to it.

I yield 5 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I thank the distinguished Senator from Mississippi for graciously yielding me time.

Mr. STENNIS. Mr. President, may we have order, so that the distinguished Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Tennessee may proceed.

Mr. BROCK. Mr. President, I have great regard for the Senator from Ohio, and I have great respect for his arguments, particularly his absolutely correct statement that our troops in Europe are there not for the defense of Europe, but for the defense of this Nation. However, his amendment does violence to his own arguments.

I criticized the benign neglect of our balance-of-payments problems for the past 8 years in the other body. Are troops the reason we have an adverse balance of payments? I think the answer has to be "No." I do not think any responsible economist in this country would blame our deficits upon our troop posture in Europe or anywhere else. To the contrary, the reason we have a balance-of-payments problem is that this Nation has refused to put its fiscal house in order, has acted totally irresponsibly at the Federal level, has created inflation, has reduced the competitive productivity of American workers, and has tied the hands of American business with regulation, with restriction, and with tax policy that is designed to limit its competitive ability in overseas markets.

It just is not a viable argument to talk about troops being the prime cause, or even a major factor, in our adverse balance-of-payments situation. I think it is time to set aside the balance-of-payments argument as a factor in this debate. We are not talking about a balance of payments.

We are talking about the existence of a balance of terror that is created by the confrontation of two cultures poised at each other's throat with nuclear weapons.

For the life of me, I cannot understand the argument of those who say that we can pull 150,000 troops home because we have 7,000 nuclear weapons. That is the reason why we cannot. What Senator would be willing to push the first button on the first nuclear weapon? The reason why we have those troops in Europe is to avoid the use of nuclear weapons, not to use them. It is to avoid the holocaust that man cannot survive.

I cannot understand the logic of those who say that we must withdraw 150,000 troops for balance-of-payments reasons or because we have 7,000 nuclear weapons.

I cannot understand those who say we are in a different era. I know that we are in a different age from the days of Roosevelt, Eisenhower, and Truman. But I would suggest that we might have a difficult time in convincing the Hungarians or the Czechoslovakians that no military presence is there to threaten their lives or their freedom.

I question whether the people of Israel could be sold that fact, when they know that they have a very tenuous cease-fire in existence today because this Nation has the 6th Fleet in the Mediterranean.

It is imperative that we have a deescalation of dependence upon nuclear weapons. We can reduce our force levels in Europe, but we can do it only by negotiation, and in equal amounts on each side. We can do it only when we do it in conjunction with a reduction on the other side, so that we do not escalate our dependence on nuclear weapons. That dependence would occur if this amendment passes. It must not.

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

Mr. BROCK. I yield.

Mr. BAYH. I must say, as the author of this amendment, that I philosophically agree with the last statement made by the Senator from Tennessee—we should do it by negotiation. But is he aware that any President, whether it were Nixon or Johnson or Kennedy, could have been strengthened in negotiating with our allies if the Congress had passed such an amendment?

The PRESIDING OFFICER. The 5 minutes of the Senator from Tennessee have expired.

Mr. STENNIS. Mr. President, if the Senator from Tennessee desires 2 minutes to finish his remarks, I will be glad to yield.

Mr. BROCK. I ask for 2 additional minutes.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Tennessee.

Mr. BAYH. The question is, Do we in this body have a responsibility to strengthen the hand of the President, whoever he is, to do the type of negotiating the Senator from Tennessee is talking about? The last time negotiations took place, we went over there asking for a billion dollars a year, and we got a billion dollars spread over 5 years.

I think the pending amendment significantly strengthens the President's hand to get the type of results the Senator from Tennessee wants.

Mr. BROCK. I fully agree that we need to strengthen the effectiveness of the State Department. I have no predilection to defend its past failings, particularly in this area.

But to engage in a unilateral process is not a process of negotiation. It is a process by which we eliminate the prospect of successful negotiation. That is why I am opposed to these amendments.

Mr. STENNIS. Mr. President, I commend the Senator from Tennessee for the vital points he has made with reference to the money matter, and I thank him for his fine remarks.

I yield 8 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I should like to reiterate my position with respect to the amendment of the Senator from Montana and to say a word or two about the amendment offered by the Senator from Indiana, because the argument is related.

I am firmly opposed to both amendments. I have studied the European defense question for some years as a member of the Armed Services Committee and in connection with a number of visits I have made to our NATO allies and military commanders in Europe.

The criticism has been raised that the same old arguments are being used. That our "elder statesmen" need to change their ideas to fit "reality". Indeed, the same old arguments are being used—because they are still valid and because they are based upon a reasoned analysis of international politics.

The Soviet/Warsaw Pact threat has not decreased. NATO forces still face a potential enemy with more manpower, many more armored vehicles, and as many tactical aircraft and theater nuclear weapons. While the United States has allowed its inventory of conventional Warfare weapons to age, the Soviets have modernized theirs. The Mediterranean is no longer a NATO lake; the Soviet Navy threatens to turn the southern flank of the alliance. In fact, the increase in Soviet naval activity lays bare to suspicion our capability to reinforce Europe by sealift, a concept proposed by some proponents of NATO force reductions. On all counts—naval, air, and ground—the Soviet/Warsaw Pact threat has not declined.

If the threat has not decreased, can we afford to cut our forces? I think not. There is no doubt that our European allies now have a greater capability to bear their share of the defense of Europe. They are doing so—with a billion dollar outlay for the European defense improvement program. The program is specifically aimed at improvements in communications, aircraft survival, and additions and improvements in our allies' forces. This unprecedented effort by our NATO friends represents not only a needed step in the qualitative improvement of NATO, but an excellent beginning of burden sharing. Our allies are increasing their share of the defense of Europe. But that job is not simply a European concern. The vital interests of the United States are at stake in Europe. As the President has stated:

> We regard the peace of Europe as crucial to the peace of the world. This truth, a lesson learned at a terrible cost twice in the Twentieth Century, is a central principle of United States foreign policy. We know that should the enormous resources of democratic Europe fall into hostile hands, or even under the domination of a hostile power, we in the United States might in time face the problem of survival against very great odds.

It is not out of pure altruism that we stand ready to help defend Europe.

Mr. President, in late February of this year, I had the privilege of attending the annual Wehrkunde Conference on NATO in Munich. At this conference, leaders from all Western European countries met to discuss and debate, with the complete frankness provided by the unofficial nature of the gathering, the values and problems of the NATO alliance.

One of the American participants, Mr. John Morse, summed up our position in regard to negotiation versus confrontation rather well. He said:

> In an era of negotiation rather than confrontation which President Nixon seeks, we must ensure adequate defense while seeking and exploring détente. Defense and détente are the keystones of Alliance policy. The U.S. decision, in concert with our allies, to maintain and improve its forces in Europe unless agreement is reached for mutual and balanced reductions by the Warsaw Pact and NATO countries, underscores this determination to maintain alliance strength while exploring ways to translate the promise of détente into the reality of a just and lasting peace.

Morse further points out the need to maintain conventional forces and a flexible response rather than to simply rely upon nuclear deterrence. He stated:

> In making his decision concerning U.S. forces in Europe, the President also reaffirmed our support for "flexible response" as the proper strategy for a defensive Alliance confronted, as it is, by a formidable mix of potentially hostile forces. This flexible strategy permits us to meet a hostile challenge with appropriate levels of response that run the gamut from simple warning and sanctions through conventional, tactical nuclear, and total nuclear capabilities. We of course share NATO's recent conclusions that Alliance conventional forces must not only be maintained, but, in certain key areas, improved.

This concern about the Soviet threat, about the dangers of unilateral reductions in forces by NATO is not simply an American one. One of the British participants at the Wehrkunde Conference, Lord Robin Balniel, shares my apprehension. He wrote:

> It is fatal to confuse ends with means. It would be an act of folly to attempt to prove our desire for peace by reducing unilaterally our capacity for self-defense. We are dealing with adversaries who see no inconsistency between amiable words and hostile actions. Our power talks on Berlin are conducted to the accompaniment of harassment on the Autobahn. It is platitudinous (another way of saying that it is incontestably true) to say that we cannot expect to negotiate successfully with the Russians if we first weaken ourselves. It is equally true that negotiations without point, purpose, or prospect of success will achieve nothing.
>
> Even now Europe has reached the lowest point of conventional capability which still furnishes a minimum of justification for our conception of "flexible response". Therefore, a further thinning-out of our troops cannot be tolerated if we are to preserve at least a semblance of credibility for the strategy of deterrence.

Mr. President, our solution lies not in unilateral force reductions as urged by the Senator from Montana. Our Allies recognize the need for allocating a larger share of the burden of the defense of Europe to Europeans and they are accepting that reallocation. But to withdraw at a critical diplomatic moment, at a time when mutual balanced force reductions seem to be taking shape, would be extremely unfortunate. To indicate now to the Soviets that reductions in NATO will come without commensurate reductions in Warsaw Pact forces would be most unwise—indeed, might be very tragic.

Now, Mr. President, addressing myself specifically to the financial argument raised here, may I commend the distinguished Senator from Tennessee for his illuminating remarks.

The fact of the matter is, there has been a continuing balance-of-payments deficit that, coupled with the recent flow of dollars from the United States to Europe, has resulted in the recent monetary disturbances that we have experienced in Europe.

The fact of the matter is, just about the time things were relaxing in the United States, attempts were being made in Europe to tighten up and, therefore, as interest rates were going down in the United States, they went up in Europe. That precipitated the hot money flurry in Europe. This has very little to do with what we are talking about today because this business of maintaining the dollar in Europe has been a continuing factor for some time. It will be necessary to ameliorate that factor.

But now, in the amendment proposed by the Senator from Indiana, he proposes, in effect, to reduce the amount of participation by $325 million.

Mr. President, that is a drop in the bucket. The fact of the matter is, one of the major reasons for our continuing deficit in the balance of payments is the fact that we now suffer a trade deficit of over $3 billion with Japan and Canada. Cutting the expenditures in Western Europe by $325 million is certainly not going to help us very much.

Let me make another point. Should we achieve an immediate and drastic reduction, as proposed by the Senator from Montana, whatever immediate benefit we might realize would ultimately, I think, be wiped out by what might follow in the way of a blacklash, by way of trade restrictions against the United States, by way of perhaps convincing the Western Europeans that they should make their accommodation with the Soviet Union which could, in the long run, be costly to us.

What the Senator from Indiana proposes to do here is simply blackmailing the NATO countries into negotiating with us. Perhaps by the end of this year they would do that, but perhaps they could not and then the built-in reduction would be automatic. It would be what the distinguished former Vice President of the United States (Mr. HUMPHREY) called on the floor earlier today simply "the Mansfield amendment on the installment plan."

I submit, Mr. President, that that is unacceptable. It is in opposition to the national interests of the United States of America to act favorably on the amendments of the Senator from Indiana and the Senator from Montana.

Mr. STENNIS. Mr. President, may I inquire of the Chair, how much time do I have remaining, please?

The PRESIDING OFFICER (Mr. WEICKER). Thirteen minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 8 minutes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

Will the Chair require staff personnel to take their seats while they are in the Chamber, except when they are discussing business with their Senators?

The PRESIDING OFFICER. The Chair concurs with the comments of the Senator from West Virginia. The Senate will be in order both in the Chamber and in the galleries.

Mr. STENNIS. Mr. President, we know that the authors of the amendments are very capable men and have worked on a serious problem. It is a problem as presented here. We have had time to consider the amendment only briefly because the issue was not raised until a few days ago and then it was presented here today in a most admirable way.

But I am very much impressed with the remarks made by the Senator from Tennessee. The balance-of-payments question is something that plagues us. It has plagued the major committees in Congress, and Presidents of the United States, both present and past, for years.

We have talked about the debate here in 1966 and now we are in the same situation.

Mr. President, it is strikingly strange to me that the complex questions of balance of payments, economic aid, military aid, and military allowances for the security of ourselves and our allies can all be solved here in a few minutes' debate by an amendment that originates on the floor and is offered to a bill that really relates to the extension of the Selective Service Act.

Indeed, we are living in days of miracles.

With the greatest deference to the committees of the Senate which have primary jurisdiction in these many fields, and with all of their abilities, skills, judgment and experience, I cannot recall that there has been a real bill brought out here that dealt primarily with the balance-of-payments problem.

I know that the Committee on Finance has wrestled with that problem, but we have not had a bill of that kind before us. We have had the NATO troop problem up here, year after year after year, all ably handled on the floor. But even though it goes to the very vitals of the security of the free world—including the United States and Western Europe—we have not had a bill yet from our valiant Committee on Foreign Relations of the Senate. That is no reflection on them—not one bit. It is not intended as such, but only to prove the complexity of the problem and the depth of the problem. It proves that there is no immediate, quick solution, until we have these amendments on the floor. They will reach out all around the world for our national policies, and all around the bottom of the financial structure of our Nation and others, and we will try to solve it by a perfecting amendment.

Everyone knows that I speak with deference to these men on the committees, to Members of the Senate, and to the Members in the Chamber right now, but the more I listen to this debate, the more convinced I become that the Mansfield amendment in plain, simple language presents this issue head on, and the more I am inclined to believe that after all, the best thing to do, as I see it right now, is to vote it up or down.

I do not believe we are going to get much additional light or much perfecting from these perfecting amendments. I believe, if that could be done, that we would have long since solved this matter. I believe if it was not so complex, so difficult, and so far reaching, that some of our committees would have at least come out year after year in depth, with an explanation of their bill and a report prepared by them and by other experts, so that there would be a chance to get the facts of the case first and the recommendations second, and maybe a final solution in some form of bill.

In the meantime, these problems have been continuing—the balance of payments, the troops in Europe, safety at home, and the soundness of our foreign relations.

Mr. President, there have not been slouches dealing with this matter—Eisenhower, for instance, and Truman. This originated back in Truman's days.

Then there was President Eisenhower, followed by the youthful and vigorous Kennedy. They were not slouches. They worked with the problems and made some headway.

Then there was President Kennedy. No man ever came to the White House with more experience in government.

We now have President Nixon, a man with great experience.

Those Secretaries of State have not all been slouches. Neither have the Department of Defense Secretaries. And they are not now.

I am proving, I think, that the problem is deep, glum, and it has been enduring over the years and cannot be solved in a debate here on the question of the extension of the draft.

The Senator from Montana had a full right to present his amendment here. I have no criticism of him, nor of anyone who offers these perfecting amendments. My point is that solutions for the welfare of our country will not come about in that way.

I do not doubt that every author of an amendment wants to help the President of the United States in this problem. However, I do not believe we help anyone by sending him to the conference table with shackles on, restricting him in his judgment, restricting him in his prestige, and restricting our Nation in its prestige.

They are the ones we are restricting in trying to put a mandate here on a national policy matter tied to a manpower bill for our Army.

Mr. President, I hope that the mature consideration of the membership of the Senate, even though we have to vote on these matters rather hurriedly, will look beyond what appears on the surface and go beyond just what may sound plausible and logical and not vote for the amendment. As I say, the Senator from Montana offers an amendment and it is voted either up or down. It is either right or wrong. However, I believe we are getting further and further from the truth and the solution or the possible solution in helping the situation with all of the added amendments.

Mr. President, how much time do I have remaining? I was supposed to be called at the end of 8 minutes.

The PRESIDING OFFICER. The Senator has almost used up the 8 minutes, which would leave him about 5 minutes.

Mr. STENNIS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's 8 minutes have now expired.

Mr. BAYH. Mr. President, as one of the sponsors of the amendment, I would like to have 5 minutes on the amendment itself. I understand that the majority leader has been approached so that I might have a chance to close on this at an appropriate time.

Mr. President, I do not want to prolong the matter and take any more time than necessary.

Mr. BYRD of West Virginia. Mr. President, on behalf of the majority leader, I yield 5 minutes to the able Senator from Indiana from the time on the Mansfield amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, I thank the Senator from West Virginia.

I say to my friend, the Senator from Mississippi, that as a relatively junior Senator and one who respects the type of leadership he has provided in the Armed Services Committee and in the Senate, I was impressed with his argument that perhaps this is not the best method for doing this. The Senator suggests that the amendment was only introduced a few days ago. The Senator is correct. However, I have said on the floor of the Senate at least for the last 6 years—since I first became a supporter of the Mansfield proposal—that I have heard the issue discussed again and again every year. Yet it has not been voted upon. Though I would prefer a different parliamentary vehicle, this is the one that is available now. It appears to me that the issue has been joined.

I looked through the armed services report in which 300,000 troops were listed. I did not find any substantiating argument as to why these forces should be kept in Europe.

I assumed, therefore, that it was just because we have had them there in the past. Yet, there have been significant arguments presented here by the Senator from Connecticut, the Senator from Missouri, and others to suggest that times have changed. They say we need to broaden our perspective.

I believe we do have significant responsibility to help defend Western Europe. I concur with what the Senator from Tennessee said, that the reason we do have a presence in Western Europe is because it is in our national interest. However, it seems to me that, that in and of itself is not enough to justify this particular force level and this particular balance-of-payments drain. We have not considered how much of a presence we need to have to guarantee our interest and provide credible deterrent protection to Western Europe. It is to that question that the amendment of the Senator from Indiana is directed.

First of all, I do not think we need all 300,000 troops there to demonstrate the

deterrent power of the United States. The 300,000 troops are irrelevant if we ever get into a major confrontation. It is because an American presence indicates our commitment and the commitment of the vast reserve of military and economic strength, that that deterrent is effective.

I suggest that effect can be maintained with 150,000 as well as with 300,000. However, if it is in the interest of the Europeans to maintain these additional 150,000 troops, the Senator from Indiana, the Senator from Ohio, and the Senator from Connecticut suggest that they should at least help carry the additional share of the balance-of-payments burden that occurs as a direct result of those troops being there.

We have had a lot of talk about these numbers. We have been offered a number of well-intentioned amendments. However, of all those that have been proposed, this is the only one that has teeth in it.

The Senator from Mississippi, the Senator from Tennessee, and others say that we should not want to shackle the President. I do not want to shackle the President. I want to help the President. I think that if the Senate of the United States says, "We respectfully request the NATO allies to assume an additional share of the burden," that would put him in a stronger position than if we did not.

The Senator from Texas suggests that we are not doing enough to strengthen the President's hand. I think he is probably correct. I have heard a number of people who are among the opposition to the Mansfield amendment say that we should do more. How much more? Someone should suggest something.

This amendment suggests that we are dealing with the cost to our country of keeping the troops in Europe. If we do have economic problems and the dollar is being weakened, then we should deal with that specific problem.

I do not think we are doing enough. But I suggest it is better to ask that they share half of the burden of the balance-of-payments loss that exists because of the presence of our troops there.

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

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. Mr. President, I have heard a great deal of talk about the fact that the Mansfield amendment has been here for years. I seem to recall that the last dramatic activity in Europe on the part of the Russian army was when it crushed the Czechoslovakian army in 1968. At that time the Senator from Montana decided it was not an appropriate time to bring up his amendment.

What if some crisis might develop in the immediate future or in the next 6 months?

What would be the effect of this amendment? What if something happened to Marshal Tito and the Russians marched into Yugoslavia?

I think we are playing a dangerous game, and I hope the amendment is rejected.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I wish to point out a couple of points about this amendment which bother me and which will cause me to vote against it, even though, over a long period of time we should reduce this number, as soon as the President feels it can be done.

First, we are stating in this measure, with the authorship of two Senators who are not members of the Committee on Armed Services, that the number of U.S. personnel can be reduced without affecting the security of Western Europe. How do we arrive at that conclusion? How are we able to say we can withdraw troops without endangering the security of Western Europe, without the background knowledge that has been given by the Senator from Texas, within the limitations of the classification system we have? Second, under subsection (b) we are urging him to undertake negotiations with our allies in NATO for agreements resulting in—and so forth. We are already doing that. What is the point in implying in an amendment that we are not when already there has been testimony and evidence that we are in the process of trying to reduce the balance-of-payments problem we have in maintaining troops over there?

I think it casts reflections on what we are doing, and I do not believe this is the forum in which we should conduct this debate.

Mr. STENNIS. Mr. President, I shall use my remaining 2 minutes by making the point I intended to make in my original remarks about something being done about this problem.

Of course, the President is wrestling with this matter day and night. If I did not believe he was doing so with all the effort, skill, judgment, and all the resources that he has, and if I did not believe that he is doing his best I would not be here vigorously pleading for the Chief Executive to have this authority. I want him to have full responsibility. He has the authority. I want us to keep the responsibility in him. I believe he would be able to do something about it. In good faith he made those statements last December over there and he is bound by them. He has not talked to me about this, and he has not called me up.

But this is a problem and I think we are on the road more than we have been recently. With great deference to everyone here, if we place these entanglements and perfecting amendments around the President he will be bound hand and foot. I think we should defeat them all.

Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. BAYH. Mr. President, the Senator from Indiana does have the right to ask for 2 minutes on the bill; does he not?

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes to the Senator from Indiana from the time on the Mansfield amendment.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator. I do not wish to prolong the debate, but we must make the record clear about how much negotiating strength the President has.

I have said on two or three occasions that I think he is doing the best he can. I do not think he wants to see the dollar kicked in the pants as it has been. How can we help?

The last time he got that $1-billion NATO improvement package it was spread over 5 years. He did the best he could. However, by adopting this resolution, we are saying to the Europeans, "If you want us to help you, you must do what the Senator from Colorado said: 'Do a little bit more'."

I have here the ingredients of some offsets the Germans gave us when they signed the 1969 agreement. The list shows the concessions they made at that time.

Mr. President, I ask unanimous consent that the list may be printed in the RECORD.

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

In 1969 a new two year arrangement was worked out with West Germany to provide a foreign exchange inflow of $1.62 billion over fiscal 1970 and 1971. This represents about 80 percent of the exchange loss involved in our maintenance of U.S. troops in the Federal Republic.

The form of the agreement was as follows:

[In millions]

Military procurement	$810
Loan to United States repayable in 10 years at 3.5 percent	250
Purchase of loans held by Exim bank and outstanding Marshall plan notes	160
Civilian procurement	130
Creation of fund in United States to encourage German investment	164
Advance transfers for prepayment of debt	44
Retention in United States of interest due West Germany	64
Total	1,622

Mr. BAYH. Mr. President, it will be noted that the list contains an interesting amalgamation of things that do not help our real balance-of-payments situation. One item is "advance transfers for prepayment of debt." That is considered to be a favor to help our balance of payments. Then, there is "retention in the United States of interest due West Germany." That is supposed to be a help. Another item is "loans to United States repayable in 10 years." Obviously, we will have to repay that some day.

Mr. STENNIS. Mr. President, I will let my remarks stand as they are.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment (No. 100) of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Wyoming (Mr. MCGEE) is necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from South Dakota (Mr. MUNDT), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

The result was announced—yeas 13, nays 81, as follows:

[No. 61 Leg.]

YEAS—13

Bayh	McClellan	Pell
Chiles	McGovern	Ribicoff
Church	Mondale	Saxbe
Gravel	Moss	
Hughes	Nelson	

NAYS—81

Aiken	Ellender	Miller
Allen	Ervin	Montoya
Anderson	Fannin	Muskie
Baker	Fong	Packwood
Beall	Fulbright	Pastore
Bellmon	Gambrell	Pearson
Bennett	Goldwater	Percy
Bentsen	Griffin	Prouty
Bible	Gurney	Proxmire
Boggs	Hansen	Randolph
Brock	Harris	Roth
Brooke	Hart	Schweiker
Buckley	Hartke	Scott
Burdick	Hatfield	Smith
Byrd, Va.	Hollings	Sparkman
Byrd, W. Va.	Hruska	Spong
Cannon	Humphrey	Stennis
Case	Inouye	Stevens
Cook	Jackson	Stevenson
Cooper	Javits	Symington
Cotton	Jordan, N.C.	Talmadge
Cranston	Kennedy	Thurmond
Curtis	Long	Tower
Dole	Magnuson	Tunney
Dominick	Mansfield	Weicker
Eagleton	Mathias	Williams
Eastland	McIntyre	Young

NOT VOTING—6

Allott	McGee	Mundt
Jordan, Idaho	Metcalf	Taft

So Mr. BAYH's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following proceedings, which occurred during the remarks of Mr. BAYH, are printed at this point in the RECORD by unanimous consent.)

Mr. SYMINGTON. Mr. President——

The PRESIDING OFFICER (Mr. HUMPHREY). Does the Senator from Indiana yield to the Senator from Missouri?

Mr. BAYH. Just before I do, Mr. President, I should like to ask unanimous consent to modify my amendment, to correct a typographical error on page 2, line 4—line 14, following the "1971"—change the word "to" to the word "no".

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The modification will be made accordingly.

Mr. SYMINGTON. Mr. President, I send a perfecting amendment to the desk, to the Mansfield amendment, and ask unanimous consent that it be reported and considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair would inquire of the Senator from Indiana: first, does he press for a vote on his amendment?

Mr. BAYH. The Senator from Indiana had intended that we debate this first and perhaps—I thought the Senator from Missouri was going to talk on it.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that my remarks be printed in the RECORD after the remarks and the vote on the amendment of the Senator from Indiana.

Mr. BAYH. That is all right with me.

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

Mr. SYMINGTON. Mr. President, I ask that the clerk now read my perfecting amendment.

The PRESIDING OFFICER. The clerk will state the perfecting amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. SYMINGTON) proposes an amendment: On page 1, line 3 of the Mansfield amendment No. 86, strike the word "hereby."

Mr. SYMINGTON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 15 minutes.

Mr. SYMINGTON. Mr. President, again I would express my support for the amendment to the Military Selective Service Act proposed by the distinguished majority leader, the amendment which provides that no funds may be used after December 31 of this year to support or maintain more than 150,000 U.S. military personnel in Europe.

As presented to the Senate last Monday—day before yesterday—by the Senator from Montana, when he placed in the RECORD the debate of August 31, 1966, for 5 long years, he and I, and also many others, have supported efforts to achieve a substantial reduction of the American forces in Europe—to the best of my knowledge a development which was originally suggested in 1963 by the first Commander of SHAPE, the late President Eisenhower—and I have cosponsored all resolutions, to the best of my knowledge, to that end.

Now, Mr. President, in a trip last month to Europe, I found out many things, which I asked to have printed in the RECORD previously this morning. They justify my belief in this amendment.

In Brussels, before the able Senator from Rhode Island and myself, the question was raised of the $1 billion that was now going to be put up by European countries, now that we here have become more practical about this matter.

We found out this $1 billion is scheduled over a 5-year period; also, to put it mildly, was and is theoretical at best.

It would appear unfortunate that under this administration—as well as under the previous administration—there has been no effort to achieve a "substantial reduction" of our forces in Europe, despite the political, economic, and military danger signals which have been flashing for years.

The crisis these danger signals have threatened is now upon us, as over recent days the front pages of every newspaper in the world have made only too plain. Our balance of payments and budgetary deficits have finally caught up with us; and according to statistics released by the Commerce Department only yesterday, the situation is becoming steadily worse. In the first 3 months of this year, the United States recorded a balance-of-payments deficit of $5.5 billion, the highest quarterly deficit in our history.

Projected on a yearly basis, this 3-month deficit would work out to a $22-billion deficit in our balance of payments. It is no wonder that our credit rating has suffered; and if we continue to pursue the present policies of spending more than we have, in turn it will continue to suffer.

The major European countries have now told us that, in effect, they have little or no confidence in the soundness of our economy. They have, as a practical matter, now done what we have refused to do ourselves; namely, devalued the dollar.

All of our economic difficulties are not due to the fact that we have continued to maintain a large and expensive military presence in Europe long after many have thought it necessary to do so. But that presence has been a substantial factor. The direct budgetary costs for these forces are now running at about $3 billion a year; and if the general support costs for all U.S. general purpose forces supporting NATO are prorated, the total cost of our NATO commitment is about $14 billion a year.

U.S. defense expenditures in Western Europe which entered the international balance of payments in the fiscal year 1970 totaled $1.731 billion, the highest figure ever for such expenditures.

In order to place this figure in perspective, let us note that our balance-of-payments deficit in 1970 on a liquidity basis was $3.85 billion; therefore our military expenditures in Western Europe accounted for 46.1 percent of all that deficit. If military sales to Western Europe, which I am informed totaled $599 million in 1970, are deducted from the $1.77 billion of military expenditures in Western Europe, net military expenditures still constitute 30.5 percent of the total balance-of-payments deficit in 1970.

Last week, in a statement on the Senate floor, the chairman of the Armed Services Committee, the distinguished Senator from Mississippi, observed that—

The portion of the balance of payments deficit resulting from our military expenses in Europe is less than $1 billion annually, not $14 billion.

Of course it is not $14 billion.

As pointed out above, on a liquidity basis, however, the total balance-of-payments deficit in 1970 was $3.85 billion. Even if the portion of that deficit resulting from our military expenditures in Europe is somewhat less than $1 billion—and in order to achieve that figure one must include the amounts West Ger-

many has loaned to the United States on which the United States continuously pays heavy interest—we are still talking about over one-quarter of our total balance of payments deficit.

Mr. President, once, we worked out an arrangement whereby Europeans were going to pay us for much military equipment. After a time, however, they decided they did not want that military equipment. So they proposed a compromise, one of those compromises which clearly contained a "fair advantage." Instead of buying that agreed military equipment, they proposed to buy our bonds.

The distinguished majority leader at that time made an observation I shall never forget when he said:

In other words, now we are going to pay them to defend them.

Surely one-quarter of our balance-of-payments deficit is certainly an important element to consider; hence, I cannot agree with the Senator from Mississippi that our military expenditures in Europe constitute "a relatively small portion of our balance-of-payments problems."

The chairman also stated that those interested in cutting Defense Department expenditures will increase those expenditures, not decrease them, if troops are withdrawn from Europe, because there would be one-time costs involved in returning these men to the United States and providing them with new facilities, barracks, and so forth.

I would agree that there will be a one-time cost in returning these men to the United States, but I do not see why those costs need to include new barracks and facilities, for I believe these manpower levels could well be reduced by "demobilizing" at least a major part of the 150,000 men it is proposed to take out of Europe.

This belief is fortified by the fact that as far back as 1967, perhaps inadvertently, the then Secretary of Defense disclosed that the United States already had over 7,000 nuclear warheads in Europe. Putting it mildly, that is true today.

For years as a member of the Armed Services Committee I have heard our commitments to NATO used as a justification for overall military manpower levels. If this NATO commitment is now partially reduced by the Mansfield amendment, surely that commitment is more than restored by the subsequent increase in tactical nuclear weapons.

Testifying before the Senate Armed Services Committee on March 22 of this year, Secretary of the Army Resor stated:

We do not need to have troops deployed in NATO in numbers sufficient to defeat the Warsaw Pact with conventional sources if the Soviets choose to launch an all-out attack following concealed and extensive preparation. The purpose of our ground forces in Europe is simply to maintain stability. To attain that objective, they need only be large and capable enough to make unattractive to the Warsaw Pact nations the use or threat of force to change the balance of power in Europe . . . They need only be sufficient to introduce in the minds of Soviet military planners an uncertainty, a realization that aggressive actions against Western Europe would not be free from cost, and that the outcome of such actions could not be predicted with assurance.

I see no reason why these purposes cannot be served by a force of 150,000 men rather than 300,000 men. In fact, according to press reports last year the Defense Department favored a reduction in our force levels in Europe, but the State Department did not agree.

In an article in the New York Times of November 9, 1970, William Beecher, their reporter covering the Pentagon, reported:

Despite the President's attitude on American troops in Europe, officials say, an early withdrawal of significant numbers has been proposed by Defense Secretary Melvin R. Laird. They say he has urged in connection with budget decisions next year, that 20,000 to 40,000 supply troops be pulled out. The annual savings are estimated at $200 million to $300 million.

Such a move, however, is encountering resistance among State Department officials, who fear that it might undermine allied confidence in United States continuation of its commitment to NATO.

In this connection, I would ask unanimous consent that the entire article cited above, as well as an article on the same subject, "United States to Weigh Troop Cuts in Europe," from the Washington Post of November 12, 1970, be printed in the RECORD at the conclusion of my remarks; also that an editorial, "Benign Neglect of the Dollar Crisis" from the St. Louis Post-Dispatch of May 14, 1971, be so printed.

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

(See exhibit 1.)

That is an interesting title—" 'Benign Neglect' of the Dollar Crisis."

It is perplexing for an American to go into Germany today and find out that because of the rules laid down, the wife of an American GI who is there to defend Europe cannot work on the base because they want the pay for their own people, the rates being a little higher.

At the same time, the Germans are importing 2,700,000 people to work in that country—Spaniards, Italians, Greeks, Yugoslavs, people from behind the Iron Curtain, Arabs, whereas we have heavy and growing unemployment in this country. I ran into such rules in force on two of our bases. The next day I read in the paper that the head of the Central Bank of that country was totally dissatisfied with the way this Government is handling its economy. He urged that we put our financial house in order.

Certainly that thinking was justified by financial events which occurred shortly thereafter.

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

Mr. SYMINGTON. Mr. President, I am glad to yield to the distinguished Senator from Connecticut.

Mr. RIBICOFF. Is it not true that during the last 20 years, between 1950 and 1970, we have accumulated a total liquidity balance-of-payments deficit of $48,170 million?

Mr. SYMINGTON. I believe that figure is correct.

Mr. RIBICOFF. Mr. President, this is the figure we arrived at in the Finance Committee's Subcommittee on International Trade. This is the total tabulated by the committee's staff.

Is it not true that in 1970 the estimated percentage of our gross national product devoted to defense spending was 8.9 percent?

Mr. SYMINGTON. I knew it was between 8 and 9 percent.

Mr. RIBICOFF. And at the same time the West Germans were spending only 3.9 percent of their gross national product on defense.

Mr. SYMINGTON. The Senator is correct.

Mr. RIBICOFF. And that the percent of our budget spent on defense in 1970 was 36.8 percent, while the percent of the German budget was 24.5 percent.

Mr. SYMINGTON. Those figures are accurate.

Mr. RIBICOFF. And that at the present time there is more than a 50-billion Eurodollar market in western Europe. And that the Germans have from 11 billion to 12 billion of these Eurodollars, and that if they were to exchange them for gold, it would exhaust our complete gold supply at Fort Knox.

Mr. SYMINGTON. The Senator is correct.

Mr. RIBICOFF. Mr. President, can the Senator explain to me whether there is any justification, when we are running such a large balance-of-payments deficit, and the figures for the first quarter show an adverse balance of $5.5 billion, why, under these circumstances, Germany and the other NATO countries cannot at least be required to offset more of our balance-of-payments deficit incurred in keeping our troops in these countries?

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

Mr. SYMINGTON. Mr. President, I yield myself an additional 15 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for an additional 15 minutes.

Mr. SYMINGTON. Mr. President, the Senator is so right. If the Senator will note the August 31, 1966, debate on this issue which the distinguished majority leader placed in the RECORD the day before yesterday, Monday, he will find that debate, which I had the privilege to participate in—when he brought up the subject at that time—comparable to the point of similarity with what we are saying today. During these subsequent 5 years these nations of Europe have infinitely improved their financial position to the point where many of them now have monetary superiority over the United States.

Mr. RIBICOFF. Mr. President, I would like to cite another ironical fact. Is it the Senator's understanding that one of the reasons for our maintenance of a defensive umbrella over Western Europe is to protect Western Europe from the East? Isn't that our basic objective?

Mr. SYMINGTON. The Senator is right. The tactical weapons we have in Europe to protect various countries behind the Iron Curtain are infinitely greater in their lethal capacity than the Hiroshima bomb.

Mr. RIBICOFF. Mr. President, I think it is quite ironical that in 1969, while we were protecting Western Europe from Eastern Europe, the total trade, imports, and exports, between Western Europe and Eastern Europe totaled $16.6 billion, while the United States in the same year confined itself to a total trade of $440 million with Eastern Europe. I fail to see the sense of this situation particularly when Western Europe now has such a large surplus of dollars.

At the same time we have 300,000 troops in Europe which adds significantly to the problems of the dollar. Our balance-of-payments costs for these troops in 1970 totaled $1.7 billion. We assumed this burden to protect our allies from the East, while they carried on considerable trade with these very same countries.

Considering these facts, would it be proper to say that the United States' policies toward Europe come pretty close to being completely contradictory?

Mr. SYMINGTON. The able Senator from Connecticut has expressed the situation better than I.

Recently we observed around the Cabinet table in the White House what might be called the cream of our cold war warriors, one of whom had the dubious taste of attacking the Mansfield amendment as asinine.

At the time this particular member of the cold war group was functioning in this Government the United States had some $25 billion of gold, and owed $7 billion in current liabilities. Today the United States has lost a great amount of gold. Its stock has fallen from $25 billion to less than $11 billion, and this Nation owes, current liabilities, over $33 billion.

From the standpoint of the normal standards considered for a bank or corporation, therefore, the United States is insolvent. That financial situation is emphasized by the bankers of Europe, who, in effect, through the Eurodollar, have considerable control over our own economy.

When these cold war warriors were operating, we also had the bomb, but nobody else had it. Yet these people now come out of retirement, or semiretirement, and discuss this matter as if conditions today were the same as the conditions during their regimes shortly after World War II. If that is all that can be advanced by old rulers of SHAEF, and former diplomats who once were heavily involved and properly, in rebuilding Europe, to resist the logic of the Mansfield amendment, it is but one more proof that the amendment should be agreed to today.

Mr. RIBICOFF. From the hearings of the Subcommittee on International Trade that have been going on this week it was indicated that in the same period between 1950 and 1970 we lost more than $13 billion from our gold supply.

Mr. SYMINGTON. Right.

Mr. RIBICOFF. During this time as I previously noted we amassed a liquidity deficit of payments of more than $48 billion.

I think the distinguished Senator from Missouri is absolutely correct and so is the distinguished majority leader in recognizing the great changes that have taken place in Europe.

One of the great ironies of the recent meeting at the White House was that there was assembled a group of men, honorable men, who have served this country well, but who enunciated and created policies suited for the 1950's. Between 1950 and 1970 the world has spun around many times, and we have a completely different world today than before.

While we are concerned with the NATO order of battle, the Germans were more interested in orders for Volkswagens—and the Japanese more concerned with selling radios and automobiles. As a consequence of this inattention to economics, the United States is now second to the European Common Market as a world trading power. The Japanese are expanding their economy and increasing their productivity so rapidly that by the end of this century they might well exceed us in gross national product. What has taken place in Japan has been an economic miracle. Yet Japan spends less than 1 percent of its gross national product for defense.

Mr. SYMINGTON. And the way we remonstrate with them about it is to return to them Okinawa, today one of the most beautiful islands in the world, into which the taxpayers of this country have put over $1 billion. From here on, surely we should go for "more trade, less economic and military aid."

Mr. RIBICOFF. I wish to make it clear that what the Senator from Missouri and the Senator from Montana are really doing is to make us face up to a much different world than existed in 1950.

Mr. SYMINGTON. That is correct.

Mr. RIBICOFF. There has been a reluctance by the executive branch to realize that the world has changed so rapidly.

One of the great problems—and I have heard the Senator from Missouri comment on this theme on the floor of the Senate—is that we are still laboring under cold war assumptions where geopolitical considerations controlled all of our action. The trading countries that are surpassing us have already grasped the reality that during the next 25 years, ecopolitics will replace geopolitics—the prime mover in the affairs of nations. Unless our country recognizes this shift, we will not be able to deal with the new barriers to trade and investment.

If we feel that 300,000 American soldiers in Europe are necessary, I fail to understand why the countries we are defending cannot at least spend more of the American dollars they hold to ease our continuing serious balance of payments deficit problems. I do not think this is asking too much of the NATO countries.

Would the Senator care to comment on this?

Mr. SYMINGTON. Again, the Senator is so right. We are continuing to have increasing unemployment in this country; and losing so much business to all these countries we are defending is one of the chief reasons. They know about that in Europe, but at the same time their military and political leaders plead with us to keep our troops there, on the anachronistic grounds that we put them there 25 years ago; and at the same time they are lecturing us for not handling our economy properly.

Today Japan has the largest gross national product in the free world, except for the United States. It has passed West Germany. More power to them. But why should we continue to defend them and finance them as 25 years ago?

Mr. RIBICOFF. Would the Senator be surprised to learn that while unemployment in our country is at least 6 percent, and in my home State almost 9 percent, a high school graduate in Japan can have an average of seven jobs to choose from upon graduation. They have virtually no unemployment, but they contribute only 0.8 percent for their defense. Of all the ECC countries, the highest unemployment rate is 3 percent, and Germany's is less than 1 percent.

I reiterate that the Senator from Montana has done a signal service by introducing his amendment. Regardless of what happens to this amendment, he has highlighted the realization that we have an abundance of geopoliticians in the State Department and cold warriers in the Defense Department. What they fail to realize is that this is a different era from the days of Roosevelt, Churchill, Stalin and Hitler. These men were giants whose preoccupation was with geopolitics, and national boundaries, and war. But today we have a proliferation of multi-national corporations, which owe no loyalty to any country. With a supranational base, with no one nation able to regulate their activities, with vast sums of money held in many nations, they are able to manipulate these funds in ways which recognize no national boundaries. This has contributed to speculative transactions and vast profits from the 50–60 billion dollars.

Mr. SYMINGTON. Eurodollars.

Mr. RIBICOFF. It is $50 to $60 billion in Eurodollars over which we have no control, and often being used in ways inimicable to our national interests and economy.

Once upon a time not so long ago—the dollar was the world's most solid currency. But times have changed.

I was amused to see a cartoon the other day which depicted an American alighting from a car, and a French panhandler approaching him for a touch. The man handed him a dollar, but the panhandler said, "Haven't you any other currency besides a dollar?"

The strength of the dollar keeps deteriorating. No matter what some may say, to a great extent a nation's prestige and the strength of its economy depends on the value of its currency. Here is the supposedly number one reserve currency, the international medium of exchange, and yet periodically Americans abroad going into a hotel or a store find that they are refused merchandise or a meal or a hotel room, because they can pay only in dollars.

Mr. SYMINGTON. The Senator has made a superb contribution. He verifies what the economist for the Chicago Tribune predicted many months ago as

to what could happen to the American economy. The latter said the European central banks, through the dollars they have abroad, at least partially control the economy of the United States. If there was any possibility of truth in his remarks at that time, it is far more true today.

It is accurate to observe that one criticism which can be made about the military—many in the military would agree—is that they invariably follow tradition instead of modernity, especially those who won the previous war.

Shortly after World War I a book was written by a young French lieutenant. After much effort, he sold 600 copies of his book in France, but it was required reading for every officer in the German Army. The book had to do with tank warfare.

The PRESIDING OFFICER. All the time of the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent for 10 more minutes.

Mr. MANSFIELD. Mr. President, I object, but I will yield 10 minutes to the Senator on my amendment.

Mr. SYMINGTON. I thank the able majority leader.

The book in question was written by a young lieutenant. His name was Charles de Gaulle. It forecast the tank blitzkrieg that entered Poland a few years later.

Let me repeat that, having recently returned from an inspection of the incredibly strong lethal nuclear umbrella, under our control and that of our own people, we have established in Europe, it is even more difficult to see why reducing our forces by 150,000 will leave the Western Europeans vulnerable and defenseless. In any case, must 260 million Europeans continue, apparently indefinitely, to rely on being defended by 200 million Americans against 240 million Soviets, especially in light of the fact that these 240 million Soviets must also contend with some 790 million Chinese, give or take 20 million?

After all, there are now in West Germany some 415,000 German, British, and French army forces; in fact, excluding troops stationed overseas, the ground forces of Belgium, Britain, France, West Germany, the Netherlands, Italy, Denmark, Norway, Greece, and Turkey total some 1.8 million men. Surely, that would seem an adequate potential conventional force.

Over the years all of us have heard various arguments advanced against a reduction of U.S. force levels in Europe, including the following:

A reduction would tempt the Soviets to make a military move in Europe.

A reduction would cause a psychological shock in Western Europe that would cause NATO to unravel.

A reduction would cause Europeans to be susceptible to increased Soviet political pressure.

A reduction would reduce the prospect of negotiating nutual force reductions with the Soviet Union.

These arguments have always appeared somewhat specious to me. If a reduction of 150,000 United States conventional forces were to have all of these effects, then the NATO Alliance in itself is a hollow shell indeed.

As far as negotiating mutual force reductions with the Soviet Union, there is now evidence—most recently in the statements by Brezhnev and Gromyko—that the Soviet Union would appear to be interested in such negotiations.

Let us also remember, however, that the Soviet forces in East Germany, Poland, Czechoslovakia, and Hungary are there for a number of objectives, including the primary Soviet objective of maintaining Communist regimes in power in these countries.

Nevertheless, the Soviet Government may now have recognized what our government seems unwilling to recognize—that they do not need over 300,000 Soviet troops in Eastern Europe to achieve these objectives.

Now we are hearing a new argument. That is to the effect that a reduction of our conventional forces in Europe would undercut our position at the SALT talks. It would seem obvious, however, that those talks will succeed or fail, if we are interested in that, for reasons having to do with the views of the Soviet and United States Government on strategic weapons questions, not on the level of our European conventional forces.

Once again, it is worth remembering in this year 1971 what the late President Eisenhower said in an interview in the Saturday Evening Post on October 26, 1963:

> 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 these troops . . . One American division in Europe can 'show the flag' as definitely as can several.

The man who knew at least as much about SHAEF as any living man, suggested 8 years ago that we reduce these conventional forces twice as much as has been recommended in the Mansfield amendment.

If President Eisenhower, NATO's first Supreme Allied Commander, believed 8 years ago that one American division was sufficient to "show the flag" in Europe, would that same judgment not be equally valid today as the result of the tremendous increase in the power and flexibility of our tactical nuclear weapons—may I say with respect to this nuclear development, he knew nothing about it at the time he made that recommendation?

The Mansfield amendment seeks to put that 8 year old judgment of a great American, especially wise and experienced in military matters, into effect. Financial difficulties, many all too clearly generated primarily in Europe, add further to its logic. It is for these reasons that I support the Mansfield amendment and respectfully urge its adoption by the Senate.

EXHIBIT 1

[From The New York Times, Nov. 9, 1970]

U.S. CONDUCTING BROAD REVIEW OF NATO STRATEGY

(By William Beecher)

WASHINGTON, Nov. 8.—The Nixon Administration is conducting a sweeping review of the strategy of the North Atlantic Treaty Organization. Senior officials say it could ultimately lead to basic changes in the alliance's tactics, the size of its forces and its weapons.

A new strategy is needed, these officials contend, if the alliance is to adjust to the growth in Soviet nuclear power and to the decline in the forces and funds being devoted by NATO members to their non-nuclear forces.

Among the options under consideration in the review being conducted by the National Security Council are a long-range withdrawal of up to 250,000 of the 300,000 American troops now in Western Europe and a heavy reliance on a group of what are called clean nuclear weapons, which are said to have little or no fallout.

PLANS LEFT AMBIGUOUS

Current strategy in the Western alliance calls for an attempt to meet any nonnuclear invasion with a nonnuclear defense as far as possible, leaving ambiguous whether and when some of the 7,000 tactical nuclear weapons based in western Europe might be employed.

Knowledgeable officials say that President Nixon is inclined to oppose the idea of withdrawing large numbers of troops during the two years remaining in his term of office. On his visit to Europe in September he hinted that he wanted to maintain American forces at about present levels for at least one year.

The President, it is said, is determined to give Europe time to explore opportunities for improved East-West relations and the possibility of mutual force reductions. At the same time, the United States is hoping a freeze on nuclear weapons will be agreed to at the talks on limiting strategic arms which resumed last Monday in Helsinki.

Despite the President's attitude on American troops in Europe, officials say, an early withdrawal of significant numbers has been proposed by Defense Secretary Melvin R. Laird. They say he has urged, in connection with budget decisions for next year, that 20,000 to 40,000 supply troops be pulled out. The annual savings are estimated at $200-million to $300-million.

Such a move, however, is encountering resistance among State Department officials, who fear that it might undermine allied confidence in United States continuation of its commitment to NATO.

MOLLIFICATION A GOAL

The Laird plan seeks to reduce defense spending and mollify those in Congress who are eager to have the other NATO members assume a much greater burden of their own defense.

Senior planners express hope that the willingness already being shown by the allies to make some improvement in their own military forces and to provide $300-million to $500-million annually in some form to help offset the cost of American troops in Europe will enable the Nixon Administration to block a drive in Congress next year for large reductions in forces.

But over the longer run, they regard the study by the National Security Council as holding the key to future changes in the Atlantic alliance.

Three primary options are said to be under study.

Under the so-called firebreak strategy, American troop levels in Europe would be at least 250,000 men, and allied conventional forces and stocks of ammunition would be built up to levels considered adequate for what is regarded as a fairly long war—90 days of more. The allies would announce the intention not to resort to nuclear weapons unless all appeared lost. Such a strategy would aim at requiring so large a Soviet conventional attack that the danger of eventual resort to nuclear weapons by the United States should deter Moscow.

Under the "tripwire" strategy, American troop levels in Europe could fall as low as

50,000 men, with clear notice to the Russians that the allies, if attacked with conventional arms, would have little recourse but to respond quickly with tactical nuclear weapons and, if they failed to turn the tide, with big strategic weapons.

VARYING RESPONSES

Under what is known as a flexible-response strategy with a nuclear emphasis, American troops levels of 150,000 to 200,000 would be sought, and the response would be tailored to the kind and level of attack. A small border probe would be met with minimum force. A massive armored assault would be hit fairly early with the "clean" tactical nuclear weapons whose effects could be limited to the battlefield. The emphasis would be on small highly mobile armed forces with modern conventional and nuclear weapons, backed by large European reserve forces.

Officials say there are numerous variations on each of the three basic strategic options.

Some American planners, particularly military men, predict that with the continuing trends toward cutting conventional forces the United States will inevitably move toward the "clean" tactical nuclear weapon. Such weapons can be built now, they say, and only a decision and the funds are needed.

ONCE CREDIBLE TO OTHERS

Since the inception of NATO in 1949, the United States has expressed its willingness to respond to an overwhelming conventional-arms assault in Western Europe by retaliating with strategic nuclear weapons. While the United States with 300,000 troops in Europe, maintained a 4-to-1 or 5-to-1 advantage in nuclear weapons over the Soviet Union, its pledge was generally regarded as credible.

But today the United States enjoys no strategic edge over the Soviet Union; a position of rough parity in long-range missiles and strategic bombers exists.

Given this shift, American and European planners increasingly are asking: how credible is America's pledge to try to save Berlin by firing missiles at Russia, when the likely upshot might be the destruction of a hundred American cities?

The strategic nuclear threat, strategists say, is now largely "decoupled" from the military force America might logically be expected to bring to bear if the defense of Western Europe. At the same time, it is noted, the forces and funds devoted to providing a conventional defense of Europe also are on the decline throughout the alliance.

PRESSURE AWAY FROM ARMS

In West Germany and Britain, no less than in the United States, a popular consensus has emerged calling for greater spending on welfare and less on defense. Military planners point out that this comes at a time when most of the allies are faced with the need to replace expensive outmoded military equipment, such as the F-104 jet fighter-bomber.

"Three years ago, after we had badgered them endlessly, our NATO friends finally agreed to switch from a strategy of massive retaliation to one of flexible response," one American planner said. "But their heart wasn't in it. They were just humoring us, convinced that so long as we kept four or five divisions as hostages in Europe, we would have to bail them out with nuclear weapons and thus Russia would be deterred from attacking.

"But now it's beginning to dawn on them that our Minutemen are probably going to stay in their silos in anything but a direct attack on the U.S.A. And they're beginning to see the value of having sizable conventional forces to meet any but an overwhelming assault. But with mounting demands for welfare spending and a growing mood of detente, how in the world are they going to scrape up the money for better conventional forces?"

In the view of many specialists, they are not. Thus, the specialists conclude, a new strategy is needed.

[From the Washington Post, Nov. 12, 1970]

U.S. To Weigh Troop Cuts in Europe—NSC Meeting Is Set for Nov. 18

(By Chalmers M. Roberts)

President Nixon has called a National Security Council meeting for next Wednesday to help to determine how many American troops will remain in Western Europe for the next two or three years.

No final decisions are likely because of uncertainties over how much help the NATO allies will provide in hope of holding the current American troop level of around 300,000 men, which includes the U.S. 6th Fleet.

But the range of possible decisions already has been narrowed in months of work on an NSC paper known as NSSM (National Security Study Memo) 84.

A key input for the Nov. 18 meeting is the projected fiscal 1972 Pentagon budget, a matter President Nixon was said to be studying yesterday with aides aboard his plane to Paris for the services for Gen. Charles de Gaulle.

The range of possible cuts in U.S. forces in Europe was from zero to 100,000, a third of the current total, but the 100,000 figure already has been rejected, it was learned yesterday. Reports that a cut had been considered which would leave only 50,000 men were said to have been incorrect.

As of now it appears Mr. Nixon's choice for the force level after next June 30 lies within the range of holding the present figure or cutting 20,000 or 30,000 men. Mr. Nixon's strong statement about troop levels, made in Ireland en route home from his European trip, has been interpreted by some as meaning he will agree to no cuts.

But Defense Secretary Melvin R. Laird is said to be prepared for the modest reductions.

The hope is that this will be clarified at the NSC meeting.

Also to be covered at the meeting are proposals for what is known as MBFR. Mutual Balanced Force Reductions by agreement with the Soviet Union and its allies in the Warsaw Pact. But here there is currently a major difference of opinion between the Pentagon and the State Department and the Arms Control and Disarmament Agency.

The Pentagon is said to be extremely wary of entering into talks about mutual troop cuts although NATO members, including the U.S., already have proposed this in principle. The issues must first be settled here by the President and then at the winter meeting of the NATO foreign and defense ministers in Brussels in early December.

Underlying the NSSM study has been the general parity of U.S. and the U.S.S.R. in the field of strategic nuclear weapons. This parity would be codified by an agreement at the current SALT talks in Helsinki.

Both the State Department and the Pentagon want very much to hold the troop line in Europe, in view of that parity, as a convincing form of deterrence. Moscow might risk a military move in Europe, the theory goes, if it felt American strategic nuclear power had been checked and Western conventional forces were seriously weakened by U.S. withdrawals from Europe.

The problem in holding the troop line, however, is both financial and political. The over-all federal budget for 1972 now faces a large deficit and Laird is under pressure to limit Pentagon spending.

The U.S. therefore has been seeking help from its NATO allies but the response, as seen here, so far has not been very encouraging. Mr. Nixon suggested at a NATO meeting in Naples, Italy, that contributions could be either in the form of improvements in European forces or in budgetary support for U.S. forces. The net annual foreign exchange cost of the U.S. forces in Europe is around $1.5 billion.

The British announced they were beefing up their own forces. They have put a $33 million annual price tag on what they propose, but Washington figures it at only $12 million.

The West Germans favor budgetary support in the belief that this would be easier politically at home. But figures suggested by Bonn so far have been far too low for Washington's liking. The U.S. has refused to put a figure on what it wants because it fears failure to meet it, as is indicated, would encourage Congress to cut back the U.S. forces.

In addition, the Germans are expected to negotiate a new off-set agreement with Washington to pick up after the current one expires next June 30. No figures here have yet been mentioned.

The Nixon administration has one eye on Sen. Mike Mansfield's long-pending resolution calling for a "substantial" cut in U.S. forces in Europe and on his most recent hint to go after the 1972 Pentagon budget if no cuts are ordered by the President.

Now officials figure they will be in a somewhat better position in the new Congress due to what Mr. Nixon has called "ideological" gains in the Senate from the recent election.

The NSSM study was ordered to set the U.S. posture in Europe for the rest of the 1970's but it is doubtful that any decision can hold for more than the rest of Mr. Nixon's present term. However, given all the current and prospective East-West negotiations a firm position, if it can be arrived at this year, would have a major stabilizing effect, it is argued here.

In addition to the administration study, NATO, under Secretary-General Manlio Brosio, has been doing its own report.

The Brosio report identifies nine areas where NATO should make qualitative improvements. Examples are concrete shelters for aircraft, improved mobilization planning and new tactical communications including a battlefield satellite system. This study will be presented at the NATO meeting in December.

European financing of such steps was discussed at Tuesday's meeting in Brussels of the "Eurogroup" of NATO defense ministers but with no clear outcome.

Among other ideas under study is one to have European allies take over such current U.S. tasks as manning air defense missiles and early warning systems, moves that would save foreign exchange.

But both the Joint Chiefs of Staff and NATO commander Gen. Andrew J. Goodpaster strongly oppose talk of cutting the "tail" of the American divisions now in Europe. They argue that such support forces are vital for the time when additional U.S. troops might be flown to Europe in a crisis situation.

The JCS and Goodpaster, while hoping to hold the current troop level, agree that if cuts must be made they should be made in combat forces, not in support forces.

The NSC meeting on Nov. 18 thus is expected to bring to a head the long simmering battle over the future of U.S. forces in Europe, a battle that will not be ended until Congress approves the fiscal '72 budget.

Mr. Nixon's estimate of what the total federal budget can allot to the Pentagon for such forces, the degree and amount of support forthcoming from the allies, the outcome of the SALT talks and a decision on how to proceed on discussions with the East on Mutual Balanced Force Reductions all will play a part in the final Presidential decisions.

Those decisions and Congress' action on them will provide a major key to the role the United States will play in Europe and the world in the coming years.

[From the St. Louis Post Dispatch, May 14, 1971]

"BENIGN NEGLECT" OF THE DOLLAR CRISIS

Seekers for the roots of the international monetary confusion of recent days might pause a moment in the United States Senate, which is preparing to vote on a measure to require a 50 percent cut in American military forces in Europe by the end of this year. A group of farsighted Senators has been pushing for this goal for a long time; now that there is a chance to win, the Nixon Administration is making energetic efforts to kill the legislation.

The reduction in United States commitments abroad has been of particular interest to Senator Symington, and in connection with the dollar crisis abroad, he stated last week that "if this policy of sending $100,000,000 a day out of this country in a fruitless effort to finance most of the rest of the world and defend most of the world is not changed, the value of the dollar could well continue to disintegrate, to the point of catastrophe."

Mr. Symington is right, and we do not think the argument that troop reductions in Europe would imperil the North Atlantic Treaty Organization is valid. Retaining half a million men and their dependents in Western Europe, mostly in Germany, is no real protection against a potential invader; it is mainly an unjustifiable prop to the prosperous West German economy.

The Vietnam war is another big offender. Pentagon spending abroad continues to grow. United States industry and investment continue to expand overseas; tourist spending has become a significant factor in the outflow of capital. Americans are buying more foreign goods, particularly automobiles from Germany and Japan. The United States deficit in the balance of payments was nearly 11 billion dollars last year—one of the big factors that caused foreigners to shy away from the dollar. Europeans criticize the U.S. attitude toward such deficits as one of "benign neglect."

While recent European currency adjustments with respect to the dollar have been to some extent technical, the underlying causes are not. The dollar is no longer the Rock of Gibraltar it was when the present world monetary system was set up at Bretton Woods in 1944. At that time the U.S. held more than half the world's gold; now there are estimated to be four times as many dollars abroad as could be covered by the diminished U.S. gold reserve.

Independent piecemeal revaluation of foreign currencies can lead only to more confusion in world trade and finance, and a good case can be made for another Bretton Woods to consider new conditions 25 years after the end of World War II. Meanwhile the Nixon Administration could and should take measures such as ending the Indochina war, returning most of the troops from West Germany and Korea and making a real effort to fight inflation at home. "Benign neglect" is a pretty poor policy.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. What is the pending order of business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Missouri.

Mr. BAYH. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Did not the Senator from Missouri, at the time he made the request, suggest that all be included in the RECORD after the final disposition of the amendment of the Senator from Indiana?

Mr. SYMINGTON. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SYMINGTON. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question recurs on the amendment of the Senator from Indiana.

(This marks the end of the proceedings which occurred during the remarks of Mr. BAYH and which by unanimous consent were ordered to be printed in the RECORD at this point.)

Mr. FULBRIGHT. Mr. President, I send to the desk a perfecting amendment to the Mansfield amendment—No. 86.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, at the end of line 9, change the period to a comma and add "unless hereinafter authorized."

Mr. FULBRIGHT. Mr. President, this is a very simple amendment. The effect of the amendment is to tell the administration that it must reduce our troops in Europe to 150,000 by December 31, 1971, as provided by the Mansfield amendment, unless the administration can persuade Congress that the number should be larger than that. All the amendment would do is shift to the President the burden of proving or justifying a continued larger presence. It has the effect of requiring him to come back to Congress before December and explain why negotiations to reduce the number of American troops are not practicable. In other words, the administration would have from now until December to ask Congress to authorize the continued presence of 300,000 troops in Europe.

It strikes me that this is a perfectly proper way to proceed on a matter of this kind. They are there, and it is time after all these years for the administration to justify and make a case for their continued presence.

Mr. President, this matter has been thoroughly discussed by the Senator from Missouri, the Senator from Montana, and others, but in reviewing the matter, there came to my attention a very interesting speech made on January 5, 1951 by the late Senator from Ohio, the father of the present Senator from Ohio, Mr. ROBERT A. TAFT.

There are a few excerpts from that speech that it strikes me would make a good contribution to our present discussion. I do not think this matter has previously been called to the attention of the Senate. It has relevance not only to the immediate problem of the troops, but also to certain aspects of our present situation between the executive and legislative branches.

Many of us, or at least several—

Mr. PASTORE. Mr. President, may we have order? There is a lot of shuffling around and conversation going on.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Arkansas will suspend until order is restored.

The Senator may proceed.

Mr. FULBRIGHT. I think it is very interesting. There were a number of us who served with the late Senator Taft, and we know he was one of the most distinguished Members of the Senate, a man of great intellect and integrity, and also what we would call today a conservative Member of this body. I happen to have served with him on the Banking and Currency Committee, and knew him a little better than one usually knows a fellow Senator with whom one does not serve on a committee.

I do not intend to read all of his speech but certain aspects of it I think are very relevant to the general situation we have today. It is all available, of course, in the RECORD.

He said:

During recent years a theory has developed that there shall be no criticism of the foreign policy of the administration, that any such criticism is an attack on the unity of the Nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit. I venture to state that this proposition is a fallacy and a very dangerous fallacy threatening the very existence of the Nation.

But it is part of our American system that basic elements of foreign policy shall be openly debated. It is said that such debate and the differences that may occur give aid and comfort to our possible enemies. I think that the value of such aid and comfort is grossly exaggerated.

The only thing that can give real aid and comfort to the enemy is the adoption of a policy which plays into their hands as has our policy in the Far East.

I emphasize that. This is 20 years ago.

Such aid and comfort can only be prevented by frank criticism before such a policy is adopted.

Whatever the value of unity, it is also true that unity carried to unreasonable extremes can destroy a country. The Kaiser achieved unity in Germany. Hitler again achieved the same unity at the cost of freedom many years later. Mussolini achieved unity in Italy. The leaders of Japan through a method of so-called thought control achieved unity in Japan. In every case, policies adopted by these enforcers of unity led to the destruction of their own country. We have regarded ourselves as safe and a probable victor in every war. Today it is just as easy for us to adopt a false foreign policy leading to the destruction of our people as for any other nation to do so. The best safeguard against fatal error lies in continuous criticism and discussion to bring out the truth and develop the best program.

I do not know how it can be said much better, and it is just as appropriate today as it was when he said it.

I have referred to the general tendency toward secrecy on the part of recent administrations. At Tehran and Yalta we secretly agreed to a zone of influence for Soviet Russia in Europe extending through the Baltic states and the Balkans and into the eastern zones of Austria and Germany. The result was to establish Russia in a position of power in central Europe which today threatens the liberty of Western Europe and of the United States itself.

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We see now the beginning of an agreement to send a specified number of American troops to Europe without that question ever having been discussed in the Congress of the United States. The Atlantic Pact may have committed us to send arms to the other members of the pact, but no one ever main-

tained that it committed us to send many American troops to Europe. A new policy is being formulated without consulting the Congress or the people.

In other cases policies have been developed to a point where the honor of this country is committed before any serious debate by the public is permitted.

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More and more it has become customary to make agreements instead of treaties thus bypassing the power intended to be conferred on the Senate to pass on the wisdom of important principles of foreign policy.

This reminds me of the Spanish base agreement. Last year, the Committee on Foreign Relations pleaded with this administration to submit that agreement as a treaty. At least, I did. I wrote and I talked. They refused, and, as Senators know, they executed it without any public hearings or any public discussion. There was no real discussion on the floor of the Senate, other than by individuals, such as the Senator from Missouri and myself, and some other members of the committee.

It is still fashionable to meet any criticism by cries of isolationism just as Mr. Hoover's recent speech has been treated. Criticisms are met by the calling of names rather than by intelligent debate.

I do not know how prescient a man can be. What he said 20 years ago is appropriate to this day. I would think that all the Senators on the Republican side of the aisle would be extremely proud of the foresight and the wisdom of Senator Taft, as expressed in this speech 20 years ago, on a matter dealing with troops to Europe.

The result of a general practice of secrecy in all the initial steps of foreign policy has been to deprive the Senate and Congress of the substance of the powers conferred on them by the Constitution.

That has been said recently. I want to go on with a few words. I think this is appropriate to the present debate.

The principal purpose of the foreign policy of the United States is to maintain the liberty of our people.

I emphasize "the liberty of our people."

Its purpose is not to reform the entire world or spread sweetness and light and economic prosperity to peoples who have lived and worked out their own salvation for centuries, according to their customs, and to the best of their ability.

One passage is more specific—it relates to a man recently in the news—on page 59 of that day's RECORD.

In committee—

This is the Committee on Foreign Relations—

Secretary Acheson was asked the direct question by the Senator from Iowa [Mr. HICKENLOOPER]:

I believe you said earlier in your testimony today that it was contemplated that a great portion of the armament, or the developed armament of Western Europe, in the nations of this pact, would be carried under their own weight. I presume that that refers also to the manpower in their armies. I am interested in getting the answers as to whether or not we are expected to supply substantial numbers—by that, I do not mean a thousand or two, or 500, or anything of that kind, but very substantial numbers—of troops and troop organizations, of American troops, to implement the land power of Western Europe prior to aggression.

Is that contemplated under article 3, where we agree to maintain and develop the collective capacity to resist? In other words, are we going to be expected to send substantial numbers of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?

Secretary ACHESON. The answer to that question, Senator, is a clear and absolute "No."

What could be more positive? "A clear and absolute 'No'." Those are the words of then Secretary Acheson. Referring to his recent statement, in the light of his recent attitude, I would say that was an asinine statement.

Since the sponsors of the treaty backed by the State Department took this position, they can hardly contend now that we have any obligation under the Atlantic Pact to send American soldiers to Europe.

I think this is extremely interesting. The whole debate is interesting. He was one of the outstanding men of his day. Of particular interest is that colloquy between Secretary of State Acheson and Senator Hickenlooper when the Senator asked whether we were expected to send troops, our manpower, to Europe under the NATO treaty, and the Secretary replied that the answer to the question "is a clear and absolute 'No'."

That is the way Congress, time and again, has been befuddled, has been deceived, and then later charged with having participated in the making of a commitment. I do not think we are committed to keep these troops there any longer than Congress thinks it is in our interest to do so. That is what this debate is about.

I am in favor of the amendment of the Senator from Montana. As I have said, I believe that the amendment I have offered is acceptable to the Senator from Montana. All it does is to give the administration an out. It is not simply a flat, final direction that there shall be a withdrawal. It says to them:

If you do not come to Congress and get authorization for the continued presence of 300,000 troops, then by December 31 you must take out 150,000 of those troops.

It is the Mansfield amendment precisely, except that it does give the administration the option to justify their continued presence, which they can do by obtaining the approval of Congress.

Mr. President, since the Senator from Mississippi is on his feet and I have his attention, I should like to protest, with all deference to him, his criticism of the Foreign Relations Committee a few moments ago, when he seemed to imply that, in some way, the Foreign Relations Committee is delinquent in its service to the Senate by not bringing in bills to correct the balance-of-payments question.

I submit to the Senator that substantively, at least, that is not within the jurisdiction of the Foreign Relations Committee. I will say indirectly the field of policy that the Committee on Armed Services has jurisdiction over, in its sponsorship and determined and successful resistance to any efforts to cut down troop levels abroad, has contributed more to the imbalance of payments than anything any other committee has done.

I do not know what brought up the Foreign Relations Committee as being responsible for the imbalance in our payments. Whatever effort we have tried to make within our jurisdiction I believe has been directed at lessening activities which have contributed to it. We do not have jurdisdiction over such things as tariffs. When we put a tariff on shoes or textiles, or what have you, that does not come to the Committee on Foreign Relations. That is for the Finance Committee. That is their particular area.

I think it is unfair to intimate in some mysterious way that because the balance of payments does arise in the foreign field, that it is a matter for which the Foreign Relations Committee has direct responsibility to recommend legislation to the Senate to cure it. If it did have, I assure the Senator from Mississippi that I would make the best effort I could and do everything within my power to cure that situation.

But now, with regard to this amendment, inasmuch as we are going to have a vote on the amendment itself, I think my amendment is acceptable to the Senator from Montana. Whether I can get unanimous consent to amend it or not is another matter. As I understand the rules, under the existing situation, and I propound a parliamentary inquiry to the Chair, will it be in order for me to offer this amendment after the substitute is defeated? Will we then deal directly with the Mansfield amendment, at which time it will be in order to offer my amendment, will it not?

The PRESIDING OFFICER (Mr. WEICKER). The Senator is correct.

Mr. FULBRIGHT. Therefore, I will have made my remarks. I will not take any further time. That is why I did it under this proceeding. Due to the agreements we have, I wanted to put into the RECORD the statements made by Senator Taft, and due to the strict limitation on time that prevails on the Mansfield amendment, I thought I would make my comments now. When I offer my amendment I will explain it. It is a simple amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "The Mansfield Amendment; Yes," published in today's New York Times, written by David P. Calleo, which I think is one of the most succinct and persuasive arguments I have read.

In a few words, he says that the Mansfield amendment is in the interest of this country.

Let me read just two paragraphs:

Under the circumstances, to argue that we should wait for "balanced and mutual force reductions" is to miss the point entirely. What is needed is an unbalanced and unilateral reduction of America's excessive share in Western Europe's ground defense. Above all, there is needed a fundamental reform of NATO's structure to place the primary responsibility for organizing European defense upon the European states themselves.

It is quite understandable that many European politicians prefer us to continue the heavy outlay for their defense. But even if they were willing to pay much more of the

real cost, why should we? Why should American youth be turned into condottieri for a prosperous Western Europe?

Mr. President, I commend the entire article to the attention of my colleagues.

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

THE MANSFIELD AMENDMENT: YES

(By David P. Calleo)

WASHINGTON.—Senator Mansfield's proposal has been treated as an aberration by a normally balanced and solid politician. But with hindsight, it is Mr. Mansfield who is likely to appear the statesman and his opponents irresponsible. For there is an excellent case to be made for a substantial reduction in American forces in Europe.

The United States is seriously over-extended throughout the world. The signs of domestic strain are rather obvious, the pressures for a reduction of military spending compelling. To avoid a disastrous collapse of our whole world position, our foreign policy must develop a sense of priority and measure. We must stop trying to do things for others that they can much better do for themselves. We should, therefore, devolve our swollen responsibilities for security wherever other countries are rich and stable enough to assume them. There is no serious reason why the major nations of Western Europe cannot take over from us the primary responsibility for their own defense, especially conventional defense. It would not be the end of the alliance, but its rejuvenation. Britain, France and Germany have nearly 1,400,000 men under arms. If they believe these forces inadequate, they have ample resources to raise more.

Under the circumstances, to argue that we should wait for "balanced and mutual force reductions" is to miss the point entirely. What is needed is an unbalanced and unilateral reduction of America's excessive share in Western Europe's ground defense. Above all, there is needed a fundamental reform of NATO's structure to place the primary responsibility for organizing European defense upon the European states themselves.

It is quite understandable that many European politicians prefer us to continue the heavy outlay for their defense. But even if they were willing to pay much more of the real cost, why should we? Why should American youth be turned into *condottieri* for a prosperous Western Europe?

Ironically, the heaviest cost falls upon Europe's future. It is in Europe's best interest, and our own, that the European states build among themselves a solid military coalition before negotiations for a definitive European settlement. By doggedly insisting that the Europeans should rely primarily on us, instead of each other, we are subsidizing European disunity and adventurism. Indeed, our dollar deficit, caused in considerable degree by NATO's costs over the years, now threatens the whole structure of that economic community which is Europe's best hope for the future.

This week will doubtless see a fine and heartening display of old faces and old slogans. Old comrades will refight the battles of yesteryear. Threats will be contained, cowardly isolationists squelched, and our world responsibilities manfully shouldered. But when all the flags are put away, it should be painfully obvious that nostalgia for great accomplishments in the past is a poor substitute for a foreign policy. Senator Mansfield, at least, has acted with imagination, courage and common sense. It is a pity these qualities have become so rare elsewhere in the American Government.

Mr. FULBRIGHT. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, the proposal of the distinguished majority leader (Mr. MANSFIELD) to reduce the number of American troops in Europe has been a troublesome one for me in making a decision as to how I should vote.

To have in Europe 300,000 American military personnel, plus 200,000 military dependents, 26 years after the ending of World War II is, I feel, cause for great concern.

I am concerned, too, that our European allies are doing too little for their own defense and are relying too heavily on the United States.

But the fact is that Western Europe has been relatively calm these past 20 years and for this substantial credit is due the North Atlantic Treaty Organization, in which the United States and West Germany are the dominant partners.

Were the Congress to approve Mr. MANSFIELD's proposal to reduce American troops in Europe 50 percent by the end of this year, this inevitably, I feel, would have a major, if not a devastating, effect on NATO.

Not until today did I make a firm decision as to how I shall vote. I have concluded, however, that the proposal offered by the distinguished majority leader is too severe, too drastic.

Russia is a grave threat to world peace. She has asserted her aggressive intentions in various areas of the world, but she has kept hands off of Western Europe, an area of vital concern to the United States.

With Soviet leaders indicating an interest in negotiating a reduction of both Russian and allied troops in Europe, now would not seem a desirable time to legislate unilateral withdrawal.

My judgment suggests that in casting votes today on the issue of troops in Europe, that if I am to err, I had best err on the side of caution. A peaceful Europe is of the utmost importance to the United States.

While I shall vote against Senator Mansfield's proposal, I feel it has served a good purpose. It has dramatically focused attention on the widely-held view that our allies throughout the world must begin to do more for themselves.

The United States cannot continue indefinitely the tremendous worldwide burden which we are now carrying.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia and commend him for a sound statement.

Now, Mr. President, I shall take only a few minutes on the amendment of the Senator from Arkansas.

First of all, let me say to the distinguished Senator from Arkansas (Mr. FULBRIGHT) that I am sure the record will show that my remarks concerning the balance of payments, in the absence of committee recommendations, referred primarily to the Finance Committee.

Mr. FULBRIGHT. The Senator said Foreign Relations Committee.

Mr. STENNIS. And then, in the same breath almost, in referring to economic matters, military aid and troops. I referred to the Foreign Relations Committee.

Mr. FULBRIGHT. If I may interject there, the Senator knows that for the past several years I have opposed that personally as much as I could, and the Senator from Mississippi and others have supported it here on the floor of the Senate and have overridden me.

Mr. STENNIS. It has been a long time since I have supported foreign aid.

Let me make clear to the distinguished Senator from Louisiana (Mr. LONG) that my remarks were carefully made and with great respect to all committees, and I said so. If I may make my point here, as the Senator from Louisiana was not in the Chamber at that time, I was talking about solving the problems of our balance of payments and the international policies of Western Europe with amendments from the floor rather than by thorough, thought-out hearings and presentation, reporting, and a bill. That was the way to go it, as I recommended, and say now. This problem is so great that no committee has been able to bring us a bill to solve it. That was said in a friendly way.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG. Mr. President, the Finance Committee has been trying to do some things along that line. We passed the Interest Equalization Act, to try to stop the outflow of American investment dollars to Europe, seeking a high interest rate. We are bringing the Sugar Act out some time soon, which will help a little bit with the situation.

We on the Commerce Committee last year passed a maritime bill to strengthen our merchant marine and try to help some with the situation. We reported out of the Finance Committee last year trade measures that would help with this situation.

It is not our fault that the bill we reported out to help our trade balance did not help that situation. We in the Finance Committee are aware of the situation and are trying to do something about it.

Mr. STENNIS. Mr. President, I think the Senator had the vote of the Senator from Mississippi right down the line and probably the Senator's own vote.

Just another word about the merits of the Senator's proposal which adds the words on line 9 of page 2, and that refers, I take it, to the military personnel, and not to the money. It refers to the appropriated funds in that same section B. But the Senator's amendment relates to the troops, as I understand it.

Mr. FULBRIGHT. Mr. President, unless there is the usual authority to keep them there which would justify the appropriations. I do not see that there should be any misunderstanding about what that means.

Mr. STENNIS. My point is that it makes it clearer that that would be the law anyway. If this amendment becomes law, it cuts off 150,000 troops. There could not be any more unless authorized

by law. That is my quick interpretation of it.

Mr. FULBRIGHT. It makes it very clear that they have from now until the end of the year to justify the continued presence of these troops.

Mr. STENNIS. Mr. President, that was my analysis of it. I wanted to put that in the RECORD. We have never by law put a troop limitation on troops in any foreign country we were cooperating with. There is none in Vietnam. There has never been any in Europe that I am advised of. I cannot remember any. However, there was a sense of the Senate resolution by the former Senator Connally from Texas, I am advised.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, the Senator from Mississippi keeps saying things that lead one to the belief that this is not a matter that ought to be considered on the floor. That just is not so.

I do not want to repeat this too often, but I know that a lot of Senators come and go. This is an old matter that has been up before the Committee on Foreign Relations. The committee has given it attention. We did approve a resolution—I do not think it was a resolution in this field—that this should be reduced.

The original resolution before the subcommittee of the Foreign Relations Committee under the direction of the Senator from Missouri went into this matter in extenso. A very valuable report was prepared by that subcommittee indicating that there were some 3,000 bases all around the world, 380 of them major bases.

This is outrageous extravagance. It is often referred to as the Pincus report. He was the staff man who wrote it. It very strongly recommended that these troops be brought home.

This is not something that has arisen out of the thin air. The Senator from Mississippi knows very well that the Symington subcommittee and other committees have thought about this matter and about how terrible it is for us to impoverish ourselves by supporting bases all the way around the world from Iceland to St. Helena and in between. We have bases of varying sizes. This is not new.

Mr. President, we should not be subject to the accusation that this has come up on the floor of the Senate and has taken Senators by surprise. The Senator from Montana mentioned in his statement that he has been suggesting this for 10 years. From time to time there has been action on it, reports of committees, and so on. It is not new. I do not believe we should be accused of springing something on the Senate without notice.

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

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Mr. President, as I understand the effect of the Senator's amendment, it is that if between the time the resolution is passed, if passed, and December 31, the administration feels that 150,000 is too severe a cut, they can come in and justify 75,000 or justify none, or justify 50,000, whatever the case happens to be.

Mr. FULBRIGHT. Whatever they think they can justify.

The PRESIDING OFFICER. The 2 minutes of the Senator from Arkansas have expired.

Mr. PASTORE. Mr. President, will the Senator yield me 5 minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I am a cosponsor of the Mansfield amendment.

Mr. FULBRIGHT. So am I.

Mr. PASTORE. And I shall vote for the Mansfield amendment. But I am a little bit disturbed about the number of 150,000, as to whether it is an arbitrary figure and whether it should be more or less. However, I think the matter is to be discovered and decided.

Mr. President, the Senator from Missouri and I paid a visit to Europe not too long ago. While publicly, many of our leading military men will not talk about the commitment of the United States vis-a-vis the commitments of our allies, they will say privately almost to the man that our allies should be doing more than they are doing.

I do not believe that the resolution of this very important matter should be made by some of the hocus-pocus amendments that have been proposed here today and have been voted upon. I think the question is very clear. Either the President does the job or Congress will have to do it. If we do not accept the Mansfield amendment, we have to go along with the Mathias amendment that admonishes the President to do something about it. I think that is the weaker procedure to adopt. I am for the Mansfield amendment. And I believe that any ambiguity that might have existed has been dealt with by the amendment offered by the Senator from Arkansas.

This is what we are up against. We have been talking about the balance of payments. I do not think it has a great deal to do with this problem. We have been talking about the commitments of other countries vis-a-vis the Americans. I do not think that is the crux of the problem.

The problem is that the peril still exists in Europe. Europe should be fortified and should be militarily strong enough to be a supplement to the deterrent power that exists in America. The only question that has to be resolved is what should be America's participation as compared to the allies. We have been at the top for 26 years. We have lived up to our commitment. As a matter of fact, we are committed up to our necks. But our allies have been derelict in meeting their commitments.

When we made our commitment 26 years ago, Europe was broke and we were booming. The picture has now been reversed. I read in the paper the other day that American businessmen tried to pay their hotel bill in Geneva. The American dollars were rejected. The American dollar has lost its integrity in Europe. Why is that? It is because of the fact that we have been dealing with this proposition for the last 26 years.

Last December the ministers of the NATO alliance met and agreed to come up with about $1 billion in a very vague way over the period of the next 5 years. What prompted that? The one thing that prompted that was the Mansfield amendment.

If they could do a little more in December, why have they not been doing it for the 26 Decembers before?

In Germany, with a population of 90 million people, they are importing 2,700,000 foreign workers. They are importing workers while we are looking for jobs. That is the situation. That is what we are trying to cure here. I do not care how we do it.

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

Mr. FULBRIGHT. Mr. President, I yield 3 additional minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 additional minutes.

Mr. PASTORE. Mr. President, I do not care whether the President does it or whether we do it. But let someone do it before we go broke—before we go broke.

I am telling the Senate that we have 217,000 military people in West Germany and we have 500,000 dependents in West Germany. The balance of payments, of course, is reflecting this. But that is not the whole answer.

The answer here is, "Yes, America's security is involved but so is the security of our allies, and even more so because they are under the gun."

Yes, we must be committed, but why should they not be more committed? Why have they not lived up to their obligation? That is all we are trying to do here. We are trying to promote a little equity. We are not pulling out all our troops. We have men there picking up butts and painting flag poles and they should be home with their families doing their jobs in America. We are overcommitted. That is the problem today. Let us bring about some semblance of equity.

If the number of troops should be 150,000, let it be 150,000; if it should be 50,000, let it be 50,000; but let them prove it.

That is all I have to say, and I hope there will be some sense in the Senate this afternoon. [Applause.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries.

The PRESIDING OFFICER. The Chair advises the galleries that expressions of approval or disapproval are not permitted.

Mr. FULBRIGHT. Mr. President, I yield myself one-half minute. I shall withdraw my amendment now and offer it on the Mansfield amendment when that amendment is the pending business.

I yield back the remainder of my time.

Mr. SYMINGTON. Mr. President, will the Senator yield before he does?

Mr. FULBRIGHT. How much time does the Senator request?

Mr. SYMINGTON. Three minutes.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, it was my privilege to join the distinguished senior Senator from Rhode Island in the trip to Europe last month he just described. Based on what we found out over there, and what was told us, not in the formal briefings, but informally by people in the military, I would hope the Senate gives full consideration to the logic of his remarks.

I would associate myself with what the Senator from Rhode Island said. The truth is that there are no people more convinced we have been outtraded and are being outtraded when it comes to the defense of Europe and the so called free world than the people of the Military Establishment in Europe who represent the United States.

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, while it is against the Rules for the visitors in the galleries to applaud, it is not against the rules for me to speak on their behalf and congratulate the Senator from Rhode Island for a very great statement on a most important subject.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas has been withdrawn.

Mr. STENNIS. Mr. President, I did not yield back my time. I wish to use some time.

Mr. FULBRIGHT. Mr. President, I withhold my request. I thought the Senator had concluded his remarks.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 8 minutes.

Mr. COOPER. Mr. President, I have listened with great interest and understanding to the speech of the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations, and also to the speech of the distinguished Senator from Rhode Island (Mr. PASTORE). Their speeches have strong and emotional appeal. They attract interest immediately when ways are suggested to save money, and to have a favorable effect on the balance of payments. It is an appealing argument, but it ignores many issues.

I would say that for those of us who have argued on prior amendments that it would be unwise to make unilateral reductions before there has been opportunity for negotiating for mutual troop reductions with the Soviet Union and the Warsaw Pact forces, our argument on prior amendments applies with equal strength to the amendment offered by the Senator from Arkansas.

Mr. President, this year the military authorization bill and the appropriation bill will provide funds for troops in Europe. There will be an opportunity this year in hearings before the Committee on Armed Services, to review the position of the administration concerning the number of troops necessary for NATO. We do not have to wait until next year. I suggest further that if, as in 1951, it should be considered a matter of such importance for the military security of our country and to our foreign policy, why should not the Committee on Foreign Relations and the Committee on Armed Services hold joint hearings.

The Senator from Arkansas referred to the position of the late and great Senator Taft, who was a member of the Senate in 1951. He stated correctly the position of Senator Taft. I was not in the Senate at the time, but I recall the hearings, was a witness myself, and I might say that the Committee on Foreign Relations and those who argue here today for Senator Taft's position opposed Senator Taft in those days. I was opposed at the time. That does not mean his position was incorrect. That does not mean one cannot change his views. I simply point that out to recall the historical facts.

I emphasize that our arguments against prior amendments apply with equal strength to this amendment. It would determine at this time a reduction to 150,000 men, with a condition subsequent attached. If this amendment should be agreed to, a force of 150,000 men will be the force on December 31, 1971, unless a condition subsequent occurs—that is, a decision made by the Congress prior to December 31 of this year, that some other force level is appropriate. It is in effect the Mansfield amendment, but confusing.

In my judgment, if we are to enter into negotiations dealing with mutual force reductions, this amendment would give a signal in advance that 150,000 could be our force level. So I suggest that the amendment would have an unfavorable effect upon negotiations.

Now, Mr. President, I shall turn to the argument of a great and eloquent speaker and a great man, the Senator from Rhode Island. I know all of us have been interested this week by the appearance, for lobbying purposes—and that is not evil per se—of some of our leaders 20 years ago during the establishment of NATO. They were great figures in their day, and great men, and they are good and great men today. But I do not think the Senator from Montana was very much worried about their appearance in the Senate, because I do not think they hurt his cause very much. But that does not mean that those men are of no interest to us. They had much to do with the security of this country.

I recall that only 3 years ago, in one night, 20 Soviet divisions—perhaps it was 24; I know it was more than 20—seized Czechoslovakia in 24 hours and wiped out—I hope not forever—any glimmer of hope of the people of that country had for an independent country and life.

I remember the caption of one story from Czechoslovakia. One student said, "We were happy for a time."

I am not a cold-war warrior. I think Senators know that. But the invasion occurred, and at the same time Brezhnev proclaimed his doctrine that the Soviet Union had the authority to intervene in any country that had a so-called "socialist" government to preserve the socialist system.

How many countries may be added in the future? Suppose there is a temporary establishment of a so-called socialist government in other countries. To how many countries would that doctrine apply?

The Soviets have increased their strength in the Mediterranean. Many in this body have reacted very strongly with respect to Israel. And now when conditions are better in the Mideast, when the Secretary of State has been able to help secure a cease-fire and some hope for peace, there is less concern about the increasing Soviet strength.

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

Mr. COOPER. May I have 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. But with these positive efforts being made by our country and other countries, to come to some settlement of grave questions in Europe, questions affecting our country, I think it unwise to take this unilateral step, by whatever amendment is offered, without a first effort to secure mutual force reductions.

I will make another point and then I shall close. It is on the question of nuclear power. The effort of NATO for a balance of conventional strength is designed to arrive at a position of deterrence to prevent war, to prevent the use of tactical nuclear weapons, that could lead to strategic nuclear weapons—a war which, of course, would blot out civilization, as we know it, and the life of millions and millions, and hundreds of millions of people all over the world.

To reduce forces without a similar reduction on the other side would lead to the old "tripwire" nuclear policy, which means simply there is no time to negotiate, to resist, if by accident or design, a military movement occurs. An awful decision would be compelled whether we should resort to tactical nuclear weapons. We hope that decision will never have to be made, for it could lead to strategic nuclear weapons but without some balance of conventional forces is maintained, it might be faced.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Kentucky.

Mr. FULBRIGHT. I would like to ask the Senator a question.

Mr. COOPER. I yield.

Mr. FULBRIGHT. The Senator says this is giving aid and comfort to a country with whom we are not at war, if we withdraw 100,000 troops. Yet to another country, with whom we are at war, would we not be giving aid and comfort if we were to withdraw our forces from South Vietnam? Does the Senator think we would be giving aid and comfort to North Vietnam if we withdraw 100,000 troops from South Vietnam? We are not at war with the Soviet Union.

Mr. COOPER. The Senator knows I

am in favor of withdrawal of troops from Vietnam—of all of our troops from Vietnam.

Mr. FULBRIGHT. Why not withdraw them from Germany?

Mr. COOPER. The Senator's statement is a non sequitur.

Mr. FULBRIGHT. The statement of the Senator from Kentucky is a non sequitur.

Mr. COOPER. Because we made a mistake in Vietnam, in a place which is not in our interest, I do not see why we should withdraw from Western Europe where we do have an interest, and where we have strong historical, cultural, and economic connections.

Mr. FULBRIGHT. The Europeans have a greater interest than we have.

Mr. COOPER. They are supplying more troops than we are.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I want to join the Senator from Kentucky in his cogent, and rational argument.

When we talk about force reductions, we are not just talking about the Army. When we refer to a substantial reduction of our forces in NATO, we are also talking about the Air Force and the 6th Fleet, the Mediterranean shield. It is the 6th Fleet which offers the best opportunity for a negotiated settlement between Israel and the Arab countries, more so than any other physical force we now have. We are in other words talking about all kinds of forces which would be affected by an across-the-board cut.

I wonder how a Senator would react on the floor if someone proposed a unilateral cut of 50 percent in our nuclear weapons arsenal in the face of Soviet power.

What we should be talking about, instead, is mutual balanced force reductions. I happen to believe in arms control. I believe in scaling down the arms race wherever and whenever we can. I believe, for instance, we should try to arrive at an agreement with the Soviet Union on a reduction of ABM's, MIRV's and other offensive weapons. But I do not believe in giving away our power before we negotiate an agreement. I do not believe in unilateral disarmament, not if it means disarming at the risk of our security and the security of our allies.

The NATO and Warsaw Pact forces are now in a position of parity. One of the most delicate instruments of deterrence that the world has ever known is the balance in force capabilities which has been achieved between NATO and Warsaw Pact forces. Of all the times when it is untimely to be talking about a unilateral reduction in our forces, it is now Brezhnev and Kosygin, in great part as a response to the economic needs of their own country, say that we ought to be negotiating a mutual reduction of forces in Europe. And here we are in the Senate considering pellmell that we are going to cut our forces in half.

I do think it makes sense to reduce armaments in this fashion. I do think it makes sense to negotiate from a position of strength and determination to cut back on armaments and on our Armed Forces. But I submit that we ought to be very careful where we are going and what we are doing.

The most delicate negotiations this Nation has ever known are taking place between Germany and the Soviet Union—hopefully to normalize their relations. Delicate negotiations are taking place between Israel and the Arab states, backed by the United States and the Soviet Union, on the Middle East. It is all one package, and if we start to unravel carelessly part of it, we may arrive at the negotiating table without any hope of arriving at an equitable settlement.

I am not here pleading for President Nixon. On the contrary, I am pleading for a foreign policy of the United States that will preserve peace, that will arrive at negotiated settlements, that will reduce nuclear armaments, between ourselves and the Soviet Union, and that will hopefully reduce the terrible burden of defense. But I do not think we will achieve what we should be seeking by this kind of legislation. I, therefore, think this amendment and all like it should be defeated.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, this debate is getting pretty theoretical. The Senator from Kentucky, who knows well the respect and affection I have for him, compares the invasion of Czechoslovakia by 20 Russian divisions with what is now going on in Europe where we have 7,000 nuclear weapons, and which was testified to years ago. We now know also that number has been increased.

To say what is suggested in the Mansfield amendment is unilateral disarmament, I say with great respect to my colleague and friend from Minnesota, is pretty ridiculous. We have had, for over a quarter of a century, a force we were assured, when it went in, would stay in Europe for some 18 months at the most. In connection with that force we have a quarter million hostages, women and children.

I have had many surprises in my life, but none greater than that occasioned by obtaining knowledge of the lethal quality of our nuclear position in Germany obtained on this trip with the chairman obthe Joint Committee on Atomic Energy.

As a result of that trip, the idea that, to protect the American dollar, we cannot reduce by 50 percent the conventional forces we have in Europe, without it being called unilateral disarmament, when we are leaving there, under American control, 7,000 ostensibly tactical nuclear warheads many of which are infinitely stronger than the bombs which wiped out Hiroshima and Nagasaki, is also incredible.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. BYRD of West Virginia. Mr. President, I yield 3 minutes on the Mansfield amendment to the Senator from Missouri.

Mr. SYMINGTON. I would say to the able Senator from Minnesota it is clear to me that soon we must decide whether a viable economy, with a sound dollar, is also important to national security; along with morale possessed by people of this country. When you read a story like the article by Stewart Alsop, heroin problems in Vietnam, in this week's Newsweek, entitled, "Worse than Mylai," and you see what is happening to young Americans as we did in Germany, first hand, it would appear we are preparing for far greater casualties of another sort. I think talking about unilateral disarmament in this connection is unfortunate, may I say to my beloved friend from Minnesota.

The way to keep this country strong is not to have a lot of ground troops in Europe. An equal part of our real strength lies in our economy and the soundness of our dollar, above all, in the faith of our people in their Government. That faith is being lost by some people. That is clear. What is more clear, and I know the Senator from Rhode Island will agree, is faith being lost by our young people over there.

Senators should have heard the sergeant on a television show in this country, with his colonel agreeing with him, a young sergeant who among other things stated 85 percent of his outfit used dope. This was in Germany.

If we want to disarm unilaterally, let us take the nuclear umbrella away from Europe. That, of course, I would oppose.

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

Mr. SYMINGTON. I am glad to yield to my friend from Rhode Island.

Mr. PASTORE. How about these advertisements that are appearing in the newspapers, "Join the Army and take a vacation in Germany"?

[Laughter in the galleries.]

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The Chair does so advise the occupants of the galleries. The point made by the Senator from West Virginia is correct. Expressions of approval or disapproval by those in the galleries are not permitted.

Does the Senator from Arkansas wish to withdraw his amendment at this time?

Mr. FULBRIGHT. Not for the moment. The Senator from West Virginia has a request to make.

Mr. BYRD of West Virginia. Mr. President, from the time on the Mansfield amendment, I yield 3 minutes to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Just to bring up one point that was raised. The amendment of the Senator from Montana (Mr. MANSFIELD) has an enclosure that he introduced in the RECORD today, that he offered as an amendment. It was an amendment prepared by Edward King, who used to be a military staff planner. It is very specific that the recommendation for the 150,000 cut is 100,000 for the two combat divisions and their immediate forces that serve them, plus 50,000 from the logistical table. So it would not address itself at all to the Navy or to the nuclear establishment that exists there in Western Europe. So I think the fear that that might occur should be laid aside.

The other point is the problem of negotiations. We will not be negotiating, in any event, on a man-for-man basis, because the Soviet contingency far outweighs ours, and a man-for-man basis would be insignificant, even if it meant taking out 300,000 Soviet troops, since that would still leave 500,000 Soviet troops there. So negotiations would have to be on a relative basis; and, of course, on a relative basis it could occur just as well after the 150,000 reduction as before.

As to a point I had raised, which was that we have a disparity of figures that have been offered, between the figures offered by the majority leader as to troop levels and the figures offered by the chairman of the Armed Services Committee, those figures have yet to be reconciled.

I think the thing that should be kept in mind with respect to the negotiations is that the administration had ample time a year ago in which to respond to the Russians and develop negotiations. It was not done at that time. The administration had ample time after March 30 to come forward with a plan of negotiations, and the silence was deafening. It was only as a result of the Mansfield amendment that there is any credibility at all to the thought of negotiations.

I would hope that with the passage of this amendment, actual, concrete negotiations would take place, and in the absence of that, I think we will see the record of the past 10 years repeated, and that has been a record, as far as the United States is concerned, of unilateral withdrawal, because we have withdrawn, in the last 10 years, 134,000 troops out of NATO. There has been no gnashing of teeth over that, and there need be no gnashing of teeth with further withdrawal.

The reason why I feel we can only take solace presently in the Mansfield amendment is that this administration has gone on record, at least by implication, that it does not really want to negotiate.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Does the Senator from Mississippi yield time?

Mr. BYRD of West Virginia. Mr. President, from the time on the Mansfield amendment, if the Chair wishes to recognize the Senator from California, I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I sense a deeply disturbing undercurrent through this debate on the size of our NATO forces, an undercurrent flowing both on the Senate floor and in the reaction to the Senate debate in America in the press, as well as in Europe in the NATO countries. To be concise, and to save the time of the Senate, I have made a few notes, and I shall refer to them as I comment on what disturbs me about the situation we are grappling with.

There appears to be a tacit understanding on both sides of the Atlantic that a sizable number of American troops must be stationed on the Continent as a kind of human tripwire to assure our intervention in the event of a Soviet invasion of Western Europe.

The theory seems to be that thousands of Americans must be engaged in mortal combat and many killed in the first days of such an invasion, else we will not intercede. And that the larger the size of this human tripwire, the more human flesh it contains, the more confident our friends and allies will be, and the more hesitant the Russians.

I find this concept utterly repellent. It is morally grotesque. If it is right for the United States to intercede in an attack on our European allies, then we should intercede even if no Americans were killed in that attack. Moreover, even if we were to accept—as I do not—the underlying callousness and cynicism of this approach, the concept would still be strategically fallacious and self-defeating.

To begin with, I am appalled by the image of 300,000 Americans being offered up as sacrificial hostages in a new, perverted version of earnest money to reassure our friends that we will keep our pledge. I am shocked each time our foreign friends interpret any effort to reduce the number of hostages as hard evidence that we do indeed intend to go back on our word.

What kind of friends are these, anyway? What kind of opinion do they have of us, to think that we do not value human lives unless they are American lives? That we would not consider the lives of other free men worthy of our concern in the event of Soviet aggression? And that only the on-the-spot slaughter of young Americans could provoke us to act in our own best interests?

And what kind of alliance is this? Is it based solely on European self-interest? Or is it based equally on what the United States considers to be in its national interest and in the interest of world peace?

If we believe that a Soviet invasion of Western Europe would threaten us and upset world stability—as most assuredly it would—then we should, and we would, respond to that aggression, promptly and effectively. I think the Russians know this, even if our allies do not.

In that case, what purpose does it serve to have 300,000 Americans stationed in Europe to bear the brutal brunt of any initial Soviet onslaught?

More than morality is involved here. There is real peril that the human tripwire is a self-triggering device that could actually bring about the military situation it is supposedly designed to avert.

Three hundred thousand of the best trained, best armed troops in the world, stationed in combat readiness on the very borders of the Warsaw Pact countries, is provocative. At the very least, a force that size increases the chances of accidental military collision, of a small incident becoming rapidly magnified into a major confrontation.

Those who subscribe to the trip-wire strategy declare that it offers us flexibility—a way to resist aggression without resorting to all-out nuclear retaliation. The fact is, however, that the great armies of NATO and the Warsaw Pact standing across an imaginary line in Europe are as dated as the cavalry that tried to stand up to the Nazi panzer divisions in Poland. Our troops in Europe are armed with nuclear tactical weapons, as the Senator from Missouri just pointed out. So, presumably, are the Warsaw Pact forces.

The tripwire strategy relies on our tactical nuclear weapon.

Our smallest tactical weapon is the Davy Crockett, a cannon with a crew of five. It has been called the "keystone of the Allied defense line." The Davy Crockett has a force somewhat less than the Hiroshima bomb that burned 7 square miles, killed 78,150, injured 37,425, and left 176,987 homeless, foodless, or sick. The city was 60-percent destroyed.

Our other tactical nuclear weapons are even more powerful than the Hiroshima bomb.

A few years ago, NATO held war games in north Germany with simulated nuclear tactical weapons. Later, an analysis was made by Britain's top military scientist, Sir Solly Zuckerman. He discovered a human fact of war. A unit commander will tend to overemploy weapons to insure victory. Relatively low powered tactical nuclear weapons, like the Davy Crockett, are soon put aside, and higher caliber tactical weapons are used.

In the NATO exercises, three army corps took part. The battle area was open ground with no large cities. Yet so heavy was the destruction that the fighting lasted only 3 days. Weapons of 15 to 20 kilotons, that is, of the Hiroshima size, were used. Every tactical firing would destroy a town and wipe out from one to 12 battle groups, as a rule. Both sides "used" 20 to 50 megatons in 500 to 1,000 strikes.

If the bombs had burst in the air, the homes of 3½ million would have been destroyed. Ground bursts would have cut the property damage in two.

The human casualties would have been half a million killed or fatally injured. Five million more would have been seriously harmed by radiation. The entire area would have been so soaked with radiation that no armies could have moved. They would have had to flee. There would have been in the area only burned and ruined towns, radioactive land, food, and water.

John Strachey, the former British Secretary of State for War, wrote that the introduction of the tactical nuclear weapons has indeed taken the lid off the bottle. He said:

> It is leading to a kind of situation in which the NATO forces in Europe, partly because of the nature of their equipment and even more because of the nature of their training, will feel themselves unable to undertake more than a border skirmish without the use of tactical nuclear weapons.

In the hope that we could evade total nuclear warfare and destruction, we decided to keep 300,000 ground troops in Europe. But this will not stop devastating nuclear war, if war ever begins. If there is a war between East and West in Europe, the side that is losing or thinks it will lose will undoubtedly use the tactical weapons. That is why we have ours there.

So our troops in Europe, in case of war, are targets for almost certain death or radiation poisoning. They cannot win, they can only destroy and be destroyed.

Before this murderous insanity goes any further we should reduce our NATO forces. We should recognize that there is no true security for us or for anyone in a world in which nuclear weapons are on the loose. We should set to the task of providing world leadership toward peace through world law.

Do some of our leaders feel that they must use a trip-wire force to insure that we will keep our commitment to our NATO allies? Are we busily preparing for a day when we may be in the same position in Europe as we are now in Southeast Asia? A day when we will be told that millions of Americans must die for those 300,000, just as we are being told now that still more Americans must die in Indochina so that the deaths of the 55,000 already killed there will, somehow, have been "worthwhile"?

One such horror is more than enough in the lifetime of any nation.

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

Mr. CRANSTON. May I have 2 additional minutes?

Mr. BYRD of West Virginia. Mr. President, I yield 2 additional minutes to the Senator from the time on the Mansfield amendment

Mr. CRANSTON. But if that is what some of our leaders think, if that is why they insist on 300,000 American troops on European soil, their perspective, in my judgment, is dangerously distorted.

For the fact is, the whole structure of the trip-wire concept is built on false assumptions. The fact is, we do not need such an immoral mechanism to forcibly link Europe's destiny with ours. The fact is, we are inextricably linked—by past history and heritage, and by present politics and economics.

A free, independent Europe is, in fact, vital to America's survival and to world peace; a free Europe and a free America stand or fall together.

That is the real meaning of NATO, that is why we are in the alliance, that is why we will unhesitatingly honor our commitment should that dark day ever come that we are called upon to do so; not to avenge the blood of American hostages, but to defend American freedom.

Our European allies and those of our leaders who presume otherwise do the American people a grave injustice.

Mr. GRAVEL. Mr. President, will the Senator yield the remainder of his time to me so that I can place in the RECORD figures to substantiate the case he has just made?

Mr. CRANSTON. I am delighted to do so.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. GRAVEL. Mr. President, will the Senator yield me 1 minute to place these figures in the RECORD?

Mr. BYRD of West Virginia. Mr. President, I yield 1 minute to the Senator from Alaska, from the time on the Mansfield amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a table prepared by the Institute for Strategic Studies, 1970, wherein it contravenes the statement made yesterday by the chairman of the Committee on Armed Services—that is, NATO has the equivalent in armored divisions, 8; Warsaw Pact, 31; infantry, mechanized and airborne, NATO, 16; Warsaw Pact, 38. It goes on to give every interesting figures.

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

NATO AND WARSAW PACT FORCES, GROUND FORMATIONS

Category	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	13	19	6	12	3
Infantry, mechanized and airborne	16	38	21	28	22	3

If French formations (not part of NATO's integrated commands) are included they would add two mechanized divisions to the NATO totals. All the forces of Warsaw Pact countries are included, though the military value of some of them may be suspect for political reasons.

MANPOWER

A comparison of formations is not by itself sufficient however, since NATO formations are much larger than those of the Warsaw Pact. It is necessary to take account of this difference in size and also of the combat troops in formations higher than divisions and those men who directly support them. Figures calculated on this basis—and the calculation can only be an approximate and arbitrary one—give the following comparison for forces in peacetime (figures are in thousands):

Category	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
Combat and direct support troops available	580	900	585	525	370	75

Source: Institute for Strategic Studies, 1970.

If French forces are included the NATO figure for Northern and Central Europe would be increased by perhaps 40,000.

Mr. FULBRIGHT. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is withdrawn.

Mr. CHURCH. Mr. President, I propose a perfecting amendment to the pending Mansfield proposal. On page 2, line 9, I would strike the figure "150,000" and insert in its place the figure "250,000". I send that amendment to the desk.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on all substitute and perfecting amendments, with the exception of the Mathias substitute and a possible substitute which may be offered by the Senator from Colorado (Mr. DOMINICK), be limited to 30 minutes, the time to be equally divided between the mover of the amendment and the majority leader or his designee.

Mr. CRANSTON. Mr. President, reserving the right to object, I assume that the proposal relates to amendments to the Mansfield amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. CRANSTON. I thank the Senator. I do not object.

Mr. STENNIS. Mr. President, reserving the right to object, the amendment offered by the Senator from Idaho presents a considerably different amendment from what has been had from the Senator from Montana. I am very anxious for the bill to move along. I would like to see the amendment debated under the agreement as much as we can and dispose of it. So I think the way to move the bill along—this is my opinion—and to get to the vote is to have a certain time on the amendment and then vote. I do not think that 15 minutes, though, to each side would be sufficient. I am willing to debate it and yield back some time, if we have any left, but, for this amendment, and under the present arrangement, I object.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, with the exception of the amendment offered by the Senator from Idaho (Mr. CHURCH), and the substitute offered by the Senator from Maryland (Mr. MATHIAS), and possibly the substitute to be offered by the Senator from Colorado (Mr. DOMINICK), that time on all additional perfecting amendments and substitutes be limited each to 30 minutes, to be equally divided between the mover of such perfecting amendment or substitute and the distinguished majority leader or his designee.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object, I am very much interested in moving the bill along but I am not going to enter into an agreement that way until I know what is in the amendments.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I wonder whether it would not be possible now to identify which amendments will be offered. We certainly have done that on many other occasions. We have had it clearly indicated what amendments there were and we have provided for appropriate alloca-

tions of time. Have we reached the point now where we could do that?

Mr. BYRD of West Virginia. I think we have. Mr. President, I personally know of no perfecting amendments in addition to those which have been mentioned and I also know of no substitutes.

Mr. GRIFFIN. For my side of the aisle, I can say that other than the amendments and substitutes the majority whip has just mentioned, there are none that I am aware of.

Mr. JAVITS. If I may interject there, we had the matter of inserting three words in the Mathias amendment for which unanimous consent has already been obtained.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi allow us to get to an agreement, as I know of no other perfecting amendments or substitutes? I thought it would be well to propound such a request, just to limit time on any perfecting amendments that may suddenly be brought in.

The PRESIDING OFFICER (Mr. WEICKER). Is the Senator from West Virginia reinstituting his unanimous-consent request?

Mr. STENNIS. Suppose the Senator from West Virginia inquires if anyone else on the floor wants to introduce an amendment here or knows of one prospectively to be introduced?

Mr. BYRD of West Virginia. I would propound that inquiry now, as to whether any Senators presently on the floor plan to introduce a substitute or a perfecting amendment to the Mansfield amendment?

Mr. FULBRIGHT. If the Senator from West Virginia will yield there, I, of course, intend to reintroduce one. I do not expect to debate it, but the one I just withdrew, and I told the Senator I would do that.

Mr. CHURCH. Mr. President, this is a serious amendment that I propose. I have not yet decided whether to press now for a vote or to wait until after we vote on the Mathias substitute proposal. I want the opportunity now to explain the amendment, and then it can be decided whether to offer it before or after the vote on the Mathias measure.

Mr. SYMINGTON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. SYMINGTON. Mr. President, I am somewhat apprehensive about the emphasis on haste currently being expressed about this important discussion. It is related to the future of this country.

For the first time the Senator from California (Mr. CRANSTON) has given an impressive and somewhat detailed account of what would happen if we went to war in Europe at this time. I have never heard the nuclear war possibility described in more able fashion.

Gen. Douglas MacArthur knew quite a lot about military matters. Before the French left NATO, he told me a conventional attack would not result in either tripwire or a shield, rather it would be, in his words, a parade.

Mr. GRIFFIN. Mr. President, on whose time is the Senator from Missouri speaking?

Mr. SYMINGTON. Since his thinking at that time, the French retired from NATO and kicked us out of France.

Anyone can take a look at a map and see just how much room we now have, as the result of the retirement of France, to maneuver conventional armies between the space left in front of the Rhine. We can hardly get altitude from Frankfurt to maneuver our planes before, moving east, we are over Communist territory.

The Senator from California talked eloquently about the grave nature of a possible war in Europe. I commend him for a superb presentation.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time just consumed be charged against the Mansfield amendment.

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

Mr. BYRD of West Virginia. Mr. President, I renew my unanimous-consent request——

Mr. MANSFIELD. If the distinguished Senator from West Virginia will yield, I hope he will save at least half an hour for me. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, how much time remains on the Mansfield amendment on behalf of the proponents?

The PRESIDING OFFICER. Fifty-seven minutes are left to the proponents of the Mansfield amendment.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. President, I shall propound a unanimous-consent request again and if any Senator wishes to object, he can do so.

Mr. President, I ask unanimous consent that all time on any perfecting amendment, with the exception of the amendment that is being offered by the Senator from Idaho (Mr. CHURCH), or any substitute with the exception of the Mathias substitute, and possibly the Dominick substitute, be limited to 30 minutes, with the time to be equally divided and controlled by the mover of the amendment and the distinguished majority leader or his designee.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object, I have already objected to the time on the Church amendment being so limited. I will pass on each of the amendments as it comes up, after I know what is in it, because I do not want to make a firm or binding commitment here of 15 minutes to a side in any kind of amendment that is legitimate and to be considered, or as a substitute to an amendment. I object.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will state the amendment of the Senator from Idaho.

The legislative clerk read as follows:

On page 2, line 9 of the so called Mansfield amendment, strike the numeral and insert 250,000.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the purpose of my amendment is very simple. I am cosponsor of the Mansfield amendment and I shall vote for it; I strongly believe in what the distinguished majority leader is trying to do. A persistent argument against the Mansfield amendment that has influenced many Senators is the size of the cut. I feel that the prospects for the Mansfield amendment's success would be enhanced if, instead of legislating a reduction of 150,000 troops, we were to legislate a reduction of 50,000 troops.

In the course of my argument, I intend to support that proposition and explain why I believe that such a modification of the Mansfield proposal would serve its own best interests.

Mr. President, from time to time, in the course of debate this afternoon, we have heard from the galleries and they have been admonished to keep silent. I am reminded of the Czech dog that was stopped at the border on its way to Warsaw and asked why he was leaving Czechoslovakia. The dog said, "Because I would like to bark."

If the folks in the galleries sometimes laugh, we should not deny them. It is very difficult to enforce a rule against laughter. I should think we could be more relaxed about the decorum here as we proceed to examine this very important question.

All through the afternoon, everyone has seemed to agree that we ought to do something about the situation in Europe. We have just heard a most eloquent description of what atomic war would be like if it ever came, calling into question not only the propriety but, indeed the morality of insisting on our keeping 300,000 conventional troops in Europe.

I want to commend the Senator from California for having made what I regard as one of the finest addresses on this subject I have ever heard.

Mr. CRANSTON. Mr. President, would the Senator yield?

Mr. CHURCH. I yield.

Mr. CRANSTON. Mr. President, I want to thank the distinguished Senator for his remarks. What I was discussing was nuclear tactical warfare, not all-out warfare.

Mr. CHURCH. I understand. Our tactical weapons have become so potent that they are the equivalent of the bombs we dropped in the Second World War on Hiroshima and Nagasaki. That should give us some idea of what atomic warfare would be like if it ever came.

All of us agree, as I was saying, that something should be done about the situation in Europe.

All of us know that the force we have there is a fantastically featherbedded, sedentary force. We have 128 generals, if we please—one general for every 2,200 men—with all of the paraphernalia and high-ranking staff to which a general's status entitles him.

Why, there are majors serving tea to colonels. The colony of women and children we maintain there, together with the men in uniform, is larger than the

population in any one of three American States.

Many of these people are so comfortably settled in Germany they wouldn't move out if the Russians moved in. Yet, we continue to pay this enormous bill, year in and year out. We are admonished that we must not legislate any change in the force levels because that is the prerogative of the President.

I disagree with the substitute proposal on which we will soon be called upon to vote, offered by my good friends and highly respected colleagues, the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. STEVENSON), and the Senator from Minnesota (Mr. HUMPHREY), and others, because it amounts to nothing more than politely requesting the President to undertake to negotiate new troop levels in Europe.

The President has already indicated he does not want our advice on this subject. He is opposed even to a sense-of-the-Senate resolution indicating that we think it might be advisable for him to enter into negotiations. The time has come for us to look beyond futile sense-of-the-Senate resolutions that express nothing more than a pious hope. I ask the Senate what hope there is, anyway, if this administration really lacks the desire to negotiate a reduction in our forces? Under such circumstances there is little likelihood that negotiations could succeed.

Is there a Senator here who can tell me what negotiations of this administration—if I must put it that bluntly—are succeeding?

Where on the negotiating front is there any success to point to?

The SALT talks are going into their second year; they are stalemated. Every new announcement from the administration is more pessimistic.

The Paris talks are going into their fourth year; we are told the prospects are bleak, that the talks are stalemated and are very unlikely to produce results.

Why, the only person who has successfully negotiated anything since Mr. Nixon became President is WILBUR MILLS, our distinguished friend in the House of Representatives, who managed to negotiate a voluntary textile agreement with Japan. And that was repudiated by the administration.

I say to you that going no further than advising the President to negotiate for mutual force reductions is not much of a move for the Senate to make in pressing for reductions of American forces in Europe. That is why I oppose the Mathias-Humphrey-Stevenson substitute.

It is time for the Senate of the United States to face up to the problem and legislate with respect to it.

Indeed, Mr. President, if we look back to earlier times, when we have had some success in negotiating with the Russians, we will find that, on occasion, the stalemate at the negotiating table was broken, following a unilateral act on our part. This was true in the case of the test ban treaty.

The Senator from Minnesota will remember the years of painful, sluggish negotiations that went on in Geneva, the complexities, and all of the suspicions that were aroused. He will remember the resistance here on the Senate floor. However, after President Kennedy announced that we would unilaterally refrain from testing in the air, and that we would do this as long as the Russians did likewise, that stalemate was broken. And we went on to negotiate a limited test ban treaty with the Soviet Union.

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

Mr. CHURCH. I will yield only after I have completed my argument. I am on limited time.

I call the attention of the Senate to a much more recent situation relating to bacteriological weapons. When President Nixon—and I want to give him full credit for this—said, "We will unilaterally stop manufacturing more of these weapons and we will detoxify our arsenal and get out of the business," then, interestingly enough, the Russians came along and indicated their willingness to do likewise. They announced a willingness to negotiate a pact on that subject.

So, for those who say that we must take no unilateral step, I suggest that the record shows that unilateral action prudently taken has led to successful negotiations with the Soviet Union.

There should be no mystery as to why this is so. We have no confidence in them and they have no confidence in us. We say we cannot trust them and they say they cannot trust us. We say that we must see their deeds, that we will not rely upon their words. They say the same about us.

We say, "Let there be some evidence of good faith," and they say the same about us.

So, Mr. President, it is not surprising that we should read in the paper that Mr. Kosygin said in Moscow yesterday:

> If the West displayed readiness really to take practical steps in this direction—
>
> That is force reductions in Europe—
>
> we would do everything possible to reach an agreement.

But it is said, Mr. President, that we must not take this first step. Why? I have listened with great attention and at length to the arguments. It is said that we have an alliance and we must not do anything unilaterally; that this is no way to treat our allies. It is argued that we must wait for a common agreement and then move in concert.

I call for rebuttal on the distinguished columnist of the New York Times, Mr. Tom Wicker, who reminds us that unilateralism is hardly new to the NATO Alliance. He says:

> The record shows, unfortunately, that the French have pulled out, the Portuguese have their forces on duty maintaining their African empire, Britain has eliminated conscription, Canada has cut its European contingent, etc., ad infinitum. Who's unilateral? And who has borne the bulk of the load for two decades, with precious little help in sight?

Yet, others argued we must not act unilaterally even if others do because every other NATO partner depends on us. We are, it is said, the cornerstone, and if the cornerstone is removed, the NATO structure will come tumbling down.

Czechoslovakia has been alluded to as proof of the hazard entailed if we take unilateral action. But, Mr. President, we had 300,000 troops in Europe when the incident in Czechoslovakia occurred. Did that large force, which we are told we must continue to maintain, constitute any deterrent to the Russians in Czechoslovakia? I suggest that it did not.

No, Mr. President, there is no convincing argument that we should not legislate a prudent reduction now. The only argument I have heard that concerns me in this matter is that 150,000 is too large a step to take by legislative action; that it might have the effect of totally demobilizing the American force in Europe and, thus, that it might destroy the morale of our allies and lead to the conclusion that we are deserting Europe.

Mr. President, I recognize there is some force to that argument. I suggest, therefore, that instead of legislating a reduction of 150,000 troops, we legislate a reduction of 50,000 troops. No one can contend that this would destroy the delicate balance of power that the distinguished Senator from Minnesota spoke of; that this would constitute any kind of security hazard to Western Europe as others here have mentioned. Why, Melvin Laird, the President's own Secretary of War, only 6 months ago, proposed a unilateral reduction of 20,000 men. He was not concerned that such a reduction would have any deleterious effect nor deal a fatal blow to the alliance, or to the security of Western Europe.

A reduction of 50,000 men could not have any disabling effect or cause any great new hazard to arise. It would be, however, a gesture on the part of the Congress of our good faith and our willingness to take a first step; it could easily provide the climate for much more far-reaching negotiations that could reduce the tensions in Middle Europe; it might, indeed, lead to a new basis for a general settlement there.

That has been our experience in the past. I see no reason why it might not prove to be our experience in this case. If it did not lead to reciprocal reductions on the part of the Russians, or if it did not lead to productive negotiations of a much more far-reaching character, nothing would have been sacrificed.

It is common knowledge that we can reduce our force by 50,000 men. Why, we might not have to reach below the rank of lieutenant colonel. By beginning to cut away a few layers of encrusted bureaucracy we might even produce a leaner and more mobile fighting force.

Nothing would be sacrificed, and the argument that, by kicking the cornerstone out of NATO, the great edifice would come tumbling bown, could easily be ignored, if we would take the first step, that is, removing 50,000 troops, and then wait to see what follows.

By indicating to our allies and the world that Congress in good faith wants the arms buildup in Europe to be reduced and that we have the courage to take the first step, we might, indeed, strengthen the President's hand at the negotiating table. We would certainly not handicap him.

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

Mr. CHURCH. I yield to the Senator from Texas.

Mr. TOWER. The Senator said that when we have taken unilateral action the result has always been profitable negotiations with the Soviets.

Mr. CHURCH. No; I wish to correct the Senator here. I said we have had experience in the past where unilateral action on our part led to successful negotiations.

Mr. TOWER. Very well. The Senator cited the test ban treaty. I was going to raise about three questions and let the Senator answer them.

The test ban treaty has been ratified. Does it leave the United States in a position of parity or in a position of inferiority, stated interms of the relative positions of the two countries prior to imposition of the test ban treaty?

The Senator mentioned bacteriological weapons. Does the Senator know with certainly that the Russians have indeed subscribed in practice to the provisions of the agreements on bacteriological weapons? Are there, indeed, any inspection methods that would assure us in that regard?

The Senator said the Soviets cannot trust us, and, therefore, we must show some evidence of good will. I find it a little hard to accept that.

For 25 years since World War II it was the United States which tried to disarm. It was the Soviets that initiated the arms race. In 1948 when the Soviets shut off Berlin contrary to the four-power agreement, the United States possessed in its hands the power to destroy the Soviet Union in a preemptive war, and yet we acted with great restraint. We have acted with great restraint in numerous instances of provocation by the Soviet Union. Every time they acted with provocation we acted with restraint. We slowed down development of our military technology and they increased theirs.

Mr. CHURCH. Mr. President, I thought the Senator was going to ask a question. I would appreciate it if the Senator would make the speech on his own time. I would, at this time, be happy to answer the Senator's question.

Mr. TOWER. The question is: Considering these facts, does the Senator really believe that Soviets cannot trust us? Does the Senator really believe the Soviets think we have aggressive designs on them? Does the Senator really believe we benefited by the test ban treaty and the bacteriological agreements; and is it not a fact that when we refused to act unilaterally in killing the ABM they immediately agreed to the strategic arms limitation talks, which are vital?

Mr. CHURCH. I do not know if the Senator meant those questions seriously or rhetorically.

Mr. TOWER. Seriously.

Mr. CHURCH. I would say to the Senator I appreciate he is on our side; I am also on our side. I harbor many suspicions about the Soviet Union, but I am sufficiently realistic to know that they have their suspicions about us. I am sure the Senator from Texas recognizes this is so.

I, for one, voted for the test ban treaty, and think it has worked out well for both sides. The fact that it still exists indicates it has worked in the mutual interest of both sides.

My argument was that we came to the successful negotiation of that treaty only after we had taken a unilateral step. That step came when President Kennedy announced we were prepared on our own to stop testing, and we would refrain from testing in the air and water as long as the Russians refrained. It was after our unilateral declaration that the climate improved and negotiations proceeded to the successful signing of the treaty.

As to bacteriological warfare, I commend President Nixon for what he did. I say that he took this step in the interest of humanity, and I strongly commended him at the time. I try not to be too partisan in these matters. I think the Presiden deserved to be commended.

But it was only after he took that unilateral step and said that he was going to detoxify one arsenal of bacteriological weapons and get out of bacteriological warfare that we got a receptive response from the Soviet Union; indeed, a response which may form the basis for a very successful agreement on this score.

So we ought not to be so leery of a unilateral action when unilateral action is prudently taken.

I would say that if the Senate sees fit to adopt the amendment, our first step might be a useful one. It might be the step that would cut the Gordian knot and permit a reduction of armaments and tension in middle Europe, which, unless it happens, might one day be the starting place of the third world war.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. STENNIS. Mr. President, I expect to be quite brief. Other Senators will speak in opposition to the amendment.

This amendment, although it provides for reductions smaller in number, has the same inherent qualities in connection with mutuality of reductions and mutuality of agreements with our adversaries as the other amendments had and as the Mansfield amendment has.

I am inclined to believe, and I become more and more convinced, as this debate goes on, that the Mansfield amendment, as he introduced it, draws the issue clearer and more firmly than anything else, either yes or no. There may be a difference of opinion on that, but this amendment, if adopted, would carry the same inherent defect in the principle that we have been trying to maintain here and that has been maintained so far by the votes.

The position of the United States was arrived at after we had the conferences that the President had last year. The President sent to the council which met in December, and it is known as the Atlantic Council, made up of a group of ministers meeting after the others have met and negotiations have gone on, to the following effect:

We have agreed—

meaning after consultation—

that NATO's conventional forces—

there is something about tactical, small nuclear weapons, but he is talking now about conventional forces—

must not only be maintained but in certain key strengths given a similar approach by our allies. The United States will maintain and improve its own forces in Europe and will not reduce them until we have reciprocal action from our adversaries.

Right or wrong in that conclusion, that was his deliberate conclusion. That was the position of our country. They were acting on it, and we are acting on it. We went into the SALT talks with that as the background. That is the policy now. That is what we are trying to do. Those matters are pending.

We have had recent statements about the Warsaw Pact. Now it is proposed to change this whole matter by an amendment offered on the floor. In fact, I think the figures contained in the Mansfield amendment draw the issue clearer and would be the affirmative issue to vote on but that is just my personal opinion. I am opposed to the principle here, at this stage, until there has been a chance to see how the enunciation by the President would work.

So I hope that the amendment will be defeated for those reasons and that we get to a vote on the Mansfield amendment.

Mr. President, I yield 6 minutes to the Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, I thank the Senator for yielding to me, and I would like to associate myself with his remarks in opposition to this particular amendment.

The sponsor of the amendment said there can be no hazard in a very limited reduction of this size. I am somewhat reminded by those who call for a "little reduction" of the saying that one cannot be a "little pregnant." Both sort of grow on you. That is what would happen in this instance.

To the extent that this body allows its attitude toward the world community to be colored by a tragic war halfway around the world, to the extent that we close our eyes to the real and very different situation in Europe and the Middle East, it would be disastrous.

The Senator from Idaho says we are told this must go on indefinitely. By whom? I have heard no responsible member of this administration say that this troop level must continue. As a matter of fact, to the contrary, they say very vigorously that they are bent on negotiations to reduce our commitment and to insist that NATO carry a larger share of the burden. Their actions undergird their words.

I was particularly intrigued by the argument of the Senator from California, who spoke of morality, saying that these 300,000 men were, in effect, sacrifices on the line of deterrence. I would like to ask him the question what alternative he would propose. He says that should the Communist world attack a Europe unprotected by American ground forces, he would vigorously suggest that we respond unequivocably and totally. With what? One thousand Minutemen? Hundreds of Poseidons? Is it more moral to talk about a limited war which can

possibly be brought to a conclusion, or the obliteration of mankind? Where is the morality?

Then there is the worry expressed by those who talk about cost. I wonder about the argument of those who talk about this $650 million. I know many who today express such concern about a deficit in the balance of payments, and yet they have voted for well over $120 billion in foreign aid. As a matter of fact, more foreign aid has been given to just one Communist country than there is in this entire bill. Where is the sense of priority? Where is the sense of price there?

Our Armed Forces are not there to wage war; they are there to prevent war, and that is the distinction.

If we reduce our force unilaterally by the mandate of this body, and if the fondest dreams of the sponsors are not realized and the Russians do not engage in a comparable unilateral reduction of force, then have we not reduced our ability to prevent war? Have we not increased our reliance upon the ultimate weapon for the destruction of mankind, nuclear weapons?

We hear the constant argument that we can rely on 7,000 tactical nuclear weapons—if there is such a number—in Europe. I just cannot imagine a Member of this body suggesting that we should rely on that kind of deterrence to save the world from destruction, because that is exactly how we achieve the destruction of mankind, by using the first of those so-called tactical weapons.

The purpose of our forces in Europe is to prevent war. To the extent that we can reduce them in consonance with reductions by Warsaw Pact countries, we can reduce the prospect of war and we can enhance the prevention of war. To the extent that we reduce them unilaterally, we enhance the prospect of war and we reduce the possibility of preventing a war. Such a gamble is intolerable.

I vigorously oppose this amendment.

Mr. President, I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I wish to address myself to points made by the able Senator from Tennessee.

First, with respect to the administration's resolve to withdraw troops, I might remind the Senator that the distinguished Senator from Vermont brought to our attention yesterday that an initiative by the Soviet Union was made almost a year ago, in June 1970. I do not know what the response of the administration was. All we know is that nothing has happened.

This year, when the President delivered his state of the world address—and I would commend it to the reading of Senators—he was very explicit that we will maintain the troop levels we have today in NATO. So I would take that to be an official rebuff to the offer of negotiations by the Soviet Union.

I can only agree with the Senator from Vermont that what we see today is not an effort to negotiate, but a tactical response to the Mansfield amendment by the administration.

With reference to the use of tactical nuclear warheads in Europe, I might suggest to the Senator from Tennessee that he examine the battle plan for the Army in Europe. The battle plan contemplates the use of nuclear warheads within the first 30 to 90 hours of activity. If that is a discussion of a situation where we are not going to look toward a nuclear holocaust, I cannot read correctly; and if my colleague does not have that information, I can furnish it to him very quickly from unclassified sources.

Mr. BROCK. Mr. President, if the Senator will yield, I also know that we have no deterrent capacity in Europe if we were to unilaterally withdraw our forces from Europe. What if Russia were to decide to close down Berlin, for example, as they have done before?

Mr. GRAVEL. At that time we did not move an army in, we moved a small battalion in. At the roadblocks, the Russian officers were overheard to comment, as it went by, that it was not an army. It was not 300,000 men remaining hostages, it was a small group of Americans.

Mr. BROCK. The Senator will admit, will he not, that they were backed up by 600,000 men? Would he not agree that they had adequate force behind them? They were simply a reflection of the American presence. And I think that presence kept Berlin free.

Mr. GRAVEL. I think it is quite obvious that they were a reflection of the total U.S. capability, and not what was left in Europe.

Mr. BROCK. But would the Senator suggest that we rely totally on Minutemen, as opposed to troops?

Mr. GRAVEL. I might suggest to my colleague that that is what we would be doing in any event, in the last analysis.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired. Who yields time?

Mr. STENNIS. Mr. President, has the time yielded to the Senator from Tennessee expired?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I take the floor, not to engage in a bitter argument, but to comment upon what I think has been the constructive nature of much of the discussion here today, and what I hope will be the constructive results of this debate.

Much of what my friend and distinguished colleague from Idaho said I thoroughly agree with. He is, without doubt, one of our leading spokesmen, one of the most competent and, I think, well prepared Members of the Senate in the field of national security and foreign policy.

I recognize that what we are discussing here is not so much whether there ought to be a reduction of forces, but the method by which we attain that goal. That is, at least, my main concern.

I have no doubt that the evidence relayed to us by the Senator from Missouri (Mr. SYMINGTON) and the Senator from Rhode Island (Mr. PASTORE), of overstaffing, duplication, and of other expenses of our military personnel in Western Europe may well be as factual as facts can be.

But as I see it the real problem to concentrate on, particularly in the light of the recent developments, is mutual balanced force reductions between the NATO powers and the Warsaw Pact powers. I prefer to concentrate on the possibility of a negotiated reduction in those forces within both alliances, the alliance of the West, NATO, and the alliance of the East, the Warsaw Pact.

It is analogous, Mr. President, to the strategic arms limitation talks now underway. We could very well make a sharp unilateral reduction in nuclear weaponry at the risk of our own security. I would prefer that we exercise caution, and take steps which would contribute to controlling the arms race and not stimulating it.

What I am saying is, Mr. President, that we have never run the risk of falling appreciably behind. We have never unilaterally cut forces at a time when we thought they were a contributing factor to world stability.

My argument today, which has prompted me to cosponsor a substitute amendment for the Mansfield amendment, relates primarily to the method we utilize as a government and as a partner in NATO to achieve better cooperation between the executive branch of government and Congress, and a better working relationship with the members of NATO. Finally we should negotiate with the Soviet Union in the Warsaw Pact, not as the United States of America alone, but as a NATO partner, on the mutual reduction of forces.

I sincerely believe, Mr. President, that we must take the initiative, we as a government, the United States of America; and second, that we insist that the President of the United States report to the Congress of the United States on a date certain and periodically thereafter, on his achievements and progress made.

I listened very carefully to the report of the initiatives we had taken, for example, in the nuclear test ban treaty. The Senator from Idaho is basically correct, except on one point. President Kennedy did announce on June 10, 1963, that we would proceed with halting further nuclear testing in the atmosphere, on the ground, and under water, pending similar action on the part of the Soviet Union. But, while we took the first step, we insisted that there be similar action on the part of the Soviet Union.

I do not see, for example, in any of the amendments here that we should reduce the NATO forces by 50,000 or 150,000 pending action by the Soviet Union. Mr. President, if some Senator wishes to offer an amendment stating that we will reduce our NATO commitment by 150,000 men and that the reduction will be on the books as of December 31 provided that by that time the Soviet Union has reduced its forces proportionately, I will buy it.

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

Mr. HUMPHREY. Will the Senator yield me 2 more minutes?

Mr. STENNIS. I yield the Senator 2 additional minutes.

Mr. HUMPHREY. I happen to believe this option would be extremely desirable. It is my judgment, Mr. President, after

having watched very carefully the proceedings of the 24th Communist Party Congress—and I have made it my business, both as a Senator and as a teacher, having just finished teaching a course in United States-Soviet relations, and looking at it from an academic as well as from a political point of view—that the central theme of the 24th Party Congress was the economic strains now existing within the Soviet Union. Every speech had that message in it. I do not believe that Brezhnev and Kosygin are offering today the possibility of mutual troop withdrawals because somehow or other they have been converted to love, peace, and tranquillity. I think they are doing it because they need to do it. In other words, they face some of the same concerns we do.

My main point is that NATO and Warsaw Pact forces are delicately balanced. Even though one can show that one side has more tanks than the other or one side has more divisions than the other, there are other compensatory forces, producing a net result of a very delicately balanced mutual deterrent.

Somebody said it is not a balance of power but a balance of terror. Yes, in many ways what the Senator from California portrayed could be true. But I submit that the greatest single force for peace that this world has had in the last 25 years has been the NATO Alliance. It has not promoted war. It has not caused aggression. It has stabilized Western Europe. It has given us a sense of stability. It has been a wise investment. I hope that we will not liquidate that investment or will not in any way jeopardize it.

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

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. HUMPHREY. Mr. President, let me be very clear with my colleagues. I want force reductions. I, too, am concerned about balance of payments. But I served in the Government, and the main problem in the balance of payments was not NATO but the outflow of money by American corporations and American banks to get higher interest rates in Europe. It had very little to do with NATO. The other problem, as has already been noted on this floor, is our exports as related to the volume of our imports.

So, Mr. President, as we argue over method, let us just ask ourselves: Is it better to legislate or to negotiate? I would hope that when we come to that decision, we would agree that we should give the President of the United States a directive; we should give him, in a sense, our nudge, to negotiate for reduction of forces and the sharing of the financial burden within NATO, to negotiate with the Soviet Union within the Warsaw Pact and to consult with Congress.

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

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

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. CHURCH. Mr. President, I shall use the remainder of my time to respond to my esteemed and amiable friend, the Senator from Minnesota (Mr. HUMPHREY).

Let me begin by saying that no one in the Senate, in my judgment, is more sincere in his desire to see our forces and Russian forces reduced in Europe than Senator HUMPHREY. He is quite right when he says that this is a question of method. The method he would prefer is a sense-of-the-Senate resolution in which we express to the President our judgment that he ought to enter into negotiations for a mutual reduction of forces.

Mr. President, perhaps I have become too cynical, but in my years in the Senate, I have watched the fate of many a sense-of-the-Senate resolution. I have watched the respect that this administration has given such resolution. I say advisedly that a sense-of-the-Senate resolution on this important question will get about as much attention at the White House as a letter from Wally Hickel would. [Laughter.]

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

Mr. CHURCH. I yield.

Mr. HUMPHREY. May I say, in great friendship and cordiality, to the Senator from Idaho, that the letter got a lot of attention. The problem was that Hickel did not get enough. [Laughter.]

Mr. CHURCH. I am afraid your resolution would go the way Hickel went.

Nevertheless, Mr. President, it is possible that I am mistaken. Perhaps the climate has changed. However, the President of the United States has shown no previous indication of a willingness to reduce forces. In every previous encounter with our own allies, he has held out adamantly against it. He has never before shown any enthusiasm for any offers held out by Mr. Brezhnev or Mr. Kosygin, yet, suddenly they are being warmly embraced and great hopes are being held out. If the climate has changed, it is because the Senator from Montana (Mr. MANSFIELD) brought this proposition to the floor. Faced with this long overdue proposition, suddenly things begin to happen.

In deference to the possibility that unexpected events might unfold, and that the Senate should have its right to work its own judgment on which method we should adopt, I shall withdraw this amendment, in the hope and expectation that the Senate may then proceed to vote on the Mathias-Humphrey-Stevenson proposal. If, in its wisdom, a majority of the Senate would prefer to use that method, I, of course, will accept that decision. If, on the other hand, the Mathias-Humphrey-Stevenson proposal is rejected by the Senate, then it is my intention to call up this amendment and ask the Senate to work its will upon it.

Mr. FULBRIGHT. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is withdrawn.

Mr. FULBRIGHT. Mr. President, with that in mind. I withdraw the amendment, pending a vote on the Mathias-Humphrey-Stevenson proposal, and I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, I think my time is withdrawn automatically, too.

The PRESIDING OFFICER. The Senator is correct.

The question now recurs on the amendment of the Senator from Maryland.

Who yields time?

Mr. MATHIAS. I yield myself 1 minute.

Mr. President, I ask unanimous consent that the name of the Senator from Illinois (Mr. PERCY) be added as a cosponsor of this amendment.

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

Mr. MATHIAS. Mr. President, I think the question is very simple. The question is what kind of message the Senate is going to give to the American people——

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

Mr. JAVITS. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. I yield myself 1 additional minute.

Mr. President, I think that that message is going to be determined in the course of this debate. Whether it is going to be a message that there is hope for some gradual evolution of NATO's system, that the NATO structure is going to grow and still be vital, still evolve as a strong force in the world, and yet without inequitable burdens on the American people, it is going to be decided here. That is really the kind of message we have to shape.

At this time, Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I have twice gone to the NATO parliamentarians conference in Europe where I have listened to the Senator from Alabama (Mr. SPARKMAN) and the Senator from Kentucky (Mr. COOPER) as they led the American delegation there, trying to explain to our NATO friends that for 25 years our taxpayers have paid the cost of European defense and that our European partners have not carried their share.

On the other hand, I have listened to members from the NATO countries who raised the specter of the growth of a new German military presence in Europe, and they expressed very candidly their fears of that possibility.

The Senator from Maryland (Mr. MATHIAS) has a credible alternative to the Mansfield resolution, one that will express the intent and purpose of Congress. This matter must be brought back into balance; but, at the same time we must not precipitately withdraw our forces from the NATO countries, at a time when the Soviet presence in Egypt and the tensions in Europe are growing.

I commend the Senator from Maryland, and I commend the leadership of the Senators from Kentucky and New York (Mr. JAVITS) in assisting to bring out an amendment which is one that I feel the Senate should support, and I am very pleased to do so.

Mr. MATHIAS. I thank the Senator from Alaska.

Mr. President, I now yield 2 minutes

to the Senator from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. President, I thank the Senator from Maryland for yielding to me.

Mr. President, I think it is essential today, in one way or another, that the U.S. Senate go on record as favoring a reform of the Atlantic Alliance.

No responsible American wants to end NATO. It obviously has been a bulwark against Soviet expansionism in Europe. But it is high time the states of Western Europe assume the responsibility for their own defense. A strong, self-reliant Europe is an essential precondition to lasting stability in Europe as a whole.

NATO has made an indispensable contribution to the building of such a coalition, but continuing NATO in its present form which amounts, in effect, to an American military protectorate is now counterproductive for us and for the Europeans. It is tranforming a relationship of friendship into a relationship of permanent dependence.

I think it is unhealthy and dangerous to insist upon doing for others what they should be willing to do for themselves.

Our own resources are dangerously overstretched. I feel it is important that it be made clear to the Europeans, by the action that the Senate takes today——

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from California has expired.

Mr. MATHIAS. I am very sorry but my time is limited. I thank the Senator for his remarks and yield 3 minutes to the Senator from Virginia (Mr. SPONG).

The VICE PRESIDENT. The Senator from Virginia is recognized for 3 minutes.

Mr. SPONG. Mr. President, initially, I would like to commend the distinguished Senator from Montana (Mr. MANSFIELD) for initiating this historic debate, although I shall oppose his amendment. I concur with what my distinguished colleague from California has just said. It is essential that there be an expression by this body with regard to the future of the Atlantic Alliance.

I shall support the amendment offered by the Senator from Maryland and his cosponsors. It does not require unilateral reduction of troops in Europe. It calls for or asks for negotiations on mutual and balanced troop reduction. It also asks for negotiations with our NATO allies regarding the balance-of-payments problem and requires the President to report to Congress every 6 months.

I am afraid there is a possibility, Members of the Senate and Mr. President, that this body could defeat the Mansfield amendment, defeat this substitute also, and end up saying nothing. The debate having begun, I believe for the Senate to do nothing would be a mistake.

This substitute is a forceful statement from this body with regard to balanced and mutual troop reductions and negotiations on the balance-of-payments problem.

I commend the Senator from Maryland (Mr. MATHIAS). I shall support his substitute amendment.

Mr. MATHIAS. Mr. President, I now yield 5 minutes to the distinguished Senator from Minnesota (Mr. HUMPHREY).

The VICE PRESIDENT. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, I thank the Senator from Maryland for yielding to me.

I have made some comments on this particular amendment but would take these moments to restate, as forcefully as I can, and perhaps as persuasively as possible, the argument which has been made by my two colleagues, the distinguished junior Senator from California (Mr. TUNNEY) and the distinguished junior Senator from the State of Virginia (Mr. SPONG).

The point is that, as a result of the Mansfield amendment, there is a warning going out from this body to the President and to the administration, that the Senate is, in a sense, angry, that it feels it has not been properly consulted, that it feels there should be troop reductions, that it feels we have borne too much of the burden of the defense of Europe and it wants something done about it.

I do not claim any gift of prophecy but, in light of the votes taken thus far, I would imagine that the amendment of the distinguished majority leader might not prevail. If it does not prevail, as the Senator from Virginia (Mr. SPONG) has said, the record will show that it was defeated and that no remedial action, as such, no alternative action, was taken by the Senate.

I must say, in all candor, that I have the feeling the amendment we propose—the Senator from Maryland (Mr. MATHIAS), the Senator from New York (Mr. JAVITS), the Senator from Alaska (Mr. STEVENS), and myself—runs contrary to what the administration would want as well. But, it is fair and it is reasonable. It does the following things:

One, it reaffirms our support for the NATO Alliance.

Two, the President is requested to enter into negotiations with the North Atlantic Treaty Organization and to achieve a mutual and balanced force reduction as between the North Atlantic Treaty Organization and Warsaw Pact forces.

Three, the President is requested, in addition to regular consultations, to negotiate with NATO on the reduction of U.S. force levels and financial arrangements for the U.S. forces which remain in Europe, consistent with the balance-of-payments situation in the United States, and to reduce U.S. forces in Europe in accordance with such consultations and negotiations.

Then, Mr. President, it ceases to be a sense of the Senate resolution because then comes the action clause. It says that the President "shall" report to the Congress on September 15. Not some uncertain day, but the 15th day of September 1971, and every 6 months thereafter, on the progress of such consultations and negotiations.

May I say to the Members of the Senate that if on the 15th of September there is no progress and if 6 months thereafter there is no progress, then surely the Senate of the United States will have an ironclad case that there is only one other remedy and that is action by this body and the Congress.

But, Mr. President, I happen to believe that the President of the United States wants to negotiate troop reductions as much as we do.

I happen to be of the other party. I am a severe critic of him on many occasions, but I happen to believe that the President of the United States does not enjoy our balance-of-payments deficit. I do not believe he wants an army that is overfed, overmanned, and overstocked. I believe that the President wants what we want.

Now he has heard from us. I ask now that we give him the benefit of the doubt. I ask now that we give him the benefit of the doubt on the one hand; and on the other hand, I say, Mr. President, after we have given attention to his coming report, "This is what we have accomplished—this is our progress report," we will say, "We will back you if you are able to fulfill the objectives we have outlined and if you are not able to fulfill them, then explain why," as was said here some time ago in the debate, "Come back to us and tell us why."

The Senator from Arkansas (Mr. FULBRIGHT) has an amendment which he offered and which, in a sense, substantiates this argument. He said that we should cut our forces unless we authorize additional ones and place the burden of proof upon the President to prove the schedule for additional forces. That is exactly what we are doing in this amendment.

We are saying to the President, "Mr. President, you come and justify to us why those forces are there or, if you cannot, tell us what reductions you have made and what it will take to make them."

We are asking, in other words, for consultation between the President and Congress; consultation between the United States and its allies; consultation and negotiation between the United States, NATO, the Soviet Union, and the Warsaw Pact countries.

We are asking for action.

I submit that it would be in the best interests of a sound national foreign policy for us to adopt this particular substitute amendment.

Finally, Mr. President, I want to commend my colleagues for having maintained a consistently high-level discussion thus far on issues pertaining to the stationing of American forces in Western Europe.

My praise extends especially to Senator MANSFIELD who has prompted this discussion. His amendment has served to mobilize pressure for a thorough evaluation of American commitments abroad—an evaluation which must take place through the cooperative efforts of the President and the Congress.

In this context I have joined Senators MATHIAS, JAVITS, and STEVENSON in cosponsoring an amendment which, while preserving much of the spirit of the Mansfield amendment, would move toward the settlement of many outstanding issues in a positive way.

I feel this is the essential difference between the amendment introduced by the distinguished Senator from Montana and our own. The principal points of amendment No. 87 are that the United States should respond to the Soviet offer for

mutual and balanced force reductions by immediately entering into negotiations.

Second, the President is requested to negotiate with our European allies the question of U.S. force reductions and a more equitable formula for sharing the financial burden.

And finally the President would be bound to report to Congress by September 15 of this year the progress in the two sets of negotiations which I have just outlined.

The purpose of this amendment is not to weaken the hand of the President or to poison the present atmosphere for negotiations on all these questions. It is, on the contrary, a bipartisan attempt to take the utmost advantage of the present situation and to bring about close and continuing consultation between the President and the Congress.

Chairman Brezhnev has made an offer to negotiate mutual troop reductions and armaments limitations in Europe. In informal remarks he is reported to have said that these talks could take place outside the confines of a European Security Conference. The statement of Mr. Brezhnev has been supported by the Soviet Premier, Chairman Kosygin.

I interpret this invitation seriously, having studied the development of the Soviet position on this question, especially since the 24th Party Congress. It could provide us with the opportunity we and our European friends have been waiting for.

We may, at last, be able to arrive at some formula for troop withdrawals on both sides which would preserve the same sense of stability which now exists in Western Europe. After all, stability and security were what we sought in 1949 and I see every reason to work for the same goals today. These goals are not an excuse for remaining stagnant. If interpreted properly, they are dynamic pursuits which permit societies to change drastically but also to change peacefully.

Such negotiations would also provide an opportunity to limit and hopefully reduce the strategic armaments which have been a constant thorn in the side of the entire European Continent. They have also been a major obstacle to greater conciliation and more substantive arms control agreements between the United States and the Soviet Union.

We have only to look at the present impasse at SALT to realize that what is needed is a significant breakthrough. Perhaps the Soviet offer to negotiate is the key to the whole puzzle. Perhaps not. But how foolish not to test the water.

Senator MANSFIELD has been critical of our Government for not moving in this direction. And I agree with him entirely. It is for that reason that I am suggesting that we obligate the President to undertake negotiations on mutual balanced force reductions. We do not merely expect him to enter into negotiations at some undetermined date. We require him, in a manner befitting of Congress constitutional powers, to report on the progress of those negotiations at regular intervals.

While we negotiate at this level, we should also be consulting with our allies on the question of member commitments to NATO.

Many of my distinguished colleagues have decried the seriousness of our present balance-of-payments position. They then point to our NATO expenditures as if they were the source of all our troubles. Would that they were.

The present international monetary situation is only in a small part due to the deficit in our balance of payments attributed to NATO expenditures. How does a $1.8 billion annual outflow of American dollars affect an accumulation of at least $50 billion in Europe? Not very significantly. How does this outflow relate to the far more serious problem of dollar outflows in the private sector of our economy and to the unregulated practices of European banks which have so greatly contributed to the recent monetary crisis? Not very significantly.

We have every right to complain about the precarious position of the dollar. But we should not look to NATO for the blame. The blame is here at home where the administration has preferred to take a position of benign neglect as opposed to active and constructive concern. Blame can also be assigned to activities abroad.

Now the West German Government has made a serious attempt to reverse the tide. Some people view the actions taken as a slap in the face of the United States, as a deliberate action taken against the American dollar.

I view the situation quite differently. In studying the developments I found that the West German Government deliberated carefully before reaching the decision it did. Viewed in the long term, this decision may have been most constructive in moving to a solution of the world liquidity problem.

Although I have said that the question of NATO expenditures is relatively insignificant when viewed in this larger context, I would not discard it—$1.8 billion is still $1.8 billion. It is a disproportionate share of the financial costs involved in maintaining NATO.

I, therefore, have proposed that our Government seek in every way possible to achieve a more equitable formula. The perfect occasion exists in the present negotiations now underway with the Federal Republic for an offsetting agreement. In deference to the West German Government, it should be noted that in past agreements its payments have amounted to roughly $6.5 billion. These payments take care of operational costs incurred by American troops in West Germany, 215,000 out of the 300,000 stationed in Western Europe.

We should also be asking other NATO members to share a greater proportion of the costs. I underline the word asking.

We should not be telling but asking. They are our allies and our partners. No one here has questioned that statement and we should be careful that this point remains perfectly clear.

Put in their proper perspective, the economic arguments against the maintenance of present U.S. troop commitments are secondary to their essential strategic value.

If we cut our forces in half, the possible scenario that I foresee would be counter to our own, yet alone our allies' interests. We would be upsetting the parity which now exists on a strategic level between the United States and the Soviet Union, and hence, we would be putting ourselves and our allies in an uncomfortable negotiating position.

We would be removing the incentive for the Soviet Union to reach arms control agreements both at SALT and in Europe. We could conceivably be encouraging Soviet adventures in the Middle East. Any substantial troop reduction at this time would undoubtedly be an across-the-board cut, affecting not only our Army and Air Force squadrons but also the Sixth Fleet. The Sixth Fleet operates both in the Atlantic and the Mediterranean. If we reduce the Fleet's operational strength while the Soviet Union increases its own, as we know it is doing, we are inviting even further Soviet domination in the Middle East.

A settlement in the Middle East greatly depends upon the credibility of the United States' deterrent capabilities. The Sixth Fleet is the backbone of that deterrence. So we must be extremely cautious lest we weaken our capabilities and the chances for peace in that area of the world.

Equally important is the fact that if we precipitously reduce NATO troop strength by withdrawing half of the American troops in Europe, we would be abandoning the strategy of a flexible response. It is this strategy which the Europeans have found most acceptable to their own defense requirements.

The alternative would be to have a tripwire defense which would immediately set off a nuclear response. Neither our allies nor our own Government would prefer this option. And yet I sometimes wonder, considering the administration's present definition of sufficiency and realistic deterrence.

Our goal should be reductions but they should be balanced. It is certainly true that the administration could do much more to move in this direction. I might just point out that between 1961 and the end of 1967, roughly 100,000 troops were withdrawn from Europe. Between 1968 and 1971, however, only 20,000 have been withdrawn.

Through careful study, which I urge the administration to undertake, I am convinced that some small reductions can be undertaken to maximize the efficiency of our forces in Western Europe. At the same time I would hope that substantial reductions can be implemented in an effort to reduce points of tension and potential confrontation in central Europe. It is with that purpose in mind that I join Senators MATHIAS, JAVITS, and STEVENSON in cosponsoring amendment No. 87.

Mr. STENNIS. Mr. President, we are virtually now to the proposed substitute which brings into sharp focus the Mansfield amendment. I have expressed myself repeatedly along the line about this unilateral reduction and I continue, of course, to be opposed to it.

The amendment of the Senator from Maryland and others is very carefully

drawn but it seems to me, with one exception that I shall mention, that it is virtually a restatement of the President's position. It could not mean the position of this Nation in all the negotiations with the Warsaw Pact nations and within NATO, and it could not possibly add strength to his position, as I see it. But it certainly could. It certainly could cast a cloud and more than an appreciable cloud over his position.

If this should become law, I feel that it would substantially cast doubt, cast clouds, and cast indecision in the minds of those with whom he would have to deal.

Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 4 minutes.

Mr. STENNIS. Mr. President, I refer again to the President's remarks last December at the Council of Ministers, his personal message. This was, after all, the entire NATO matter. The entire matter had been considered with reference to the Warsaw Pact. The qeustion was whether there is going to be anything done unilaterally and what is going to be done affirmatively.

The President said:

> We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas strengthened.

That does not mean the number of forces, unless it was one billion or something like that.

I continue to read:

> Given a similar approach by our allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries.

Mr. President, those are serious words. That is a solemn promise. That is an assurance. Certainly he was talking for the incoming calendar year, 1971, because this Council of Ministers in the ordinary course of things will not meet, as I understand, until the end of 1971.

Insofar as the Mathias amendment is concerned, how in the world could that strengthen him in any way? The tone of it is the other way. The tone of it is a limitation. The tone is to the effect that we request him to do certain things he has already promised to do and is doing. There is no doubt about that. The SALT talks and the negotiations on the Warsaw Pact and all of those things are being carried out. That is the very principle of it.

That is why I say the Mansfield amendment as presented is the one that draws the issue here. I think since we have gotten into it that the most practical and the most wholesome thing is to get down to the Mansfield amendment and vote it up or down.

On page 2, line 9, after the words "United States", there is a semicolon and these words: "and reduce the United States forces in Europe in accordance with such consultations and negotiations."

That is preceded by the words, "The President is requested—"

I do not see where that means anything except to carry out whatever they agree on in the consultations and negotiations. So, I say it does not give him any authority. It creates some uncertainty about what it may mean. I think that is a very strong reason why, with all of this background, it casts doubt on the amendment, and it should be rejected.

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

Mr. STENNIS. Mr. President, I yield gladly to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from Mississippi. I believe that this debate, having been initiated, the Senate must give some expression.

I would ask the Senator from Mississippi. He is opposing the Mathias substitute and opposing the Mansfield amendment. Is it the position of the Senator from Mississippi that there should be no collective expression from the Senate on the subject of our future role in the NATO alliance?

Mr. STENNIS. No. For the time being, I think upon a review of the Mathias amendment, in view of what else has happened, it would be an affirmance of what the President has said in December and what he is trying to do now. It would be a backing up and an approval of it.

Now, as to the future, beyond what he has already said, that is altogether another issue, altogether another matter. I reserve judgment on that.

I want to see this thing make progress. I think we are making some progress. I am not as impatient with it as I was a few years ago. I think we are making progress.

Mr. SPONG. Mr. President, I would agree with the Senator from Mississippi that some progress has been made in the last 18 months. Our NATO allies have agreed to assume a larger share of the costs.

This discussion, in my judgment, is comparable to the debate that took place at the time Senator Taft spoke in 1951 when the troops were originally sent to Europe. Cannot our NATO allies interpret a "No" vote to mean that we are satisfied with things the way they are? This is not the collective judgment of the Senate, in my opinion.

Mr. STENNIS. Mr. President, I will be perfectly frank with the Senator. As I see it, the background being what it is, it would be an approval of what he has promised and what he has done this year and would be a living up to it, whether we approve of it individually or not. However, there will be another day on this matter and another year, as I see it.

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

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

Mr. STENNIS. Mr. President, how much time did I yield myself?

The PRESIDING OFFICER. The Senator from Mississippi yielded himself 4 minutes.

Mr. STENNIS. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, may I just say to the Senator from Mississippi that the Mathias amendment, of which I am pleased to be a cosponsor, is not directed as a demeaning expression to the President of the United States. It is not directed at him as if it were a criticism of the President of the United States.

It is directed, first, as a request to proceed to the best of the ability of the President and his officers to negotiate with the Senate, to consult and negotiate with our allies on force levels and balance-of-payment problems. Above all, it is an affirmation to the President that he enter into negotiations with the Warsaw Pact and the Soviet Union.

Finally, we want to share his thoughts, not only by means of a document such as the written message to the Council of Ministers, but also by formal reports to appropriate committees of the Congress, to the Senate of the United States. By September 15 we want some concrete information on the progress of negotiations and consultation and, thereafter, every 6 months.

I realize that this goes beyond what we do in some instances. However, as I look back over the legislation, may I say to the Senator that time after time we call upon the President to give us reports. For example, in the Committee on Agriculture and Forestry we have asked the President for five reports under title 9 relating to world development. Admittedly, that is not as serious a matter as foreign policy. It is, all the same, not demeaning to the President. We are demanding only what is our constitutional mandate.

I believe what the whole debate about Vietnam and prior experiences about focuses on the fact that the President—not this President alone, but the office of the presidency—has been derelict with the Senate of the United States.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks. Of course, we want the report of the President frankly on a matter as important as this is, reaching all around the world to many areas, including the Warsaw Pact. However, to give him 4 measly months before we require an accounting, 4 months from now, downgrades the whole undertaking.

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

The VICE PRESIDENT. The Senator has 18 minutes remaining.

Mr. HUMPHREY. I might say to the Senator that the reason for that date was that it is 3 months after the meeting of the Council of Ministers so that it does not put the President in a sudden bind; it gives the President ample time to report.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I associate myself with the statements concerning this amendment made by the distinguished manager of the bill (Mr. STENNIS).

In addition, I wish to commend the distinguished Senator from Minnesota (Mr. HUMPHREY). I am not going to vote with him on this particular amendment. But it is a much closer question, I will concede, than the question posed by the Mansfield amendment.

The Senator from Minnesota made an excellent statement earlier in opposition to the Mansfield amendment—a statement with which I agree.

There is no doubt that the Mathias amendment would do much less damage than the Mansfield amendment would do.

However, I believe it would be in the interest of the Senate and the country if we vote down the Mathias amendment and get to a vote on the Mansfield amendment.

Perhaps the Senator from Minnesota does not consider it demeaning to the President, but as I read the language of the Mathias amendment it says that the President is requested to do something he is already doing. It would be better if the language said, "The President is encouraged to continue" what he is already doing.

In another section of the Mathias amendment, the President is directed to report to Congress on negotiations with the Warsaw Pact nations. The language does not read that the "Secretary of State shall report in executive session to the Committee on Foreign Relations and the Committee on Armed Services," for example. No, it directs the President to report concerning negotiations with the Warsaw Pact nations.

The other side would have no obligation to make a public report concerning the negotiations while they are still in progress.

I wonder if it would be wise to require that of our negotiators?

Mr. STENNIS. Mr. President, I understand the Senator from Maryland wishes to be recognized.

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, many of my distinguished colleagues have recognized that times have changed in the years since NATO was first formed. The SALT talks are in progress now, the Four Power talks are underway, the initiative of Willy Brandt—the Ostpolitik—is being tested, Common Market negotiations are underway, and the ferment and the negotiations in the Middle East are familiar to all of us.

Mr. President, all of that is simply to say that this is not the moment to withdraw unilaterally from Europe. It is not a moment to pull up stakes and go home.

The Senator from Montana (Mr. MANSFIELD) has done NATO and the Nation a great service with his amendment and the debate over our commitment to NATO that has been provoked here.

Because I do not feel that our European allies have been carrying their fair share of the burden of their own defense, I think it is time to reexamine our commitments to NATO. It is a time to seek not the unilateral withdrawal of American forces from Western Europe, but the mutual withdrawal of forces from Europe. That is what the Mathias amendment is all about.

The VICE PRESIDENT. The time of the Senator has expired. Who yields time?

Mr. MATHIAS. Mr. President, I yield 3 minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I should like to address several questions to the distinguished author of this amendment for clarification because I could not possibly support the amendment without some clarification. As I read these words the amendment could possibly be subject to several different interpretations.

The first request of the President is something the President and the administration has already clearly indicated it intends to do, which is to enter into negotiations within the framework of NATO, for mutual and balanced force reductions between NATO and the Warsaw Pact forces.

That is the first step, as I understand it. Is that correct?

Mr. MATHIAS. That is correct.

Mr. PERCY. The second step would be as follows. If there are, or appear to be the promise of, successful negotiations and an ultimate agreement to mutually in a balanced way reduce these forces, then the President would negotiate within the framework of NATO as to what the agreed U.S. portion of the reduced force level would be.

In other words, taking into account our balance-of-payments situation we would negotiate an amicable and agreeable arrangement for the reduction of American forces within the framework of whatever agreement is reached between the Warsaw Pact countries and NATO.

Mr. MATHIAS. The Senator is correct. I think the amendment makes that clear.

Mr. PERCY. Third, there is always the possibility that in these negotiations our ability to fully support and reach the agreed upon levels of American forces in Europe depends on our financial capability from the standpoint of our balance-of-payments situation, and that should be taken into account. So this is not inconsistent with our past position.

The last problem I find with this amendment is the requirement to report to Congress. Negotiations are carried on many times in such a way that it is best not to have them open to public examination and scrutiny. Sometimes the delicacy of the negotiations could be disrupted by such publicity.

Would the reporting requirement be fully met if such negotiations as we are carrying on were reported to Congressional committees in executive session and thus not reported publically?

Mr. JAVITS. Mr. President, will the Senator from Maryland yield to me on that point?

Mr. MATHIAS. I yield.

Mr. JAVITS. Mr. President, the President would have the right to report that such negotiations were so delicate he did not wish, in the national interest, to disclose them. That could be the report he would give of the progress being made. I am one of the authors of the amendment and it is the real strength the amendment has.

With this ability to follow up, it gives the opening by which you become a participant instead of solely an onlooker and it is critically important. It does not embarrass anyone. It could not be interpreted as a loss for the President to unilaterally reduce our forces outside of the agreement for a mutual balance reduction.

The VICE PRESIDENT. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from Mississippi yield to me for 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I think most Senators know that I have joined with the Senator from Montana (Mr. MANSFIELD) on every sense-of-the-Senate resolution he has submitted in an effort to try to balance the obligation we incurred in NATO and among our allies.

I also said on two occasions today that I do not support the amendment at this time and I would not vote for it because I thought, first, that we were taking away a constitutional power of the President to determine where the troops should be in the interest of the United States.

So when the Mathias amendment came along as a proposed substitute, I looked it over carefully to see if I could support it. I looked it over and I looked it over. Obviously everyone here reaffirms our position in the North Atlantic Alliance, but very little is said as to the needs of subparagraph (a).

Then subparagraph (b) comes along and says that:

> The President is requested to enter into negotiations, within the North Atlantic Treaty Organization framework, to achieve mutual and balanced force reduction . . . between North Atlantic Treaty Organization and Warsaw Pact forces.

We are already doing that, and the implication to the public at large, if this amendment passes, is that we are not doing it at all. The fact of the matter is this is what we are working on at the present time.

The third is subparagraph (d), which is the obligatory provision that the President shall report on consultations and negotiations. It is talking not only about consultations with our own allies, but it is also talking about consultations between NATO forces and the Warsaw Pact forces at the very time when we might find ourselves in a difficult situation trying to achieve the very goal being aimed at here.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, this amendment, of course, is not mandatory and requires the President to do nothing except report to the Congress periodically, but I find the weakness in it is that the two matters requested of the President are mutually exclusive. We are asking the President to negotiate for mutual and balanced force reductions, but our request that he proceed to negotiate on a force reduction in NATO is not made dependent to any degree on success being achieved in trying to negotiate mutual and balanced force reductions between NATO and Warsaw Pact forces.

The fact is that the Soviets and their Warsaw Pact allies have much stronger forces there than we do. Therefore, I think when we say "mutual and balanced force reductions," that is a rather vague term, even though it is a term of art.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. STENNIS. I yield 1 minute to the Senator from Texas.

Mr. TOWER. I do not think we should

make a policy statement that does not require some progress in achieving mutual and balanced force reductions before we make some commitment to have a unilateral reduction in our own force.

Mr. MATHIAS. Mr. President, I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think the questions asked can be answered, and, to answer the question of the Senator from Mississippi, "Would this add strength to the U.S. position?" I think it would, decidedly. It would add strength to the U.S. position because so far we have not gotten very far, in the NATO context, in mutual and balanced force reductions or in force withdrawals.

I have served for 14 years as chairman of the parliamentarian group now called the North Atlantic Assembly, and I have had most thorough experience with whatever progress has been made. I can tell my colleagues that until we convince the Europeans that it is the President and the Congress acting together, we are not very likely to make progress. They are enforced in that view by the division in this country over Vietnam.

To answer the Senator's question as to why Vietnam is different and why I thoroughly agree with one Senator on ending the Vietnam war and thoroughly agree with another Senator in adhering to our commitment in Europe, the answer is that we have brains enough to see that the balance of power is in Europe. Whatever would happen to the world could happen there. It happened in 1937. Europe can just as easily align itself with the Soviet Union as with the United States. So this is a political decision. It does not make any difference whether the number is 380,000 or 300,000 troops. The political decision is that we are setting up for Europe exactly how the United States is going to conduct itself with this new Vietnam policy.

Considering the complexity of the numerous negotiations going on—mutual and balanced force reductions or withdrawals, Brezhnev and Kosygin making their statements, the SALT negotiations, admitting Great Britain to the European Economic Community, Ostpolitik, what is to be done about Berlin, to which the United States is a party, the monetary crisis, Mideast tensions—it would be a great mistake in this particular situation to make Europe feel the United States is changing its basic position, but we should put the pressure on them to see that they have to take a new position, newly integrated as to them, which is absolutely essential.

The only way we can be participants, and not onlookers, is to take the position that we are backing the policy, but we want to know how it works so that we have, for the first time, our hands on the controls; that it is a piece of the whole coming into the focus of the Congress; that it will no longer take things blindly; that it will no longer say "Ja"; that it wants to know what it is doing. But the fact that it wants to know what it is doing does not mean that it is going to be irresponsible.

So we have proposed a very carefully drafted substitute, and I am glad to have joined with the Senator from Maryland (Mr. MATHIAS) in drafting it. The real impact in it is the report provision, because that gives Congress a continuing opportunity to do what needs to be done.

I close by saying what I said when I started. It strengthens the position of the United States. The world now knows the President is not all-powerful and cannot deliver until Congress has acted with him, precisely because, as has been pointed out, we want to talk about it as adults and know what we are doing, and not to prevent our achieving a goal we all want.

This is why it is the most desirable development, and in the interest of the country, that has come out of this debate. When I started, I started out by being against every amendment—I think I know the NATO procedures as well as anyone—and being against the Mansfield amendment, but I have seen, from the dynamics of this debate that the true signal to Europe will be that they are dealing with Congress and the President. That will be most meaningful and will bring us the best results. I think the amendment strengthens the administration. I think the administration is making a mistake in opposing it, but that is its business. We have to use our brains, and I hope we will adopt the amendment tonight.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I have been very reluctant to oppose the amendment because of my respect for many of the Senators who are sponsoring it. I have also been impressed by the cogent, compelling, and lucid statement made by the Senator from Minnesota. However, I think we have a very difficult choice to make here, as was stated very ably by the Senator from New York.

The question is, How do we evidence our support for what I think is the general consensus that our allies owe a greater commitment to the mutual self-defense of the free world and express the strong desire on the part of every Member of this body that we see a mutual reduction of forces? The question is whether or not this amendment achieves that.

The Senator from Michigan very ably stated, I think, the fact that there is absolutely nothing new in this amendment. It requests that we negotiate with NATO and the Warsaw Pact countries. The administration has indicated its willingness and desire to do so.

It asks the administration to consider our commitment in the light of the balance of payments. Obviously the administration is doing so now.

It provides that the President shall issue a report to Congress. The Senator from New York says that is not bad; that the administration could, if necessary, issue a report saying that the issues are "too sensitive" to report.

Yet. there are those who do not accept any statement from the administration and will not give it credit for being sincere. Their reaction in such an instance is fully predictable.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. BROCK. May I have 1 additional minute?

Mr. STENNIS. I yield 1 minute to the Senator from Tennessee.

Mr. BROCK. This has been the most successful administration in the last several decades in enhancing the prospect of peace. Look at the record:

We have had a reduction of 20 percent in defense expenditures without a reduction in our defense posture.

The administration has instituted SALT talks, with all the hope implicit therein.

We have a long awaited real hope for reduction of tensions with China.

For the first time in my adult life we see the possibility of peace in the Middle East.

All these reflect President Nixon's accomplishments in these past 2 years.

I think this administration has done a magnificent job. It deserves our support.

The VICE PRESIDENT. Who yields time?

Mr. MATHIAS. Mr. President, I yield 2 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I have spoken too much today; I shall be brief.

I have opposed every amendment that has been offered and I shall continue to oppose the Mansfield amendment if this amendment should be defeated, but I shall vote for the pending amendment.

I have continuously taken the position that we should not summarily have a unilateral reduction of forces. The Mathias substitute amendment expresses a spirit of cooperation with the President. It expresses also the right of Congress to have a voice in the important decisions of defense. It lends an element of strength to the negotiations that we expect to take place. For these reasons, while I shall continue to oppose the Mansfield amendment, believing it should not be adopted, I believe the Mathias substitute is the best solution that has been offered, and I support it.

The VICE PRESIDENT. Who yields time?

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

The VICE PRESIDENT. The Senator has 9 minutes remaining.

Mr. MATHIAS. How much time do I have?

The VICE PRESIDENT. The Senator from Maryland has 5 minutes remaining.

Mr. STENNIS. Mr. President, I think the Senator from Maryland, or someone speaking for him, is entitled to close the debate. I do not propose to use all the 9 minutes myself; I propose to speak about 5 minutes, and if no one else wishes time, I shall yield back my time.

The VICE PRESIDENT. Does the Senator wish to be notified?

Mr. STENNIS. After 5 minutes, yes.

Mr. President, going back to the amendment proposed as a substitute known as the Mathias amendment, we have very clear language here on the first page about the President's request to enter into negotiations within the NATO organization framework to achieve mutual and balanced force reductions in Central Europe between NATO and the Warsaw Pact forces.

I do not know, and it is not clear to me, which comes first. The next section here, though, with additional weight to it, requests the President, in addition to regular consultations, to negotiate within the North Atlantic Treaty Organization on additional force level reductions and financial arrangements.

Mr. President, suppose they go to the Warsaw Pact nations and do not get any results whatsoever? Under this amendment, the President would have to consult nevertheless with the allies for this current calendar year.

These things were not clear to me, frankly. I called the Secretary of State, Mr. Rogers, and we had a conversation—as a matter of fact, more than one. He gave me his responses and reactions—I requested a letter on the subject—and I now read that letter to the Senate. I shall also, of course, put it into the RECORD. The letter reads:

MAY 19, 1971.

DEAR SENATOR STENNIS: This is in response to your request for my comments on the substitute amendment to the Mansfield Amendment submitted by Senator Mathias and others.

As I read Senator Mathias' proposal, it asks the President to pursue two mutually inconsistent courses.

That is what he believes.

In the first case the proposal requests the President to enter into negotiations for mutual and balanced force reductions between NATO and the Warsaw Pact. This provision is of course fully consistent with our policy objectives and, as you know, we are actively pursuing the objective of a mutually agreed reduction of forces between NATO and the Warsaw Pact.

That is always emphasized.

The amendment then goes on to request the President at the same time to negotiate within NATO on the reduction of U.S. force levels and "to reduce U.S. forces in Europe in accordance with such consultations and negotiations."

Now, does that refer to consultations—Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. STENNIS. To consultations and negotiations with the Warsaw Pact? If they did not get any agreement, and there is nothing to be in accordance with, and no results would be attained, what does it refer to, just the conference within NATO?

At the same time, if no negotiations are had—within this brief span of months, now—how can the President do more by our passing this amendment than he could otherwise do? That is why I say this confuses the question and the President's position.

Quoting further:

It would clearly be impossible to work out an agreement with the Soviet Union on a mutual basis leading to reduction of forces if, at the same time, we are reducing those same forces unilaterally through negotiations with our allies. Reduction of forces assigned to NATO would remove whatever incentive the Soviet Union would have to achieve a mutual force reduction. The reporting procedure called for in Senator Mathias' proposal would of course be irrelevant insofar as it relates to the Soviet Union because there would be no progress to report.

The VICE PRESIDENT. The Senator's time has expired.

Mr. STENNIS. I yield myself 2 more minutes.

By the way, how is he going to report to Congress about what the Warsaw people said and did, and what their point was, and everything? If it is going to be a public report, is he going to report to all of us, and then it will not be read, or some of it?

That is why I say this language goes too far. I want to know the results, but I do not believe that a formal report to Congress is the way to require the President to make it known. We could have a side agreement with reference to a matter like that.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD, at this point.

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

THE SECRETARY OF STATE,
Washington, D.C. May 19, 1971.

HON. JOHN STENNIS,
U.S. Senate.

DEAR SENATOR STENNIS: This is in response to your request for my comments on the substitute amendment to the Mansfield Amendment submitted by Senator Mathias and others.

As I read Senator Mathias' proposal, it asks the President to pursue two mutually inconsistent courses.

In the first case the proposal requests the President to enter into negotiations for mutual and balanced force reductions between NATO and the Warsaw Pact. This provision is of course fully consistent with our policy objectives and, as you know, we are actively pursuing the objective of a mutually agreed reduction of forces between NATO and the Warsaw Pact.

The amendment then goes on to request the President at the same time to negotiate within NATO on the reduction of U.S. force levels and "to reduce U.S. forces in Europe in accordance with such consultations and negotiations."

It would clearly be impossible to work out an agreement with the Soviet Union on a mutual basis leading to reduction of forces if, at the same time, we are reducing those same forces unilaterally through negotiations with our allies. Reduction of forces assigned to NATO would remove whatever incentive the Soviet Union would have to achieve a mutual force reduction. The reporting procedure called for in Senator Mathias' proposal would of course be irrelevant insofar as it relates to the Soviet Union because there would be no progress to report.

Sincerely yours,

WILLIAM P. ROGERS.

The VICE PRESIDENT. Who yields time?

Mr. MATHIAS. Mr. President, I yield myself such time as I may require.

Mr. President, the distinguished Senator from Mississippi has just introduced into the RECORD a very important document that bears on this subject, a letter from the Secretary of State. But fortunately I think the questions raised by the Secretary are precisely those which were anticipated in the colloquy which was begun by the Senator from Illinois (Mr. PERCY).

Senator PERCY has really raised these very questions, and I think we have addressed ourselves to them and answered them.

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

Mr. MATHIAS. I yield.

Mr. JAVITS. There is only time to answer just one of the questions, and that is the relation of the balanced force withdrawal to unilateral reduction by the United States. The answer to that is that we expect it to go hand in hand, except that the President is free to conduct negotiations at such times and places as he may desire. The two may overlap, one may supersede the other, but our intention is that they go hand in hand.

Mr. MATHIAS. The Senator from New York is precisely correct. I think there has been far too much apprehension expressed over the reporting question. Reports by the executive branch to the legislative branch are routine. If they involve matters of delicate security, they may be classified. If they are classified, they are sent under such circumstances and with such safeguards as the President may direct, and I do not believe there is any serious concern on that question.

What we are trying to do with this amendment, and I wish to express my particular thanks to the Senator from Minnesota (Mr. HUMPHREY), the Senator from Illinois (Mr. STEVENSON), and the Senator from New York (Mr. JAVITS) as cosponsors for their wise counsel and advice on this whole matter, is to try to answer all of the questions that have been raised by both the proponents and the opponents of the Mansfield amendment. Every one of the objections that has been raised to the existing situation will find an answer in the procedures which are made available under this substitute. Every one of the difficult situations that has been described can be mitigated by the procedures available under this substitute. So I respectfully urge the Senate to adopt the substitute, to help NATO set out on a new course which will insure its vitality, its evolution, and its growth, and which will insure the security of the alliance. It is not just a monument to a heroic age in American history. It is a vital institution and, like all living institutions, it has to contemplate change and growth. This is exactly what we are contemplating and providing in this substitute. This is what I think the American people expect of our institutions, and this is what the substitute will enable us to do.

Mr. PERCY. Mr. President, will the Senator yield for a clarifying question?

Mr. MATHIAS. I yield.

Mr. PERCY. I read from Secretary Rogers' letter to Senator STENNIS that I have just been handed. The Secretary interprets the amendment to mean that we would be trying to work out an agreement with the Soviet Union on a mutual basis leading to reduction of forces, while, at the same time, we are reducing those same forces unilaterally through negotiations with our allies. I agree with the Secretary that this would be impossible.

I want once again to clarify the point that at no time the authors of this amendment imply or intend to request the President to make a unilateral reduction of American forces within the

structure of NATO. The only reduction we make would be after an agreement has been reached with the Warsaw Pact countries for a mutual force reduction.

Mr. MATHIAS. I categorically agree with the Senator.

What we have provided here is the method, as the Senator from Idaho said earlier. We are providing a method of negotiating reductions, and this can be between the NATO and Warsaw Pact nations and within NATO. But these would be coordinated carefully. They would not be done independently or collaterally.

Incidentally, with all due respect to the Senator from Mississippi, I think it is time we did urge that there should be some effort at mutual force reductions between the Warsaw Pact nations and NATO because there has been very little progress in that area. In fact, there has been no real action in that area up to this point.

Mr. PERCY. I thank the Senator.

Mr. PEARSON. Mr. President, the amendments we consider today are a reflection of the significant changes which have occurred since the Atlantic Alliance was founded in the shadow of direct Soviet threats to the existence of Western European states not fully recovered from the devastation of a long war. The issue before us is not, as some would have us believe, whether or not the United States will fulfill its commitment to help defend Western Europe through NATO. The bonds of the Atlantic Community have been forged in two devastating wars and reaffirmed by this Nation since the last great war. The Marshall plan, which gave the Europeans the capital assistance and materiel needed to recover from the war and build the strong and prosperous European nations of the 1970's, the arms and men sent to fulfill the NATO commitment and the protection of the American nuclear forces are all post-war reaffirmations of the recognition that the national security of the United States is directly linked to the security of its NATO allies.

The American people have willingly borne the heavy burden of foreign commitments at times when our allies could not meet the threats of the Soviet Union. For 20 years the Congress has asked our people to maintain between 300,000 and 450,000 men in Europe at an enormous cost. The American people have supported these and other forces to meet numerous treaty commitments around the world, but today we recognize that both strategic requirements and the capacity of our Allies to assume a greater share of the burden have changed. The Senate can take the lead in acknowledging those changes by adopting the Mathias amendment.

Mr. President, there are many who freely acknowledge that the United States can reduce its presence in Europe and elsewhere. They agree that the nature of the Soviet threat has changed. They also believe that the Europeans are capable of assuming a greater financial burden and manpower role in defense of their continent—but they say that the time is not right for such troop reductions.

They say that a reduction of American troop commitments from five divisions to two or three divisions would shatter the European faith in the American commitment and weaken the defense of Western Europe enough to entice the Soviet Union to undertake direct aggression or, at best, diplomatic blackmail. Or they argue that the Europeans cannot ask their people to increase defense expenditures. They affirm that any reduction of forces will be a sign that the United States is unwilling to fulfill its NATO commitments.

This Senator believes those people are mistaken.

The time to begin negotiations to reduce American forces is now.

When President Nixon resurrected the ancient architects of our NATO policy, he neglected to mention the views held by their superior, President Eisenhower, a man who was more qualified than any, to judge the validity of arguments for maintaining large numbers of American forces in Europe indefinitely.

In 1963, President Eisenhower stated:

> 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.

For those who speak of precipitous withdrawal, let them remember that 8 years have passed since President Eisenhower advocated a larger troop reduction than the Mansfield amendment calls for today.

Our European Allies are perfectly capable of meeting a greater proportion of their defense requirements. The German economy is among the strongest in the world, their "economic miracle" has given Germans an opportunity to increase their share of defense costs. The British economy has improved significantly since the balance-of-payments difficulties of the mid-1960's. Other NATO allies are also economically capable of paying more of the cost of our common defense.

Some would argue that Europeans may not assume greater burdens or that the Europeans may even be tempted to reduce their own commitments. I do not believe this to be true, but if the United States retains its position as the predominant military force in Europe for much longer, those fears may become a tragic, self-fulfilling prophecy. I am of the persuasion that our present conventional force level is a symbol of what has increasly become a paternalistic posture. As a result of this attitude, the view of what our role should be in Europe has become subtly distorted. This affects our own sense of priorities, and in turn, evokes an unhealthy response from Western Europe. In essence, it encourages many Europeans to continue to rely too heavily on the United States. And, on the other hand, those Europeans who recognize that such a heavy American involvement is no longer needed, begin to resent it and out of this resentment assume an antagonistic position. The interplay of paternalism and resentment, small human emotions, affects the large issues of world relations.

Not only have the capability of our allies changed, but so has the strategic posture of our chief antagonist. While I do not take the Soviet threat lightly, we should all be aware that Soviet military planners are now faced with the urgent need to defend a long, disputed border with the People's Republic of China. They have had to shift large numbers of troops to cope with this threat from the East.

In addition to the Chinese threat, the Soviets have problems with their satellite nations in Eastern Europe. The Czechs revolted in 1968. The Rumanians have been delicately pursuing a foreign policy designed to increase their independence. Most recently, rioting occurred in several Polish cities. Unrest in the satellites has an undeniable impact on Soviet military capabilities in Western Europe—from those difficulties the NATO Alliance profits.

Those who seek to maintain current American force levels in Europe need to firmly establish that each and every unit stationed there is absolutely necessary to insure the security of the allied nations. No serious student of European military affairs can say that the NATO structure, with layer upon layer of headquarters and legions of generals comfortably billeted in the lovely capitals of Europe, could not be reduced.

Let our allies understand that defense capabilities are determined by internal capacity as well as by external threat. The balance-of-payments difficulties of the United States have established one parameter on the ability of this country to maintain over 300,000 troops and 250,000 dependents in Europe. Those same European governments who would not agree to offset the American balance-of-payments losses have recently found that they could no longer accept dollars in their currency exchanges.

The United States has suffered from a balance-of-payments deficit for some time, partially because it was necessary to maintain troops in Europe and Asia while our allies were not yet ready to fully assume the burden of their own defense. The United States cannot, and

should not, continue to accept a $1.7 billion deficit to maintain 300,000 troops in Europe.

Just as American leaders have had to bite the bullet and ask for sustained troop levels for two decades, European leaders must now have the political courage to recognize that they will have to ask that their people assume their fair share of the NATO costs.

With the adoption of amendment 87 the administration will understand that serious negotiations with both the Soviets and our NATO allies must begin. The amendment does not damage the bargaining position of the United States vis-a-vis the Soviet Union while it strengthens our position with regard to the Europeans. Our NATO allies will understand that they must begin to assume a greater share of their defense burden if NATO is to survive. At the same time, the Mathias amendment does not restrict the options of the Senate, stronger measures similar to the Mansfield amendment can be introduced at a later date.

In conclusion, Mr. President, I submit that far from being a measure which signals a withdrawal from our commitment to NATO and the beginning of a period of isolationism in the United States, adoption of the Mathias amendment will ultimately strengthen the defense posture of the United States and its allies. The amendment must mark the beginning of negotiations which realine the commitments of the United States with its capacity to meet these commitments. We must end the no longer tenable era of American domination of NATO and mark the beginning of a true Atlantic Partnership.

Only a partnership, with burdens equitably distributed and objectives understood by all, can sustain the Atlantic Alliance through its third decade.

Mr. THURMOND. Mr. President, the Mathias amendment, just as the amendments considered here earlier today, would weaken the U.S. bargaining position with the Warsaw Pact nations when mutual force reduction talks begin.

This amendment requests that the President enter negotiations with the Warsaw Pact nations for a mutual force reduction in Central Europe. It also calls for the United States to negotiate with its North Atlantic Treaty Organization allies for a reduction in U.S. force levels and contributions.

Mr. President, this is the announced intention of the Nixon administration. Just last December the administration conducted lengthy sessions with our NATO allies and these nations agreed to increase contributions in connection with this most successful defense pact.

Furthermore, the administration has been working with the Soviet Union toward a conference designed to reach some agreements on mutual force reductions between NATO and Warsaw Pact countries. Such a meeting should take place in the next few months.

Thus, this amendment is merely calling for steps which have already been taken. I must warn the Senate that the wish for successful negotiations is one thing and the success of those negotiations is quite another. These efforts at negotiation are continuing but success can never be predicted or promised.

A third part of the Mathias amendment calls for the President to report back to the Senate on September 15, 1971, regarding the results of efforts between now and that date.

What is the implication of that date? It is clear to me. The implication is that if the administration has achieved no success by then the Senate will take action to cut our European forces.

Now, Mr. President with such a legislative instruction on the desk of the President of the United States over at the White House does anyone in this Chamber think the Soviets will do business with us? I certainly do not.

Why should the Soviet Union step back when the United States is already standing on one leg? No, the Soviets will not cooperate with us for the sake of helping us in our problems. The only thing that moves them, and rightfully so, is dealing with their own problems. The Soviets would like to reduce these forces, but why give up the chance to have a military advantage along the frontiers of Europe when a clear advantage is so close at hand?

Mr. President, this debate has certainly not strengthened the hand of the administration in dealing with the NATO situation. But this loss is offset by the fact that we live and operate in a free system where anyone can express his views.

The distinguished Senator from Maryland (Mr. MATHIAS) has every right to offer this amendment.

However, those who agree with the thrust of this amendment must surely recognize that the position of the President of the United States is weakened if he is sent to the bargaining table with the Soviets, under the cloud of this amendment.

Why should the Senate hamper the President? Dealing with the Soviets is tough enough without any handicap such as this amendment. I urge the Senate not to hang this rope around the neck of the President and march him off to Europe to bargain with the Soviets in this manner. Also, let us not forget the President is to report back by September 15.

Mr. President, further I hear a lot of talk about Senators who say they want to vote for something. For myself, I do not want to vote for something unless it is worth supporting. Last week I expressed myself on the Mansfield amendment and my remarks are a matter of public record. I do not need to vote for something so that my constituency will know where I stand. They can read my speech.

Some of my colleagues might be surprised to know that in that speech I expressed myself in favor of reducing the U.S. troop commitment in Europe. I think it can be reduced slightly without any loss in combat effectiveness. However, I would much rather see a mutual force reduction such as the administration is seeking.

In that speech I also outlined the reasons for my opposition to the Mansfield amendment. These same reasons apply to the Mathias amendment because the thrust of it remains—a unilateral reduction of U.S. forces in Europe if the President cannot get a mutual reduction by September of 1971.

Mr. President, I would like to remind the Senate that September 15, 1971, is less than 4 months off. Now, if we hang this amendment around the President and send him off to Europe he would be required to pull off the miracle of the century to get any agreement with the Soviets in less than 4 months.

To my memory very few agreements of substance between major powers were ever reached in 4 months. Further, the supporters of this amendment will say that if negotiations are going well then when the President reports back in September the Senate can give him an extension. I ask the Senate what kind of spectacle will we be making of the President and the country.

No, Mr. President, I shall not support this amendment. Some will argue it is mild and only a light tap on the President's hand. They may view it this way but I assure you the Soviets will not.

I urge my colleagues not to support this amendment, not because it lacks good intention, but because its impact would be injurious to this Nation on balance.

Mr. TUNNEY. Mr. President, it is essential today that, one way or another, the U.S. Senate goes on record favoring a reform of the Atlantic Alliance. No responsible American wants to end the alliance between America and Europe. And few, if any of us, would deny that we should continue to station some troops in Europe as a sign of our commitment. But it is high time that the states of Western Europe assumed the primary responsibility for their own defense. A strong self-reliant European coalition is an essential precondition to any lasting stability in Europe as a whole. NATO has made an indispensable contribution to the building of such a coalition. But continuing NATO in its present form, which amounts in effect to an American military protectorate, is now counterproductive—for us and for the Europeans. It is transforming a relationship of friendship into one of permanent dependence. It is always unhealthy and dangerous to insist upon doing for others what they should be doing for themselves. We are only subsidizing Europe's disunity and irresponsibility. Furthermore, our own resources are dangerously overstretched. How long can we go on, in this country, with our huge military expenditures? And by the huge continual American balance-of-payments deficits—stemming in considerable part from our NATO spending over the years—we are putting an unbearable strain on the unity of the Common Market countries—and thus the whole fabric of that European unity we have done so much to foster.

It has been said that any action now by the Senate would be unfortunate because it would interfere with the sudden Russian proposals to negotiate a general reduction of forces in Europe. But there is very little that is new in these Russian proposals. What is new, and rather suspicious, is the alacrity with which the administration has suddenly embraced these old proposals. In any event,

no one should be against mutual disarmament. If the Russians want to negotiate seriously then we should certainly meet them in good faith. But we must not allow ourselves to be deflected from the essential task of reforming and thus strengthening the Atlantic alliance by what may well be another series of interminable and inconclusive negotiations, negotiations which are so often only a smokescreen to cover a dogged defense of the status quo—by our own Government, no less than by the other side.

Our primary American interest should be clear: to bring about a long overdue readjustment between ourselves and the nations of Western Europe in our relative shares and responsibilities for the defense of Europe. That is the message that should emerge loud and clear from today's deliberations. If it does, we shall be performing a service to Europe, to ourselves, to the alliance that joins us together.

It is for this reason that I am supporting the Mathias amendment. It clearly states that the President is requested to enter into negotiations, not only with the Warsaw Pact nations and our own NATO allies to reduce the force levels of both alliances, but also to negotiate the reduction of American forces within the Atlantic alliance. This request carries with it a provision that the President must report to Congress on September 15, 1971, and every 6 months thereafter. If it appears that the President's speed in negotiations is inadequate, then the Congress can consider stronger medicine such as the Mansfield amendment or some other legislative cut in our troop strength.

I must tell the Senate that I am disturbed at the thought of cutting our forces in Europe by 150,000 by December 31, 1971. I am persuaded to do so would create a disequilibrium between our NATO allies on the one hand and the Warsaw Pact nations on the other. Germany could well be encouraged to increase her own troop strength without a concommitant increase in the troop strength of other NATO allies. There is still a latent fear of Germany in Western Europe and also in the Soviet Union and her Warsaw Pact neighbors. A decision by West Germany to unilaterally increase her troop strength or possibly even to develop a strategic nuclear force could be a most destabilizing influence on existing international relationships. Although I favor Western Europe taking on a greater role in her own defense, I think that every effort should first be made to negotiate such a restructuring of defense forces. If the parties to such negotiations refuse to budge from status quo positions within the next year, then there will be plenty of time for the Congress to take corrective action and mandate troop cuts. In my mind the Soviet Union would not want West Germany to increase her armed forces and now may be the time we can effectuate substantial bilateral cuts. Finally, let me say, our position in Europe cannot be fixed in stone. Our forces must be reduced. They must be reduced, however, in a way that is consistent with the maintenance of a stable Atlantic alliance. The Mathias amendment presents such an opportunity.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The VICE PRESIDENT. Does the Senator from Maryland yield back the remainder of his time?

Mr. MATHIAS. Yes.

The VICE PRESIDENT. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS), No. 87, as modified. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Montana (Mr. METCALF) is absent on official business.

I further announce that, if present and voting, the Senator from Montana (Mr. METCALF) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Wyoming (Mr. HANSEN) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Wyoming would vote "nay."

The result was announced—yeas 24, nays 73, as follows:

[No. 62 Leg.]

YEAS—24

Beall	Javits	Pell
Bentsen	Jordan, N.C.	Percy
Case	Mathias	Randolph
Chiles	McIntyre	Schweiker
Cook	Miller	Spong
Cooper	Montoya	Stevens
Humphrey	Muskie	Stevenson
Inouye	Pearson	Tunney

NAYS—73

Aiken	Ellender	McGovern
Allen	Ervin	Mondale
Allott	Fannin	Moss
Anderson	Fong	Nelson
Baker	Fulbright	Packwood
Bayh	Gambrell	Pastore
Bellmon	Goldwater	Prouty
Bennett	Gravel	Proxmire
Bible	Griffin	Ribicoff
Boggs	Gurney	Roth
Brock	Harris	Saxbe
Brooke	Hart	Scott
Buckley	Hartke	Smith
Burdick	Hatfield	Sparkman
Byrd, Va.	Hollings	Stennis
Byrd, W. Va.	Hruska	Symington
Cannon	Hughes	Taft
Church	Jackson	Talmadge
Cotton	Jordan, Idaho	Thurmond
Cranston	Kennedy	Tower
Curtis	Long	Weicker
Dole	Magnuson	Williams
Dominick	Mansfield	Young
Eagleton	McClellan	
Eastland	McGee	

NOT VOTING—3

Hansen	Metcalf	Mundt

So Mr. MATHIAS' amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 88

Mr. DOMINICK. Mr. President, I call amendment No. 88, as modified.

The VICE PRESIDENT. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with in view of the fact that it is on the desk of every Senator.

The VICE PRESIDENT. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment reads as follows:

In lieu of the matter proposed by amendment numbered 86 (the Mansfield amendment), insert the following:

At the end of the bill add a new title as follows:

"TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

"SEC. 401. The Congress hereby finds that the amount of funds expended by the United States to support and maintain military forces of the United States and their dependents in Europe materially contributes to our unfavorable balance of payments, and has from time to time contributed to international monetary crises adversely affecting the value of the dollar and other currencies. It is therefore the sense of Congress that the President should continue consultations with our allies in the North Atlantic Treaty Organization relative to the organization and force levels required for the defense of Western Europe and in conjunction therewith to take action to withdraw from Europe a substantial portion of the military personnel of the United States and their dependents without denigrating our ultimate commitment to the NATO alliance."

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMINICK. Mr. President, I ask unanimous consent, with the consent of the minority leader, that time on the amendment be limited to no more than 20 minutes, 10 minutes to the side.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The VICE PRESIDENT. The attachés will retire to the rear of the Chamber, and the Senators will take their seats.

The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, I do this because I have been maintaining for a long period of time that we have a problem insofar as balance of payments are concerned. Part of this has been because we have been living up to our obligations under the NATO Alliance, whereas many of the members of the NATO Alliance have not been doing so.

I made my first talk on this matter many years ago before an international group in Colorado. I think I was the first Senator to cosponsor a sense of the Senate resolution of the majority leader, the Senator from Montana (Mr. MANSFIELD). I asked for action on this troop level throughout.

I would say that the one thing I have been fighting against is to prevent Congress from taking itself, by law, tactical action of any kind in the defense or military field.

It is for that reason that I offered the

amendment as a substitute for the Mansfield amendment, because it is a sense of the Congress resolution. The Executive Department is given a sense of the Congress that we should continue consultations with our allies, knowing that we are already doing this, relative to the organization and force levels required for the defense of Western Europe, and in conjunction therewith to take action to withdraw from Europe a substantial portion of the military personnel of the United States and their dependents without downgrading and denigrating our ultimate commitment to NATO.

I am not trying to downgrade the President. I am not trying to downgrade anyone. But I do think that the time is long past due for many of our European allies to understand that we have been acting as an umbrella over Europe for many years.

The VICE PRESIDENT. May we have order in the Senate?

The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, we have been acting as an umbrella for them for some 30 years. They have not met their commitment, and their share of their defense is much less in terms of percentage of gross national product than ours. They are trading like mad with the very people they are asking us to defend them against. We should let them know in no uncertain terms that the people of the United States in terms of balance of payments and in all other terms are getting a little tired of this particular situation.

It is for that reason I have introduced the amendment. As I said, it is a sense of the Congress resolution. That is all it is. It does not pretend to legislate in this particular field.

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

Mr. DOMINICK. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I, too, at about the time that the Senator from Colorado did—or shortly thereafter—joined in the sense of the Senate resolution presented by the distinguished majority leader.

My feeling is exactly the same as that of the distinguished Senator from Colorado. I do not want to hamstring the Executive in the performance of his duties. I do not want him to be asked to come up here and send up reports on the progress of the negotiation.

I know that negotiations are underway to try to reduce our strength and our commitments in Europe. I feel that it is proper for Congress to indicate that we hope for the progress of those negotiations about seeking in any way to make it more difficult for the Executive to do his task.

I shall be glad to support the substitute of the distinguished Senator from Colorado, because I think it will have a good effect and I think it will assist the President. The expression of the feeling of Congress will assist the President not only with our allies but also with the Soviets and the Warsaw Pact.

I congratulate the Senator on his substitute. I shall support it.

Mr. DOMINICK. Mr. President, I thank the Senator from New Hampshire. I much appreciate his support for this particular resolution.

Mr. President, I reserve the remainder of my time. ["Vote!" "Vote!"]

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I do not have in mind an extensive debate on this matter. I think the issue really has been essentially settled already. I say that with great deference to everyone. We are down to the Mansfield amendment.

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

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, of course, this amendment is consistent with the views which the distinguished Senator from Colorado (Mr. DOMINICK) has long expressed. He has made eloquent arguments along this line, and I can understand why he would feel that he should offer this amendment.

I do believe it is unfortunate, however, that it is offered as a substitute to the Mansfield amendment, and that it will be voted on as a substitute—rather than on its own merits.

As we consider what we are doing in connection with this entire debate, it is essential to keep in mind that the signals going out to other countries—to our allies and to the Soviet Union—are very important.

I would suggest to the Senator from Colorado that he has not asked for the yeas and nays on his amendment. The vote on this amendment as a substitute is not likely to reflect the real views of the Senate concerning the merits of the proposal. I say that because, as the Senator from Colorado knows, some who would otherwise be in favor of his proposal are going to vote against it as a substitute, because they want to vote for or against the Mansfield amendment.

The vote that will be tabulated, if he puts the substitute to a rollcall vote, is likely to send the wrong signal to our allies in NATO. I hope the Senator from Colorado will realize that. If the Senator calls for the yeas and nays, of course, I would have to vote against it under the circumstances because I believe we should get to a vote on the Mansfield amendment.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOMINICK. Mr. President, in the event that this amendment at this time is withdrawn and that we have a vote on the Mansfield amendment and that should be either agreed to or rejected, would this amendment be in order as an amendment to the bill?

The VICE PRESIDENT. The amendment could be offered at some other place.

Mr. DOMINICK. Mr. President, at this point I withdraw this amendment, with the consent of my colleague from New Hampshire.

The VICE PRESIDENT. The amendment is withdrawn.

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

The VICE PRESIDENT. On whose time does the Senator suggest the absence of a quorum?

Mr. BYRD of West Virginia. It will be against the time of the proponents of the Mansfield amendment.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I call up the amendment I earlier sent to the desk.

The VICE PRESIDENT. The amendment will be stated.

The amendment was read, as follows:

The Senator from Arkansas (Mr. FULBRIGHT) proposes an amendment to the so-called Mansfield amendment, on page 2, line 9, insert the language "unless hereinafter authorized."

The VICE PRESIDENT. The Senator from Arkansas has no time remaining on this amendment. Time would have to come from the amendment of the Senator from Montana.

Mr. FULBRIGHT. Mr. President, I ask for 2 minutes, if I may. I do not wish to speak on the amendment at length.

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes to the Senator from the time on the Mansfield amendment.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I explained this amendment earlier. We had a discussion of it at considerable length. What it does is quite clear. The administration is told by these words that it has until December to seek an authorization from the Congress for the maintenance of either 300,000, 250,000, or 200,000 troops—in other words anything that is a continuation of more than 150,000 troops. That is what they should do in any case.

Mr. President, there is no need for me to belabor the matter. I was hoping the Senator from Mississippi would agree to accept it. The majority leader is not in the Chamber at the moment, but he gave me to understand there is no objection to it. However, without unanimous consent, his amendment cannot be changed, I have therefore offered the amendment.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, this is a relatively simple matter. We have the Mansfield amendment up now. Beginning on line 9 it states:

No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

Mr. President, that is just as clear cut and plain as the nose on your face. There could not be any mistake about it. That is the direct issue. It has appropriated funds in it and it has a number of military personnel.

The Senator from Arkansas proposes

we add a comma after "150,000" and say "unless hereinafter authorized."

I think it is clear to most people that the Congress, of course, can change this law. That is elementary in our system. But the words "unless hereinafter authorized" refer to what? Appropriated funds? Or do they refer to personnel? Or do they refer to both?

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

Mr. STENNIS. I will, in just a minute.

There are all kinds of appropriation bills, as we know, for NATO, for foreign aid, for foreign military aid, for different elements of our huge military bills and services, and they come on here during the course of every 12 months.

I think this provision just adds uncertainty and some confusion to this clean, clear-cut proposition, and should not be put in for that reason.

Furthermore, I think those words would add a great deal to the proposition or assertion that one additional soldier over and above the 150,000 would require action by Congress. It would indirectly precipitate all kinds of confusion and debate here within the Congress about authorization for personnel.

So I think, in self-defense, we ought to just respectfully reject the amendment.

Technically, that it is really the law, anyway. We, of course, have the power to change it. If this provision becomes law, it is rather clear that there would have to be further authorization, but let us not cloud the issue here on the last vote, and let us not cloud matters coming before Congress.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, I do not see what the Senator is saying other than he does not think Congress should have anything to do with the disposition of troops abroad. That the Commander in Chief has sole and absolute authority as to what to do about troops abroad or the waging of war is a theory that has been recently developed. It has been a source of continuing concern on the part of a number of Members of the Senate, including the Senator from Mississippi, to reassert the role of the Congress in this area.

Back in 1951 the erosion of the congressional role had not gone so far. At that time, in Senate Resolution 99, section 6 provided—

> The Senate hereby approves the present plans of the President and the Joint Chief of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article III of the North Atlantic Treaty without further congressional approval;

All that means is that at that time the Senate had a sense of responsibility for the overall foreign policy and in the disposition of troops. The chairman of the Armed Services Committee tells us that my amendment is already the law. If that is the case, why does he oppose it? The Mansfield amendment is an effort on the part of the Senate to assert some influence in the disposition of our troops and in the exercise of the warmaking power. That is not a very good example. There is no war in progress.

What I regret is the Senator from Mississippi's approach that the Senate should do nothing about this matter. The main trouble of our country stems from our military overextension abroad. This has been demonstrated in report after report.

I would think the Senator from Mississippi, one of the most senior and influential Members of this body, would be interested in the Senate's having some role in the overall policy of this country in sending troops abroad, maintaining them, and paying for them.

As to the meaning of the words, all they mean is the usual authorization of Congress. There is no mystery about it.

The VICE PRESIDENT. All time on the Fulbright amendment has expired. The time will have to come from the other side.

Mr. STENNIS. Mr. President, I am willing to yield some time to the Senator, but I do not care to debate this matter ad infinitum.

Mr. FULBRIGHT. Is the Senator ready for a vote?

Mr. STENNIS. I have made my argument.

Mr. FULBRIGHT. I do not wish to belabor it. I spoke earlier on it, when there were not so many Senators present on the floor.

Mr. STENNIS. I yield 5 minutes to the Senator, if he wishes it.

Mr. FULBRIGHT. I appreciate that, but the real issue, it seems to me, comes down to this. All my amendment says, whether a Senator is going to vote for or against the Mansfield amendment, is that if there is to be a change, let the Congress authorize it. We authorize other programs involving similar affairs.

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

Mr. FULBRIGHT. I yield.

Mr. PASTORE. As a matter of fact, it softens the Mansfield amendment.

Mr. FULBRIGHT. Assuming it is passed—of course, that is another matter, having to do with the President's veto power, and all that—but assuming it is adopted and made effective, the amendment would make it less harsh and less final than it is in the present form. It would indicate that we are willing to listen to some new ideas or reasons that have not been brought up and we are not aware of. That is all we are saying: "We are willing to have an open mind on it, and we invite you to justify a different approach than is proposed in the Mansfield amendment."

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Take the Mansfield amendment in its present form. The Senator need not doubt that, if it is adopted, it will have meaning, and plenty of it. It is a real issue.

Mr. FULBRIGHT. It would. It would still have meaning with this amendment. All it says to the world and to the President is, "We passed the Mansfield amendment. Now you have until December to come in and make a case for a different formula." It is, in a sense, inviting them to come in and make a case for a different formula.

The Senator from Rhode Island made that absolutely clear this afternoon. He said he was not positive that the Mansfield amendment is the precise number that it should be, but, if it is not, the burden is on the administration to fix the precise number with the approval of Congress.

I would say the effect of this amendment is to shift the burden from the Congress to the administration to come in and make its case. That is about all it does. It is not a far-reaching amendment, but it softens the amendment to that extent. It shifts the burden so that the administration can make its case, from its viewpoint, to the Congress, which, to put it another way, inserts the Congress, back into the policymaking area which is, I believe important, to the strength of this country. That is all it does. I think it should be approved.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I wish to associate myself with the statement made by the distinguished chairman of the Armed Services Committee. He has put his finger right on the crux of the argument against the amendment.

Of course, the Mansfield amendment would still be the Mansfield amendment even if the Fulbright amendment were adopted. It will be some signal to our NATO allies. And the signal sent to the Soviet Union would be no different. If the Fulbright amendment is adopted, we still would be turning our back on our NATO commitment; we would unilaterally withdraw 150,000 of our troops from Europe.

The only thing we would add by adopting the Fulbright amendment is the obvious. We would be saying that we are deciding unilaterally to withdraw 150,000 troops—but we could change our minds later. Of course, we can always change our minds. If we should adopt the Mansfield amendment we would withdraw 150,000 U.S. troops without consulting or acting in concert with our allies. We should not do that—with or without the Fulbright amendment—and, accordingly, I urge the Senate to vote down the Fulbright amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. LONG) is necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 29, nays 68, as follows:

[No. 63 Leg.]

YEAS—29

Aiken	Gravel	Pell
Bayh	Hollings	Randolph
Burdick	Hughes	Ribicoff
Case	Kennedy	Saxbe
Chiles	Mathias	Spong
Church	McGovern	Stevenson
Cranston	Mondale	Symington
Ellender	Muskie	Tunney
Fulbright	Nelson	Williams
Gambrell	Pastore	

NAYS—68

Allen	Eastland	McIntyre
Allott	Ervin	Miller
Anderson	Fannin	Montoya
Baker	Fong	Moss
Beall	Goldwater	Packwood
Bellmon	Griffin	Pearson
Bennett	Gurney	Percy
Bentsen	Hansen	Prouty
Bible	Harris	Proxmire
Boggs	Hart	Roth
Brock	Hartke	Schweiker
Brooke	Hatfield	Scott
Buckley	Hruska	Smith
Byrd, Va.	Humphrey	Sparkman
Byrd, W. Va.	Inouye	Stennis
Cannon	Jackson	Stevens
Cook	Javits	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Magnuson	Tower
Dole	Mansfield	Weicker
Dominick	McClellan	Young
Eagleton	McGee	

NOT VOTING—3

Long	Metcalf	Mundt

So Mr. FULBRIGHT'S amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I call up at this time the amendment that I previously sent to the desk and subsequently withdrew, which would change the 150,000 troop reduction, as contained in the Mansfield amendment, to 50,000.

The VICE PRESIDENT. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho proposes an amendment to the Mansfield amendment No. 86, on page 2, line 9, strike out "150,000" and insert "250,000".

The VICE PRESIDENT. Senators should be advised that the proponents have 2 minutes remaining and the opponents have 10 minutes remaining on each side.

Mr. CHURCH. Mr. President, I ask unanimous consent that I might have 15 minutes, if that is agreeable to the Senator from Mississippi.

Mr. STENNIS. Mr. President, reserving the right to object, in order that the Senator may have more time, which would be a fair time, I join in the Senator's request.

Mr. MANSFIELD. Mr. President, reserving the right to object, what was the request?

The VICE PRESIDENT. The request was that each side on this amendment have 15 minutes.

Mr. MANSFIELD. Mr. President, I object.

The VICE PRESIDENT. Objection is heard.

Mr. MANSFIELD. Mr. President, I think this time should come out of the 3 hours allotted to the Mansfield amendment rather than to start this practice. I am glad to yield to the Senator such time as he desires under that stipulation, if he will set a limit.

Mr. CHURCH. I seek only 15 minutes.

Mr. MANSFIELD. Mr. President, I am glad to yield 15 minutes on the Mansfield amendment to the Senator from Idaho.

The VICE PRESIDENT. The Senator from Idaho is recognized for 15 minutes, the time to come from the time on the Mansfield amendment.

Mr. CHURCH. Mr. President, I thank the distinguished majority leader very much.

I offer this amendment, Mr. President, as one who is in full sympathy with, and gives his support to, the distinguished majority leader in the amendment he has proposed.

I think the time has come for the Senate to take legislative action, to commence to chip away at this glacier, this frozen position which has characterized our posture in Europe for so many years.

It is only in the hope that the Senate's acceptance of this amendment might improve the prospects for final passage of the Mansfield amendment that I offer it now.

It is said that we should take no legislative action to reduce our force levels in Europe because that would be unilateralism and we must, at all costs, avoid unilateralism.

It is said that we must not, in any way, engage in any form of unilateral disarmament.

But, Mr. President, in the course of the past year, we have unilaterally reduced the Armed Forces of the United States by 3.5 million men to 2.7 million men.

This was not done in consultation with our allies. This did not await negotiations with the enemy. This was done because we felt that, in our own national interest, we could take such unilateral action.

This very bill contains provisions for further unilateral action, as recommended by the Armed Services Committee, an additional reduction of 100,000 men in the Armed Forces of the United States.

So, I say to you, we must not be misled by the argument that any form of unilateralism is taboo.

Early in the course of the debate, I pointed out that prudent unilateral action taken by the United States in connection with its negotiations on the limited test ban treaty broke the stalemate and provided the momentum which led to the successful culmination of negotiations.

I pointed out that the unilateral action taken by President Nixon, in which he announced to the world that we would no longer hold bacteriological weapons in our arsenal, has led now to a favorable response on the part of the Soviet Union that could be the basis for a successful negotiation in that field.

Thus, I think that past experience indicates prudent unilateral action can sometimes serve the country well in connection with its dealings with the Soviet Union.

But it is said that we cannot do it in the case of the NATO Alliance. Whenever else we have done it, that is all right, but we must not do it in the case of the NATO Alliance.

Well, why not?

Has there been any sacrosanct rule that other members of the NATO Alliance have observed against unilateral action?

Did not France take unilateral action in excluding all American troops from French territory?

Did not Portugal take unilateral action when it diverted its NATO troops to its African colonies.

Did not the United Kingdom take unilateral action when it ended conscription?

Did not Canada take unilateral action when it reduced its commitment of troops to NATO?

Why is it that all the other partners in NATO can take unilateral action but the United States must not?

Well, it is said, Mr. President, that our case is different, that we really do not depend on our NATO partners but they depend on us; that we are the cornerstone of this great structure and if we take any unilateral action, no matter how it may bear on the national interests of the United States, the whole NATO structure will come tumbling down.

Well, Mr. President, if the Senate were to adopt this amendment which would reduce our forces by only 50,000 men, we wouldn't be kicking the center stone out of the NATO Alliance. The structure would not even tremble. We can cut 50,000 troops out of the fat alone and might even improve the fighting efficiency of those remaining.

Secretary of Defense Laird recommended a 20,000-man cut to the President only 6 months ago. Certainly, Secretary Laird did not believe that such unilateral action on our part would bring the NATO structure crumbling down. On the contrary, Mr. President, this amendment would be a prudent and positive step which could break the long 20-year impasse in Europe. It could be an offer of good faith on the part of the Congress of the United States that might well improve the negotiating climate for a much more far-reaching settlement in mid-Europe. It might produce the same reciprocal effect as our earlier willingness to take unilateral action in the case of the Test Ban Treaty, or in the case of bacteriological warfare production.

Why do we not take the chance?

What have we to lose?

Even if our step does not yield reciprocal results, even if it does not break the Gordian knot and set Europe on the path to peace, we will not have removed so many troops as to have affected the balance of power, or the delicate balance of terror, or the ratio of NATO troops to Warsaw Pact troops. We will not have done anything to disturb the essential security of Europe nor the solidarity of the NATO Alliance.

Thus, I suggest, there is nothing to lose and much to gain.

After so many years of trying to per-

suade the President—this President and his predecessors—that we should deal firmly with our NATO allies and make adjustments in the level of the forces there, I hope the Senate is at last prepared to legislate on its own responsibility.

After all these years of futile efforts to persuade the President to take such action, the time has finally come for the Senate itself to live up to its own constitutional duty.

Let us, therefore, take this prudent step, and then let us proceed to adopt the Mansfield amendment modified in this way.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, we have had a great number of votes today, all on the Mansfield amendment or on proposed substitutes to the amendment. I believe all the way through there has been a general shakedown of conclusions that we should take the Mansfield amendment and vote it up or down. That has been the growing sentiment, I believe, here today.

I know the general thought here has firmed up my belief that I had yesterday to that effect. It certainly has firmed it up.

The Senator from Idaho is never to be taken lightly, especially on a matter of this kind. He is a scholar in his own right, spirited, and in depth. I have the greatest respect for him and his proposal. He would not go off the deep end.

I respectfully submit to the Senate that even though his amendment is more of the same, it is just a little bit less than the Mansfield amendment. It invades the general idea, the broad, general firm belief that I believe, is solid in this body of a unilateral withdrawal to some degree.

I believe we have firmed up the idea that in our relations with the Warsaw Pact countries we must take a stand, for now anyway, that we cannot invade that policy question, that there must be a mutuality to these reductions.

I just do not think it takes a lot of learning to see that when a nation takes a position with its allies and then with its adversaries during that same current calendar year, that if another branch of this Government goes to cutting down and saying, "No, it must be less; it must be different, particularly in a matter like this," I do not believe we would be doing ourselves any good. On the contrary, we would be doing harm.

I think the best thing to do is to come back now to the Mansfield amendment and apply the votes there, everyone as he sees fit. Then the whole world will know. The President will know. Our allies will know, and our adversaries will know that this is fully a new start. We have taken out the horses and are hitching up another team.

I submit it. I do not want to take time for anything more. I submit it largely on that basis, that we have the issue now. We have battled all the way through. We have settled down firmly and we should not disturb these figures.

Whatever is unsound about the Mansfield amendment will still be there. Whatever is good about it, it ought to stand as it is.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. STENNIS. Mr. President, I yield to the Senator from New York.

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

Mr. STENNIS. I have already yielded to the Senator from New York.

Mr. JAVITS. That is all right. I defer to the Senator from Louisiana.

Mr. STENNIS. Mr. President, I yield the Senator from Louisiana 2 minutes.

Mr. LONG. Mr. President, I just wish 1 minute.

I plan to vote for the Mansfield amendment. That is why I do not think I can vote for the Senator's amendment. If he were offering it purely on his own and without prejudice to the Mansfield amendment, I would vote for it. But since I will vote for the Mansfield amendment, I do not feel like watering down what I would be voting for directly.

If at a subsequent date, the Senator would offer the amendment, I would vote for it.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I defer to the Senator from Idaho now. I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I thank the Senator from Mississippi for his kind reference to me. He is always courteous and is a great gentleman. It is a pleasure to deal with him on the Senate floor.

Mr. President, I say again that I offer this because I really believe it serves the best interests of the Mansfield amendment. And if it were adopted—although the Senate seems uninclined to agree to any amendments today—I think it would enhance the prospects for final passage of the Mansfield amendment.

In any case, I will support the Mansfield amendment. I think in the legislative process it will be tempered in conference or elsewhere, and it will take a form that, if passed by the Senate, might well be enacted into law.

I would hope that will happen. In any case, I will vote for the Mansfield amendment. But if the amendment I have offered were approved by the Senate, I think all of us could feel that we had taken a step that no one could reasonably regard as an irresponsible curtailment, that anyone could say shakes the foundations of NATO. And, in so acting, we might open the way to the most far-reaching negotiations leading to a reduction of forces on both sides so substantial as to constitute a meaningful contribution to peace.

It is in that spirit that I offer the amendment and express the hope that the Senate will see fit to agree to it.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield myself 3 minutes. I will be final on that 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I think the issues are clear-cut and the figures are in the mind of everyone.

I want to make a brief reference here to the test ban moratorium during the Kennedy administration that the Senator from Idaho has already referred to and during which he was very adept in debating the matter. He had a part in that debate.

The Senator from Minnesota (Mr. HUMPHREY) pointed out that that was not a unilateral action or a one-way action on the part of President Kennedy.

President Kennedy said to them:

> We will pursue a course of desisting provided you do.

That was very clear-cut, as the Senator from Minnesota pointed out, whereas the troop withdrawal proposal here—and it is still in the Church amendment—is totally a unilateral action.

I think that any withdrawal would upset things with reference to the Warsaw Pact negotiations if there were a chance there—and there may be—and I do not think it would be in keeping with our promised position that we have already made for this calendar year. Therefore, I hope, for those two reasons, that we will reject the amendment.

Mr. President, I yield back such time as I have remaining.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Idaho. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from South Dakota (Mr. MCGOVERN) is necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The Senator from Arizona (Mr. GOLDWATER) is detained on official business, and if present and voting, would vote "nay."

The result was announced—yeas 15, nays 81, as follows:

[No. 64 Leg.]

YEAS—15

Aiken	Gravel	Mondale
Bayh	Hartke	Moss
Bible	Kennedy	Randolph
Church	Mathias	Ribicoff
Fulbright	McIntyre	Stevenson

NAYS—81

Allen	Chiles	Hansen
Allott	Cook	Harris
Anderson	Cooper	Hart
Baker	Cotton	Hatfield
Beall	Cranston	Hollings
Bellmon	Curtis	Hruska
Bennett	Dole	Hughes
Bentsen	Dominick	Humphrey
Boggs	Eagleton	Inouye
Brock	Eastland	Jackson
Brooke	Ellender	Javits
Buckley	Ervin	Jordan, N.C.
Burdick	Fannin	Jordan, Idaho
Byrd, Va.	Fong	Long
Byrd, W. Va.	Gambrell	Magnuson
Cannon	Griffin	Mansfield
Case	Gurney	McClellan

McGee	Prouty	Stevens
Miller	Proxmire	Symington
Montoya	Roth	Taft
Muskie	Saxbe	Talmadge
Nelson	Schweiker	Thurmond
Packwood	Scott	Tower
Pastore	Smith	Tunney
Pearson	Sparkman	Weicker
Pell	Spong	Williams
Percy	Stennis	Young

NOT VOTING—4

Goldwater	Metcalf	Mundt
McGovern		

So, Mr. CHURCH's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, what is the pending business?

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Montana No. 86. The clerk will state the amendment.

The assistant legislative clerk read the amendment (No. 86) as follows:

At the end of the bill add a new title as follows:

TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

SEC. 401. (a) The Congress hereby finds that the number of United States military personnel stationed in Europe can be significantly reduced without endangering the security of Western Europe, and that such a reduction would have a favorable effect on this Nation's balance-of-payments problem and would help avoid recurring international monetary crises involving the value of the dollar abroad. It is therefore the purpose of this section to provide for such a reduction at the earliest practicable date.

(b) No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

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

The VICE PRESIDENT. The Senator from Montana has 41 minutes remaining.

Mr. MANSFIELD. And how much time does the Senator from Mississippi have?

The VICE PRESIDENT. The opposition has 85 minutes remaining.

Mr. MANSFIELD. Mr. President, I will, by no means, use all the time allocated to me, and I would hope to bring this debate to a close as expeditiously as possible.

ORDER FOR ADJOURNMENT UNTIL 12 NOON TOMORROW

Mr. MANSFIELD. First, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Second, Mr. President, I think I should inform the Senate, after discussing the matter with the distinguished minority leader, that there will be other votes tonight on the SST and perhaps other amendments, and it is the intention of the leadership to stay in session until the business of the day is completed. This will, of course, mean that the amendment by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) will, at the conclusion of the consideration of the second supplemental appropriation bill, be laid before the Senate and made the pending business.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MANSFIELD. Mr. President, first let me thank all my colleagues on both sides of the aisle for the very kind words they have had to say about me.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Especially at the beginning of their speeches, sometimes before, and sometimes toward the end, they told me they were going to vote against the pending amendment. I appreciate the good will and the good wishes.

Mr. President, sometimes it takes a sledge hammer to make an imprint and place an issue on the table. I did raise this issue. I have been raising it for 11 years. I did not make the issue this time. But the issue has been made, and regardless of the outcome of the vote tonight, it will not disappear. It will not return to the cobwebs where it has rested so peacefully for the past two decades and 1 year.

I shall try not to go back over what I have already said, because, while the debate has been considerate in part and emotional in part, in my opinion it has not been as practical as it might have been. There has been no hint of an understanding from downtown or from overseas. It was take it or leave it; and I am happy, speaking personally, that we are confronting this amendment on an up-and-down basis on the merits and unchanged. I have no regrets, no apologies, and no alibis, and I expect, at the very least, to achieve a minimum of that which I set out to attain. This matter now has been brought to the full attention of this administration as it was not in the previous Democratic administrations. This issue has now come to the attention of our NATO partners.

It has come to the attention of the peoples who together comprise the 15-Nation membership of the North Atlantic Treaty Organization.

What I have endeavored to do is to move from the past into the present, and to look to the future. What I have tried to do is not to look over my shoulder in order to hang on to policies which were good two decades ago, and think that, despite the changing world, those policies are just as good and just as effective today.

I had a part in setting up the North Atlantic Treaty Organization—a minor part, because I served in the House of Representatives at that time—but there are others here—I cannot name them all—Senator AIKEN, Senator YOUNG, Senator ELLENDER, Senator ANDERSON, Senator MCCLELLAN, and others, who were in this Chamber when the great debate occurred 21 years ago which, on the basis of a congressional resolution, called for an increase of from two to six divisions in Europe.

There was a question raised at that time as to how long they would be there, and I think the answer was "Not very long; a few years."

As a matter of fact, I think it was Senator Robert Taft who raised that question in committee. But what we are faced with now, in my opinion, is not only the possibility of an indeterminate stay of 525,000 U.S. military personnel and dependents, but maybe a permanent stay.

Why should not the Europeans want us to maintain this large force? Why should they not want us to send our surplus generals and colonels there? Why should they not want us to continue to carry the greatest share of the burden—not alone in our defense, but primarily in their defense?

They are better off by far than this country. If my memory serves me correctly, our debt is equal to the combined debts of all the other countries in the world. We have an unemployment rate of 6.1 percent and an inflation rate of 5.7 percent. That is today. And I do not want to look over my shoulder and think that something that was good 20 or 25 years ago cannot necessarily undergo a change today.

I am not a member of the old guard. There is a chronological gap between me and the great majority of the people of this Nation who are under 30 years of age, but there never will be a credibility gap if I can help it, because I want to join them in facing up to the world of reality of today, and I do not want to live in the past. I do not want to return to the "good old days." I want to face up to the responsibilities which are ours, individually and collectively, today.

Does the Senate want to do something about this situation in NATO? I think it does. I know it does. But the question is, will the Senate do something about this situation, which we all know calls for correction and which we all know will not be hidden under a shroud forever? Not from this week on.

It was interesting to read the report of the Committee on Armed Services, now on Senators' desks, and on page 35 to find this item, under the heading: "Army":

Second, there is some reason to believe that there may be an excessive number of supply and logistics personnel in the U.S. Army forces in Europe. The Defense Department has itself recently conducted a review of these units and has reduced authorized strength in them by several thousand. But the Committee—

That is the Armed Services Committee, which is in control of the bill now before us—

believes there could be room for some further reductions. The detailed material in this area is highly classified but it should be noted that the United States cannot be expected to maintain a large supply and logistics base in Europe to support hostilities for a long period of time when our allies are showing, by their stores of supplies and ammunition, that they do not intend to maintain the logistics base necessary for such lengthy hostilities.

That is the end of the quotation from the report accompanying the bill now before the Senate for its consideration.

Mr. President, the Senate confronts an issue of immense importance. The outcome may well affect this Nation's posture not only with regard to Europe but also, to a great extent, to its role around the globe. In a very real sense, the Senate is today looking to the years ahead and to the policies and positions that will be relevant and productive. To be sure, what was done in the past was relevant and productive. But the time has come, in my judgment, to strike a course that will free us from certain shackles forged originally to bind us to policies and positions that have lost their meaning.

In cutting by one-half the level of U.S. forces in Europe, the amendment is designed to put U.S. troop levels there into a contemporary perspective. Needless to say, I have been impressed by the intensity of comment which this proposal has prompted. It is a healthy sign of interest in our European policies—policies which have indeed suffered great neglect during these past several years of turbulence in Southeast Asia.

At the outset, I would like to note my respect for the array of statesmen who have spoken out on this matter. Many of them, in my opinion, will be judged exceedingly well by history. It was 20 years ago, in a time of ominous cold war tension, that many of them forged the powerful shield behind which West European recovery was allowed to proceed securely. Their voices spoke then to a world still shaken in the wake of a long and devastating war. Their voices have been revitalized today, Mr. President. But the world they address is quite different.

Europe's economic and social recovery has been remarkable; many of its members are in a stronger position than we, and all are capable of doing far more than their present effort if they really believe their security is in danger.

We no longer perceive a monolithic Communist bloc arrayed solidly against us.

China and Russia now present the greatest threat to each other's security.

The Iron Curtain has parted in many places, and relations between East and West Europe are rapidly improving.

I cite these as a few examples of change. In spite of the changes, however, our NATO commitment of force today is not substantially less than when the Alliance was entered 20 years ago. Indeed, considering the awesome might of our tactical nuclear weaponry, it is far greater. One final thought on this, Mr. President. I would just say that nostalgia for great achievements in the past cannot replace constructive approaches to a foreign policy designed for the future.

It should be clearly explained, first of all, that it is not suggested by this amendment that we let down our defenses or abandon Western Europe. It is only suggested that we not remain frozen in an unrealistic and outdated posture; one that serves only to weaken us as a Nation. It is suggested that at long last we face up to the matter of reducing to realistic proportions our garrison in Europe along the lines recommended 10 years ago by Dwight D. Eisenhower.

Oh, but the same voices are heard expressing the same reasons. First, they exclaim that the possibility of detente will be jeopardized. But what has improving East-West relations to do with the present bloated level of U.S. forces in Europe? What is to prevent us from relaxing tensions if the fat is squeezed out of the military garrison there? What has the precise figure of 300,000 U.S. military personnel along with their 225,000 dependents to do with easing tensions? Why not more? Why not less? Indeed, have not the West European nations done very well themselves in easing East-West tensions without much concern for the number of forces they have contributed to NATO? France has none. Germany has fewer than it pledged. The United Kingdom has cut to the bone, and Canada is well on her way out.

It all adds up to this Nation carrying a very one-sided financial burden for NATO long past the time when the burden of financial exchange shifted against us. In reply, it is said that the Europeans are making an effort. They are attempting to defray these balance-of-payments losses. It was stated that through agreements the Germans were purchasing quantities of U.S. equipment which, to a large degree, "offset" our expenditure in Germany. But the so-called "offset" program just does not withstand close scrutiny.

This policy, Mr. President, began in the early 1960's. Formal offset agreements have been in effect only between ourselves and West Germany, the recipient of the bulk of our NATO related expenditures. While the term "offset" is bandied about, it is understood that a substantial portion of the purchases are purchases which the Germans would have made here in the United States, anyway. In fact, it has been disclosed that in the beginning years of these arrangements, several weapons systems—a large portion of offset sales—had actually been contracted for prior to the Kennedy administration. This kind of "offset" is not my idea of a genuine extra effort which truly attempts to make up for our current heavy NATO burdens.

By 1967, I might add, we adopted the temporary expedient of medium term securities, which, of course, only deferred the problem of our outlays. Moreover, the accumulation of such loans will in time only result in further German claims against our financial stability.

The newest chapter, Mr. President, involves a European willingness to defray directly about $200 million a year of our NATO expenditures in Europe. I suggest that when such an agreement is consummated, the balance of payments outflow from NATO may well have reached $2 billion. In this regard, the news on Monday about the first quarter balance-of-payments deficit is most alarming.

If one were really serious about insisting upon an equitable burden sharing within NATO, one would demand that our allies pick up the full amount of these expenditures, not a token 10 percent as is now mentioned. As has been pointed out, to reduce our real NATO budget, we need direct payments. Much more basic to the issue, however, is the fact that the idea of genuine burden sharing is but a pious hope. It was mentioned 20 years ago and has been talked about ever since. If burden sharing were the only issue here, then why not take congressional action with teeth in it; why not enact legislation that would require a full contribution from our allies? Let the European pocketbook determine how critically the Europeans view the presence of these 300,000 American servicemen with their 225,000 dependents.

Though exceedingly important in the context of this debate, money is not the only question at stake. There has been the modified Mathias proposal; the Nelson proposal, the Dominick proposal, the Bayh proposal, the Percy proposal, and others; some emerged, some emerging and perhaps some yet to emerge. Though to varying degrees, most of these alternatives recognized the necessity for change; none I say, most respectfully, were willing to make the adjustment in clear and direct fashion. Indeed, most called for less than what 50 or more of my colleagues in the Senate in the past have called upon the Executive to do—that is, to achieve a substantial reduction of U.S. troops in Europe. Most of the alternatives, be they perfecting amendments or substitute amendments, asked for consultations and negotiations. But we have consulted and we have negotiated this question year after year after year. There were calls, too, for progress reports by the President. But the President has reported. And progress has never proceeded. Time and time again we have admonished our allies to bear a fair share of the NATO burden; we have advised them about gaps in our planning assumptions and conventional forces; we have warned about the consequences if they were not prepared to pull their own car. I submit that most of these alternatives—as modified or otherwise—merely asked that we embark on several more years of fruitless negotiations. I submit that no action on our part will meet with allied approval, no matter how much consultation; no matter how much negotiation. We have already paid too big a price for delaying this question with negotiations and consultations.

And what have negotiations and consultations with the West Europeans wrought for our agricultural community? My colleagues in this Chamber representing agricultural States understand the problem only too well. It is simply time to indicate to the Europeans that we will stand firm for our interests; all of our interests. But, no, they say any adjustment downward of our European garrison somehow affects adversely every other part of the globe.

Most notable is the warning that the amendment would impair the Middle East situation. I am frankly impressed with the sudden revelation to officials in the Government who for years have had difficulty seeing any serious Soviet threat to Israel. Suddenly they have seen the light and now urge opposition to the amendment because it alledgedly would hinder our ability to aid Israel and would strengthen the Soviet hand in the Middle East.

Mr. President, this claim is just not supported. The key to our air capability in the Mideast, in turn, is not our Army in southern Germany. It is the airbases in Turkey, in Greece, and in Italy, for which we pay no small sums in terms of aid.

But finally, we are told that unilateral reduction of our NATO forces would doom prospects of a complementary reduction of Warsaw Pact armies. It is said that if the amendment were adopted we could "kiss that possibility goodbye."

Mr. President, that is just not so. Parroting it in one editorial or a hundred does not make it so. It is unfounded, first of all, to suggest that U.S. NATO troop reductions provide the exclusive incentive to East European troop reductions by the Soviets. It is no secret, for instance, that Russia's need to strengthen its forces in the Far East continues more than ever today. At the same time, Russia continues to follow us in the costly and ever spiraling strategic arms race. And, no less than we, are the Soviets aware of the demands made by their entire defense budget upon the domestic economy.

For all of these reasons—but primarily because of the tensions in the Far East—Moscow has a very great incentive indeed to reduce its Warsaw Pact forces and redeploy them eastward.

What makes the Russians hesitate? Clearly the dominant reason is the problem of political control in Eastern Europe. As Czechoslovakia revealed all too plainly, such control still rests ultimately on military might. If Soviet planners find their Far East concerns sufficiently pressing, some reduction in Eastern Europe no doubt would be risked. Otherwise such a reduction is unlikely under any circumstances.

So how does the size of NATO's army fit into this picture? I suggest, Mr. President, that cutting our Seventh Army forces is an equally reasonable way to induce the Soviets to reduce their manpower in the satellites. I suggest such a cut on our part would act as effectively to obtain this end as would any force reductions reached mutually through long drawn-out negotiations. It is clear, too, that with a substantial reduction of our NATO contingent, the willingness of Eastern Europe to tolerate an undiminished Soviet presence would be sharply reduced. Russia would be hard put to explain why it was necessary to retain such large forces to protect the satellites against a pruned-back NATO.

Indeed, it would not even be improbable to suggest that if one were a Soviet leader this past weekend, worried about the prospect of such satellite pressure, one might well have sought to defer any action on United States-European troop strength by calling for long, drawn-out negotiations.

Another factor in Soviet reluctance to reduce its forces may actually be its assessment of the NATO threat. Many Soviet experts argue persuasively that Russia's foreign policy remains a mixture of aggressive and genuinely defensive attitudes. To the extent that this, too, is a factor in Soviet reluctance to reduce its Warsaw forces, a unilateral reduction by the United States could be a positive factor in a Soviet willingness to make a suitable response.

But, it will be said by some, what of the deep fear of Western Germany? The argument goes that with a reduced restraining presence of American forces, Germany may seek to expand its own military power. It is this fear that would harden Russia's present position in Europe. This is pure speculation. Not only does it ignore the fact that Bonn has no financial stomach for substantial military enlargement, but it also denies the growing preeminence of West Germany in the Common Market and its desire to retain its strong ties to the West and its eagerness for trade ties with the East.

But even if I am wrong, that is no argument for hoping that simultaneous force reductions would result from negotiations. If in fact Soviet reluctance to reduce its forces is dominated by fear of a nuclear West Germany, unrestrained by our presence, then it will be no more anxious to reduce its position in Central Europe through mutual force reduction talks. If the real problem is fear of a nuclear West Germany, let us address that problem, and not talk about peripheral issues. In Southeast Asia we have learned too well the painful consequences of failing to face up to and correct bad policy. We have busied ourselves debating the more superficial issues. On this matter, we need to clear the air with constructive action.

Paring the issue down to its simplest terms, no case has been made that a reduction in half of our NATO forces would endanger the physical security of Western Europe. Why, it is asked in turn, should a unilateral effort to de-escalate this European garrison be rejected? I do not oppose good faith talks with the Soviets or with anyone else. Indeed, the Nelson amendment would have paved their way. But since the Soviets do have considerable independent incentive to achieve force reductions on their own, what is so necessary about moving simultaneously? Our initiative would be a reduction, not an escalation of forces. Our initiative would ease tensions, not aggravate them. Our initiative would enhance, rather than diminish, the prospects for eventual mutual troop reductions in NATO.

In summary, I would only stress again that this troop reduction amendment does not seek the end of NATO. It seeks only to reduce the size of the United States garrison in Europe. It seeks only to bring this Nation's financial contribution to the NATO cause somewhat closer into line with that of other members.

It will not compel the complete withdrawal of the United States from Europe. Indeed, it may help to prevent it. As I see it, the current financial crisis is only the handwriting on the wall on that score. It warns that our political and military role abroad which was established in another time and circumstances is not properly adjusted to current needs.

The adjustment is long past due in Europe. Unless it is made, I fear that all of our overseas commitments—the essential, indeed, the vital—along with the superfluous, the antiquated, the irrelevant and the redundant, will be endangered.

This Government—the President and the Congress together—would be well advised in my judgment to update these commitments in concept and content. We need to look at Europe as it is, today, not as it was a quarter of a century ago, not as it was at the time of Korea when the present size of the U.S. garrison in Western Europe was first established, at which time, incidentally, we first developed an interest in Southeast Asia—specifically in Laos, Vietnam, and Cambodia.

As the Senate commences to vote on this issue, I would only ask that each Senator consider the effect of the outcome not in terms of what was right for yesterday, but rather in the context of what is needed for today and tomorrow.

Mr. President, may I say in conclusion that I have asked no Senator, not one Senator, to vote for the pending amendment; nor do I intend to do so now.

The Senate is made up of mature individuals who represent sovereign States. Each Senator is capable of making up his own mind on the basis of the issue which confronts us at this time.

As I said, I have no regrets and will have none, regardless of the outcome. I will have no alibis. I will admit no mistakes in this case. If the amendment is defeated, so be it. If otherwise, there will be no sense of personal triumph, may I emphasize. The issue has been raised, and the raising of this issue is a matter of moment for this body, for this Government, for our people, and for those of us who belong to the NATO organization.

May I say that, as far as the Senate is concerned, in my opinion, nobody is going to take us to the cleaners. If we are taken in, we will be taken in by ourselves. We will have nobody to blame but ourselves. And, if we are, it will be too bad.

The VICE PRESIDENT. Who yields time?

Mr. STENNIS. Mr. President, I yield myself such time as I may need. And I do not expect to take more than 14 or 16 minutes, something of that kind.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I have listened very carefully to the entire debate, and especially to the closing remarks of our leader. We all share a very fine respect for him and his efforts everywhere, including this matter.

Mr. President, I want to point out, as we look to the commitments that we have around the world, that I was not one of those who was enthusiastic about many

of these commitments. I voted against some of them. And I have not been happy about many of them, or some of them.

When we look to the Western World—and I speak with great deference to that area—I think we have much to point out as being successful.

It seems to me the guns are all pointed toward the one commitment that we made, the one alliance—NATO—that has been, I think, highly successful.

It is very easy to point out the bad things, the things that are going wrong now, and how much someone else should do. But we must not overlook what this has meant to us directly over these years and what it has meant for peace, particularly to the free world, and what it means today.

My main approach to this entire problem is that for this year very definite commitments have been made by the one who was chosen by the people of the United States. And he made this solemn declaration which I have read already today. I refer to the President. However, some Senators were not present when I mentioned it before. The President reported to the North Atlantic Council, the Council of Ministers for NATO. I will not read all of it. However, he said:

> Given a similar approach by our allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries.

If we total up all the bad things and all the reasons here, the fact remains that we are going back on an agreement that was made for this year by the chosen representative of the people of this Nation, the Chief Executive, that if they would meet certain obligations we would maintain that strength and not reduce our commitments unless there was a corresponding reduction by our adversaries.

I think that means something to all of us. It means something to the allies. It means something to our adversaries all over the world.

Mr. President, we are getting into this matter without adequate hearings and without development of the facts in depth.

There has been all this talk about the cost. Those who are attacking this alliance so severely have not come in here with any piece of paper, resolution, or amendment that would go to the vitals of this matter after developing all the facts in hearings. That is very serious in matters of any kind. I do not think it could be said we have anything like the facts and figures we need.

These costs sound mightly large and it is easy to blame the costs on our troubles here today.

I remember that we were going to fight a war in Vietnam and have guns and butter, both. We set off a spiral of inflation. We did not put on any controls. I do not blame anyone more than I blame myself. We had all this trade difficulty with Western Europe. I made some effort to restrict it and I think it did a little good.

But having one deficit after another for years we have gotten into the inflation spiral that we are having tonight, this fiscal year. Next fiscal year is another matter. I am as much to blame for that as anyone. But the NATO Pact that has served us so well is not to blame for all these evils we have upon us now. I think we have to do what the President has done and look over the facts.

I have just a few figures; I shall not dwell on them. The estimated cost our allies are spending for NATO support is $24 billion. They have about 2 million men under arms and available. We have 307,000 in that area of the world, including the fleet in the Mediterranean. I wish we could make it less and I think there is a hope of making it less within a reasonable time. Our committee started an overall reduction. It is the first time I can remember the Armed Services Committee ever recommending definite reduction in the overall military manpower strength.

I would hope the President could find, consistent with his promise, if he can, a way to apply some of that reduction to someplace in NATO.

I offered the amendment for reduction in committee, but I would not put my judgment in there against the President's overall judgment as to whether or not any of it must come out of NATO now. I did not. But I want those issues always to be up front in consideration. I think the President knows that and he will continue to know it so far as I am concerned.

Now we have about $3 billion we spend in Europe directly on these forces, including the fleet. The $14 billion that has been mentioned includes a large part of our overall military costs. We would certainly have to have the greater part of that $14 billion whether there was a NATO or not. If there had not been the success of NATO this $11 billion difference—spent outside Europe—probably would be much more.

I understand that the best facts we can get for the cost of keeping these troops in Europe are that it costs only about 10 percent more than it would to keep them here in the United States. If we went through the calculations on that it would not do any good, but that is the best evidence, the hardest facts and figures we can get on the matter.

A great deal has been said about our paying taxes over there. The best I can get is that we spend about $3 million a year over there to governments and agencies, whereas we are using free of charge $2.6 billion in value of real estate and we are using it free, year after year. For the use of that real estate we pay no rent; there is no charge. Now, when we get all the facts like that alined here against the big figures others have been using to describe extra costs, it is a different matter.

It should be remembered that if we pull out of NATO now and leave, that would change my mind about any kind of reduction in our bill providing for our total military strength, because there would be great uncertainty years as to what would happen.

I remember those uncertain years that we had in this Chamber when NATO was created. The first major vote I cast when I came here in the fall of 1947 was the first appropriation for economic aid for Western Europe. That was followed in 1948 by the Marshall plan. We did that with pride. We passed it almost unanimously. There never was a better investment in the free world, in my humble opinion, than those dollars spent in 1948. Some Senators here now were elected in that year.

President Truman was already President. There was growing anxiety and concern. NATO was not yet in being. There was a great uncertainty and feeling that unless we committed ourselves the whole continent was going to be overrun. I have no doubt about it now. Russia had already overrun the Eastern European nations. We stayed here and we worked hard day and night. I attended a ceremony in connection with the signing of one of those instruments. I say that to show what is in my mind. I do not believe any people ever made a better investment in the free world than we did in that program, including the commencement of NATO. Who could tell how long it would go on and what the development would show?

After the birth of NATO we had nuclear weapons on a much larger scale. No one dreamed of the possibilities of nuclear weapons compared to what we have now. We did not know about the so-called hydrogen bomb. We were not talking about tactical nuclear weapons.

I have been watching this matter and I have not been happy about all of it. I know that later we had tactical weapons, nuclear weapons. I call them nuclear ground-to-ground artillery.

We had those weapons, because in the minds and hearts of the people they thought Russia might overrun everything. There was not enough military force to be a deterrent to them. Europe was still semiprostrate, economically and physically. So those weapons were rushed in. We had a nuclear defense which probably would never be used. I always thought it would set off a total nuclear war.

Even though we had this vast nuclear arsenal, and still have it, we later did build up the so-called conventional forces, so that if there should be an attack it would not be necessary to resort quickly to nuclear weapons. One can argue that either way and say we would not be able to continue today without them. That may be true but I am certain in my mind that their use would set off nuclear war.

That brings us down to where we are now. These nations have become prosperous. They should have done more. But I have never been willing to withdraw our troops and leave ourselves exposed. I do not believe Senators have been, either. I do not believe the Senate is willing tonight to withdraw to an appreciable extent and create the possibility of exposure of our own United States.

The first thing I would advocate, if we were going to pull out, would be that we would, for a time, first build up our forces. But I do not believe we ought to do it that way. That is why I come back to the proposition that the President is bound to have been looking over this matter. He is no softie. He doubtless

wanted to reduce it more. I have not talked to him about it. I am no expert on this subject, but I felt that I had enough of the facts and enough continuity of knowledge about this problem to be able to make a judgment in this matter, and that is exactly what I have done.

I skip over all these other figures that I have, but one. It is that after we pay this amount for all our military expenditures, we have almost twice as much left, on a per capita basis, as Germany has, over three times as much as the average Italian has, over twice as much as the average person in the Netherlands has, and over two and a half times as much as the average person in the United Kingdom has.

I offer these comparisons to show we are not living in rags.

I believe there are many pluses on our side in this issue. Let me review quite briefly the pluses I see in this matter in Western Europe. I am no particular student of history, although I did not skip history or flunk history, either.

On the plus side, I see, for the first time in several centuries, that these nations have lived in comparative peace with each other, not trying to knock each other out or conquer one another or invade one another's territory. They have lived in peace and relative quietude, and they are doing so tonight.

Not only that, but they have combined with us and formed the NATO Alliance. They have 2 million men under arms. An expenditure of $24 million annually is not to be sneezed at. That is some showing in itself. That effort is not directed toward each other, but toward the one nation that we think is the common enemy or would most probably be the aggressor toward them, and perhaps us. That is a part of the plus side.

Furthermore, they have built in Europe something new over all these years. They have a Common Market, and it is growing by leaps and bounds and is creating more and more economic strength and wealth for those people. After all, we have a lot of cousins over there.

They are building an economy there that is better and stronger, as I understand it, than they have ever had, on a cooperative, collective, rather than a cutthroat basis. I think that is one of the big pluses for the free world, and we benefit from it. Of course, we benefit from it.

Perhaps we ought to be wiser in our foreign trade policies, but I know a great many of our own financial interests and industrial units go over there. The Finance Committee of the Senate knows how much money they are making.

So let us not write all this off as being a terrible thing. This has been the most successful venture we have had since World War II, and for us it has paid off.

What other pluses are there over there? Not a single American military man has been lost over there, so far as military or combat action is concerned. I can recall only a very few instances where the life of a European has been lost in actual military combat since World War II.

Not a square foot of additional ground in all of Western Europe has been taken since NATO was formed.

It has cost a lot of money. Of course, it has. Is it not worth a lot of money? But more than that, think of the peace that goes with it, the constructive building that goes with it. The stronger economy for them and for us is worth a lot.

Here in this country we have had the most amazing economy in recorded history, and a great deal of it is due to the fact that we have relative peace in that part of the world, and trade relations have generally been good.

Another thing that impresses me is that this has been done and still we have maintained the city of Berlin right in the middle of a Communist country. We have had forethought and at least some military power there, and we have had a policy that has been successful so far and has preserved that fine plus even with three or four governments, all operating at the same time.

In a small way, it is one of the most amazing things I know of in history.

I do not want to detain the Senate. I think Senators have made up their minds.

I wanted to show, on the hard facts, however one looks at it, that this is not merely a downhill slide and a case of their not having done anything, or that they are cheating and trying to get something for nothing. I have never seen anything so large, with so many people involved, where a good share of that was not going on.

But coming back to the question of what is best for us, we have complimented our leader here. I joined in those compliments. I meant everything I said. But this amendment totally upsets the entire structure of the position we have already taken and on which we have assured our allies for this calendar year. The amendment totally upsets that by pulling our troops out. Say what you will, Mr. President, but that is the effect of it. It totally repudiates in midstream the position that the authorized representative for this Nation took in December. Perhaps he should have conferred with more of us. He did not confer with me. I wish he had seen it possible to make some reductions, but that was his conclusion in view of the uncertainty that he saw, and the SALT talks, and the possibility of agreement with the Warsaw Pact nations. He saw fit to say that, "For this year, we will stand firm with you and we will not withdraw here unless there is a mutual withdrawal." That is what he said.

I am not saying we must not repudiate our President. That is a personal matter. Some talk about repudiating the President. I say we are repudiating the honor and position of our country, and it will hurt us more than it will hurt our NATO allies.

I do not know; Lord knows, I hope that some good will come out of the SALT talks and that some good will come out of the Warsaw Pact talks. I do not know what to expect, but I know that since World War II so far we have been constructive and we have kept our powder dry. We are full of hope, but we keep our powder dry.

So I think we had better stick to that for this calendar year. I am not taking any position or pledging anyone anything for any time beyond what I have already outlined here for this year. But whether it is intended that way or not, to change now would be reversing our policy, and I am old fashioned enough to believe that once your word is given and a promise is made, unless it is rigidly kept, you hurt yourself more than you hurt the other man.

We might save a few dollars; it would not be many. But we would lay on ourselves, I think, with all the free world and those who are on the rim, a great big question mark—something we have never done before.

So I hope, just for this year, that we will vote down this well-intentioned but, I think, unsound amendment.

Mr. SCOTT. Mr. President, will the Senator yield 10 minutes to me?

Mr. STENNIS. I yield the Senator 10 minutes.

Mr. SCOTT. Mr. President, I have a sense of deja vu here. We have been through this all before so many times, so many years. For 50 years now we have seen the rise of the war-weary spirit, the growth of isolationist sentiments. I am one of the few, perhaps, who heard in this Chamber, in the gallery as a teenager, the senior Lodge, Senator Borah, Senator Harding, and the others—the isolationists then were of my party—and I heard my beloved President, say we should have laid our sword on the table and let them work it out themselves.

World War I ended, and we brought our troops home in a great hurry, under congressional pressure and demand, and then a man named Leon Feuchtwanger wrote a book called, I think, "The Years Between," and told the story of the decades between the two World Wars.

In that story, he told how the United States wished to have nothing to do with it, how the French wanted no more problems and troubles, and no more armament except ultimately a solid wall which would not hold right, center, or left, how the British became warwearied, how every demand of the central empire of Germany was ultimately yielded to, and how, of course, we ultimately went into World War II, while the Senate of the United States was dragging its feet every step of the way for 20 years.

Then World War II ended, and then the demand came to bring the troops home. I was one of them, glad to come home, Mr. President, convinced that this was also an emotional move, however, and we brought them all home. We reduced the cost, and we promised the people of this country all sorts of benefits in the domestic program.

In a little over 5 years, I was at Orly Field in Paris on the day on which the order came out to close down the American installations at Orly, because the Congress of the United States did not want to spend the money.

Within a month the Korean war opened up, and we opened up Orly again, and doubled it and tripled it, and we had again an undefended, unprotected, un-

prepared Nation, because, responding to Members of Congress who were responding to their constituency, we walked out on our responsibility.

I saw it all happen. Again we saw a draft bill passed by one vote, and now we have it before us again. Nobody wants to serve, nobody wants to face responsibilities any more, and nobody wants to take risks. So we say, "Let the Europeans do it," as we said in the twenties, in the thirties, and for some years in the forties.

But to their great credit, four Presidents of the United States thought otherwise. John Eisenhower, the Ambassador to Belgium, called me yesterday to express his concern over the Mansfield amendment. Harry Truman, now 87 years old, for whom, in a bipartisan spirit, we in Congress enacted the Marshall plan for aid to Greece and Turkey, says he does not like this resolution, and Lyndon Johnson does not like the resolution, and President Nixon does not like it—all for good reason: Because they, in the loneliness of the night and in the deep responsibilities of the burdens of the Presidency, have seen what it means to give up your responsibility, to turn your back on your problems, and to say "It costs too much money, bring the boys home."

We have too many men over there, and too many dependents, granted, but for some time now we have been trying to work out a mutual and balanced reduction of forces, and this is on the verge of some reasonable hope of achievement. But we would throw it all away, because the Senate of the United States wants to do its own negotiating. The Senate of the United States wants to say, "We will negotiate. Never mind the Russians; never mind our allies; we'll pull them out."

And what will the Russians do? They will say, "You did it for us."

All the nations of the world, practically, are subject to consumer pressure. The Russians are feeling consumer pressure, and the Americans are feeling it, and both sides would like to reduce this onerous burden of troops in Europe. One million men, and more, stand on the NATO side, facing one million men and more on the Warsaw Pact side. They ought to be less. There ought to be peace.

But why less on one side; reducing the obligation of the other even to sit and negotiate with us? Oh, we are weary of well-doing. But NATO has another purpose, aside from those that the distinguished Senator from Mississippi has stated. I express my own apologies for speaking after so well-stated and so powerful and rational an address, but there are other reasons why NATO has served a good cause.

NATO has kept up the courage of the Eastern satellites. NATO is good news to Yugoslavia. NATO is good news to Rumania. And, yes, I think NATO is good news to Czechoslovakia and Bulgaria, and NATO is good news to Turkey and to Greece, as President Truman found when he initiated the program.

NATO is good news to Israel. But most of all, NATO is good news to the United States, because the shield we have in Europe is a protection for the people who live within our boundaries.

Yes, I would like to see them reduced, but I would like to see it done in accordance with our foreign policy obligations and in accordance with our foreign policy determinations.

I would like to see the Senate heard more often, and I do not mind certain sense of the Senate resolutions. But we should not undertake to determine whether we ourselves, alone, have the sole wisdom as to how to end our involvement in Western Europe. So I have strong opposition to the proposal.

The Sixth Fleet is the sole U.S. military force in the Mediterranean—45,000 men there. The moment you reduce your force in Europe, not by 50 percent but by 60 percent, 325,000 to 150,000, you are going to have to reduce the 45,000 people in the Sixth Fleet. I have served in the Sixth Fleet twice. I know its function. I know its usefulness in reducing tensions. I know its usefulness in presenting a counterpoint to the great Russian fleet, which is now larger than our Sixth Fleet. I know that most Americans do not want us to give up our presence in the Mediterranean.

But give it up we will, to a very dangerous extent, if this amendment passes. And then we shall have said to the Russians, "It is your sea. It is not the sea of free peoples, it is your sea. Take it."

And when they take it, they take Israel. When they take it, the peace of the world lies more dangerously imbalanced by far than it lies today.

No, with all due respect for the deep concern of the distinguished majority leader, this is a dangerous amendment. This is a mischievous amendment. This is an amendment which can cause more harm than any amendment or proposal I have seen in my 13 years in the Senate.

Mr. President, the amendment should be defeated.

The VICE PRESIDENT. Who yields time?

Mr. SCOTT. Mr. President, I feel compelled to express my strong opposition to the proposal by my friend, the distinguished majority leader, requiring a 50-percent reduction in force levels in Europe. Not only would this necessitate cutting both our combat and support components on the European continent itself, but, I am informed, it would almost certainly prove necessary to cut the 6th Fleet as well if the ceiling provided for under this amendment is to be achieved and balance maintained.

The 6th Fleet, as we know, is the sole U.S. military force in the Mediterranean Sea. As such, it has a dual function: It is tasked with the protection of NATO's southern flank; and it supports U.S. policy and defends U.S. interests in the Middle East. It fulfilled these missions in 1948 when President Truman sent our ships to back up Greece and Turkey then under pressure from their neighbors. It fulfilled them again last September when hostile armored forces penetrated Jordan from Syria and President Nixon moved the fleet to prevent widening violence from dashing the hope aroused everywhere by the cease fire then in effect.

The 6th Fleet is a carefully constructed whole. It consists essentially of two carrier task forces comprising the carriers themselves, the air wings they carry, screening forces of destroyers, escorts, mine sweepers, a Marine contingent, and the requisite tankers, repair, and supply ships which give the fleet its staying power at sea. In addition, it has been temporarily augmented since last September by the addition of a helicopter carrier.

Militarily, it makes no sense to cut escorts and to expose the carriers by so doing. The Marines, on the other hand, provide a small ready force capable of immediate action to protect or evacuate American civilians, as in 1967, or to support a friendly government, as in 1958. The imperative of residual force viability would, therefore, govern the scope of 6th Fleet reductions, if this amendment became law, rather than a numerical quota to be assessed against the fleet after reductions in our NATO land and air forces. These cuts could turn out to be significant indeed.

Finally, U.S. forces in Europe represent that pool of ready strength geographically closest to the Middle East. It is public knowledge that certain U.S. units in Europe were alerted for possible use in the Levant during last September's crisis. To prune back U.S. land, sea, and air forces in Europe by 50 percent would severely curtail our ability to deploy these forces to the south in possible future contingencies.

While I share the hope of the Senator from Montana that it will be possible to reduce U.S. force levels in Europe, I believe this should be part of a bilateral move, not a unilateral one. Recent statements by Soviet leaders indicate that there is a very real chance that such a bilateral reduction can be effected. We must not tie the hands of this President, or any future President of the United States in international negotiations of this importance.

Mr. HUGHES. Mr. President, the very spirited debate we have had on the proposal by the distinguished majority leader has moved us a giant step toward action on this important issue. But action is precisely what we need now. Mere words, mere declarations of opinion are no longer enough.

In the few days since Senator Mansfield introduced his amendment, we have seen the Soviet Union express new willingness to negotiate mutual force reductions in Europe. If press reports are accurate, the Soviet Union has even modified its long-standing insistence on a European Security Conference and is now willing to conduct separate talks on troops cuts. It is my belief that this new opportunity would not have come about, but for the galvanizing effect of the Mansfield amendment.

Whatever happens to this proposal—in this body, in the other body, or at the White House—the administration is now under an obligation to stop its delaying tactics and make a vigorous effort to achieve force reductions in Europe.

Some of the public discussion, I regret to say, has been misleading. Unwarranted scare tactics have been employed. One would think that the Mansfield amendment was a sudden stab at the jugular vein of the Atlantic Alliance.

It is not. This proposal, which I am

honored to cosponsor, is certainly not sudden. And we have no intention or expectation that it will reduce NATO's effectiveness.

I support our commitment to defend Western Europe. Our ties are so many, so old, and so deep that our commitment is beyond dispute. The issue before us is not whether we should maintain that commitment, but rather, whether we should give the same stale answers we have given for the past 20 years to the questions of troop reductions and burden sharing.

Some prominent politicians have warned of a new isolationism in America, although few if any Americans favor withdrawal into a shell of noninvolvement.

The real choice which our Nation faces is between the old internationalism of the 1940's and 1950's and the new internationalism which adjusts to the 1970's. The old internationalism, acting in response to a military situation which no longer prevails, built a series of alliances and foreign bases surrounding our most likely adversaries. Once made, these commitments became inviolable and unquestionable, regardless of changing conditions. This was not even the intention of the original proponents, who specifically wrote into documents like the North Atlantic Treaty provisions for periodic review.

Even more distressing has been the reluctance of our Government to consider modifications in military force deployments to meet changing world conditions. The subcommittee chaired by the distinguished senior Senator from Missouri (Mr. SYMINGTON) has very ably documented the wide range of our commitments and the shocking extent to which we have persisted in unnecessary military involvement.

Consider these observations from the subcommittee's report:

> Once an American overseas base is established, it takes on a life of its own. Original missions may become outdated, but new missions are developed, not only with the intent of keeping the facility going, but often actually to enlarge it.

When reductions are studied, they are usually strongly resisted. As the report states:

> It is only to be expected that those in embassies abroad, and also at overseas military facilities, would seek to justify continued operations in their particular areas; otherwise they recommend reduction in their own position.

With regard to Europe, the subcommittee concluded that:

> The military role which the United States plays in Europe has acquired a life and a momentum of its own quite apart from the changing circumstances of the members of the alliance and quite apart from changing relations between members of the alliance and members of the Warsaw Pact.

The old internationalism gave birth to these commitments which have now taken on a life of their own. The new internationalism should plan for the future on the basis of the present and not solely on the past.

A new internationalism would require the demilitarization of foreign policy. It would involve a thorough reexamination of our military, political, and economic involvement in other nations—not necessarily with a determination to reduce that involvement, but rather to adjust it to current realities. Throughout the world, this new internationalism would stress our commitments to people and their economic and social problems rather than to specific regimes.

With regard to Europe, this new policy would entail greater emphasis on our economic relations than has been given in the past. We should keep troops in Europe only insofar as they contribute to necessary fighting capability and not merely as symbols of our undeniable commitment to the defense of Europe. And whatever we agree to do with regard to economic and military policies must work in the direction of more equitable sharing.

The current debate is very interesting. No one denies that current U.S. troop levels in Europe impose a serious drain on our balance of payments. Even offsetting payments do not begin to cover the costs of American dependents living with U.S. servicemen.

No one denies—so far as I have discovered—the desirability of eventual troop reductions. Even the President, in his 1970 message on the state of the world, wrote of moving from dominance to partnership with Europe. And he said:

> As this process advances, the balance of burdens and responsibilities must gradually be adjusted, to reflect the economic and political realities of European progress.

Those realities now include a vigorous Common Market and growing economic strength throughout Europe. They also include slightly decreased Warsaw Pact forces, at least in the past few years.

In view of these facts—and the many others cited by the distinguished majority leader—the only question is: When is the time to reduce our forces?

Throughout the 1950's many distinguished Americans urged a reduction in the force levels we sent to Europe in 1951. Former President Eisenhower said in 1963:

> 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.

The time was not right in the 1950's, although President Eisenhower favored reductions. In 1963, however, he concluded:

> I believe the time has now come when we should start withdrawing some of the troops.

In fact, of course, some troops have been withdrawn. But what horrendous consequences have followed? Is the Atlantic Alliance weaker or more divided?

Since the buildup associated with the Berlin crisis of a decade ago, American forces in Europe have been reduced by one-third. Even in the year following the Czechloslovakian rebellion of 1968—where no intervention was ever contemplated for our troops—with one American soldier out of every seven was withdrawn.

In spite of these reductions, nothing terrible has happened. To say again that now is not the time is redundant and meaningless. I believe that now is the time.

Now is the time to make clear to NATO that we are determined to reduce our surplus forces and achieve a wider sharing of the costs and responsibilities of defense.

Now is the time to make clear to the Soviet Union that we are serious about mutual force reductions in Europe. The action which we propose is not irrevocable. If circumstances should change significantly, or if sincere efforts at negotiation should lead to an increased rather than a reduced threat, the Congress could authorize a higher ceiling.

But for once, instead of delaying a desirable step toward arms control until someone else moves first, we would take an important first step, one which would bring great pressures for reciprocity.

This is the opportunity we have now, Mr. President. We can move ahead toward new relations with Eastern and Western Europe. The Mansfield amendment gives us this chance. While we possess such strength in nuclear capacity and while the Europeans are strong enough to bear a greater burden of their own defense, surely we can take this risk for peace.

Mr. BROOKE. Mr. President, it is with some reluctance that I rise in opposition to the amendment introduced by the distinguished majority leader.

For many years, I have favored a reduction in American troop strength in Europe. My concerns, like those of the majority leader and many of my colleagues, have been both economic and strategic.

Strategically, I appreciate the need to maintain a stable, creditable, conventional deterrent in Western Europe. Our troop strength in the aftermath of the Second World War was reduced far below what was desirable or effective in terms of our objectives. As a result, even a serious weakened Soviet Union was able to establish and maintain control over the neighboring states of Eastern Europe. It was fear of even further expansion that prompted the signing of the North Atlantic Treaty Organization in 1949, and which led the United States to increase its troop commitment to Western Europe from a low of 91,000 men in 1948 to between 300,000 and 400,000 men per year since then.

Between 1949 and 1971, we have survived the Berlin crisis; the uprisings in Poland, Hungary, and East Germany; and the invasion of Czechoslovakia. Nuclear weapons have been developed, and deployed in Western Europe. We have made the transition from two-engine propeller-driven transports to the huge C–5A, which can carry the equipment for an entire division. Nuclear submarines and ships have been built which can survive for months at sea without refueling or replenishment. The economies of our European allies have increased to the point where collectively they comprise the second largest economic unit in the world.

Yet, the number of our troops in Europe has not reflected these drastic changes. We have only 50,000 fewer men in Western Europe than we had at the

time of the Czechoslovakian invasion, or the crisis in Berlin.

Changes in technology and in the nature of our opposition, not to mention changes in the capacity of the European states for self-defense, make it reasonable and desirable that some reductions in U.S. troop strength be made.

Likewise, our economic situation makes a reduction in overseas spending a desirable goal. Annual operating costs of our forces in Europe is $2.9 billion per year. Other U.S. defense expenditures include: Payment on property, taxes to host governments, salaries to host government nationals, and a variety of others. When added to the expenditures on the economy by American dependents, civilian employees and tourists, combined with widespread American investment in Europe, the net outflow of U.S. dollars to Western Europe has been far in excess of our income from that source.

I do not believe, however, that the recent economic dislocation can be considered adequate grounds for calling home one-half of our troops in Europe. If economics is our sole concern, it must be borne in mind that the same troops would have to be stationed and maintained in the United States where the costs may be significantly higher. In addition, the costs of transporting these troops and their equipment across the Atlantic may offset any gains incurred in a simple reduction in Europe.

The fact is that we simply do not know what the economic consequences of a major reduction of our forces in Europe would be. Nor are we in a position to project accurately the strategic consequences of such a move.

I am sympathetic to the majority leader's argument that a troop reduction was proposed 10 years ago, and therefore, this amendment does not represent precipitate action on our part. But though the proposal was made, its effects have not been studied in any appreciable detail by the congressional committee with responsibility in this area.

Without adequate proof that significant savings will accrue; without some convincing evidence that a unilateral reduction is more in our interests than a negotiated bilateral reduction in force; without a clear demonstration that no economic or military alternative would be more suitable and more effective, I find I must oppose the Mansfield amendment.

Mr. President, neither the nations of Europe nor the United States, can afford to endure periodic debates over our commitment to European defense. We have a strategic interest in the security of Western Europe; we differ only over the quantity of troops required to demonstrate that commitment. such differences are a proper subject of discussion with our allies, not of unilateral action on our part. Continuing confrontation between the Congress and the Executive can only create ill-will within our own political system, and prompt the nations of Europe to seek accommodation elsewhere. Neither development is in our national interests.

Mr. President, I believe that the Mansfield amendment has served a worthy purpose in making known our recognition of the strategic importance of the NATO alliance and consultation concerning economic accommodation and troop reallocation within the framework of that alliance. But I also believe that a rejection of the Mansfield amendment will serve to strengthen the hand of the President and his negotiators in discussions with the Soviet Union leading to mutual reduction of forces in central Europe, which discussions Soviet Party Secretary Brezhnev and Premier Kosygin apparently welcome.

Mr. President, I urge that rejection.

Mr. McGEE. Mr. President, I must express my unalterable opposition to any attempt on the part of this body to force unilateral reductions, of any magnitude, in the U.S. troop strength in Europe.

The consequences of such an action go far beyond what some hope would be shouldering of a greater burden in maintaining an East-West military balance on the part of our NATO allies. The fate of NATO itself is at stake.

History should serve as the guideline in determining whether such a move is desirable or even practical. Historically, ever since balance of power evolved as a viable concept in maintaining the stability of Europe, the principle has been successful in avoiding major conflagrations on that continent. War on the European continent, since the establishment of this principle, has been the inevitable result of tipping the balance of power scales one way or the other. In light of this, it has only been through our substantial presence in Europe that the balance of power has been maintained and that continent has enjoyed stability and prosperity in the 25 years since World War II.

Our forces in Europe represent a tangible and visible symbol that the United States and its allies are more than ready and able to block any westward Soviet drive. For 25 years this has been a highly effective deterrent. For 25 years this has allowed the people of Europe to exist in a stable and prosperous environment. Are we not sitting in judgment of European nations? Are we willing to say 25 years is long enough for these nations to be free of the devastating consequences of war? I would most certainly hope we are more humanitarian in the exercise of our responsibilities.

Few can argue that the presence of 300,000 U.S. troops in Europe has provided an effective military deterrent. But perhaps the psychological impact has been even greater.

These 300,000 American troops have served as a constant reminder that NATO is backed by the full force of American nuclear power. They have served as a constant reminder of the troops, bombers, and missiles on the other side of the Atlantic and our commitment to use them should the Soviets embark on the road to aggression.

Finally, the military and psychological impact of our presence has aided in attempts on the part of European nations themselves, particularly West Germany, to ease East-West tensions. Withdrawal of U.S. troops at this point, before fruition of these efforts could be realized, could only lead Europe down the path of appeasement. And lest we have forgotten the lessons of history so soon, appeasement has resulted in our involvement in two disastrous European conflicts. Detente in Europe can only be achieved if the West deals from a position of strength. That strength lies with NATO and our commitment to that organization. This position of strength would quickly deteriorate if we pursued a course of abandonment in Europe as some advocate today.

Mr. HATFIELD. Mr. President, the debate upon the Mansfield amendment has focused the attention of this body, and the country, on fundamental questions regarding the scope, extent, and contemporary wisdom of our commitments in Europe.

For this, we all must be deeply indebted to the distinguished, wise, and able majority leader.

The consistent problems with our European allies and our policy there should cause us all to ask whether doctrines molded by the tensions of the late forties still deserve unquestioning allegiance in the early seventies.

The truth is that the Europeans'—and Canadians'—general reluctance to participate in the NATO alliance to the degree we feel prudent and responsible stems in large part from a differing view of the nature of the threat posed in Europe. After all, when it appears that we are more concerned about the protection of their security than they are, then we should suspect there is something unrealistic or unbalanced about our policy.

The changes in the politics of Europe since the 1940's have been drastic; the changes in the attitudes of people in these countries has been profound; yet, our foreign policy has continued with barely any adjustment.

This is not to suggest that our policy in the past has not worked, or has been ill-advised. Rather, precisely because it has been successful in stabilizing the political environment and enabling the emergence of new political leadership, we can have the freedom to reexamine and adjust our policy in Europe.

A reduction of half of our troops does not destroy our bargaining position for mutual force reductions in the future. If we can safely make unilateral reductions, as many people acknowledge, then this does not represent a substantial position to be conceded only in negotiations. The remaining 150,000 troops, which we would not unilaterally remove, as well as our extensive deployment of tactical nuclear weapons there, give us more than ample strength for real, substantive negotiations, should they develop.

These issues are not new; they were all debated before in this body. The arguments and even the personalities deployed in the early 1950's have been put forward again 20 years later.

Nicholas von Hoffman, writing in this morning's Washington Post, brilliantly set forth the arguments of Senator Taft who in 1951 cautioned against the commitment of ground troops to Europe. The nature of the threat from the Soviet Union was viewed far more gravely then than it is today. Yet, compelling arguments were set forward even at that time against the wisdom of committing large numbers of Americans to Europe.

Mr. President, another article in this morning's paper concerning Vice President AGNEW and his remarks last night shows us again how much our times are like those of Senator Taft's. Taft stated in 1951:

> It is still fashionable to meet any criticism (of foreign policy) by cries in isolationism. Criticisms are met by the calling of names rather than by intelligent debate.

Last evening, our Vice President provided us with an excellent example of this truth. In order that all may judge how the Vice President has degraded political discussion and fellow Members of the Senate, I ask that his unfortunate remarks of last evening be printed in the RECORD, along with an article in the Washington Post by Philip Carter.

Mr. President, the time for a rational consideration and readjustment of our policy toward Europe is long overdue.

I give my unequivical support to the Mansfield amendment as a useful and responsible step toward this end.

Mr. HARTKE. Mr. President, we are now nearing the close of an historic reexamination of our troop commitments to NATO. For too many years, this issue has failed to receive the congressional attention it deserves. Fortunately, the Mansfield amendment has forced us to enter into the most meaningful dialog on this subject since ratification of the NATO Treaty.

I intend to support the Mansfield amendment for the following seven reasons:

First. Our present troop level in Europe is based upon assumptions and conditions which are no longer valid.

Second. Europe is now able to undertake the major portion of the responsibility of providing for her own defense.

Third. The cost of maintaining the present level of troops in Europe is excessive in light of our balance-of-payments deficit.

Fourth. The present force level is not related directly to the deterrent or retaliatory capability of the United States. It is primarily a symbolic force—a force whose symbolism will not be diminished by the proposed reduction.

Fifth. The proposed force reduction will enable the fat to be trimmed from U.S. forces in Europe without affecting combat effectiveness.

Sixth. Passage of the Mansfield amendment is consistent with previous congressional policy of advising the President on the question of European force levels.

Seventh. The Mansfield amendment will spur negotiations with the Russians rather than inhibit them.

Mr. President, these are seven cogent arguments in support of the proposal of the distinguished Senator from Montana. I urge my colleagues to give them earnest considerations. As Senator MANSFIELD stated 2 days ago, we in the Senate have an obligation to the people of this Nation to end the waste and the excess which are exemplified by our present troop commitments in Europe. It is this obligation which faces each one of us today. I am convinced that adoption of the Mansfield amendment will represent a milestone in the history of our Nation.

I may say, Mr. President, that it is rather peculiar, at this stage and time, that we look upon our former enemy, now our friend, Germany, being asked to bail us out of our monetary crisis. Yet, we are able at this time to say to them that we will not even attempt to help ourselves out of our monetary crisis.

I returned today from Japan, where it was my honor to appear with 13 congressional Members at the Interparliamentary Conference. I returned specifically to support the Mansfield amendment. The distinguished majority leader, who has just spoken, was one member of the delegation.

It is rather paradoxical that, as we talked with all four of the parties, including the Liberal Democratic Party of Japan, they politely—politely as they could—told us that they wanted us to remove all our troops from Okinawa. They wanted us to pull out unilaterally, even though the area of combat for Americans is much closer to Okinawa than it is to Germany today.

It is ironic that at this very moment, in the city streets of Okinawa, there are individuals who are protesting the American presence on Okinawa, protesting violently in an anti-American attitude.

It is paradoxical that we argue today about reducing the amount of troops in West Germany, when just a few short years ago we unfortunately saw unilateral action taken against us when France ordered our troops to come home from France, ordered us to pull them off French soil.

It is high time that we recognize that American troops on German soil are not alone a question of defense, not alone a question of money, but simply a question of whether it is necessary, in the national interest of the United States, to put our troops there. The answer by everyone, including the distinguished Senator from Mississippi and the distinguished Senator from Pennsylvania is clearly "No." They have said on the floor of the Senate that they encourage a reduction of those troops.

I think the more pressing issue is the damage it is doing to America's image throughout the world. It is high time that we in the Senate take the lead and demonstrate to the rest of the world that the greatest strength of America is its ability to discipline militarism throughout the world. If we do not do that, sooner or later that military power will be called to action.

I received a letter today from a colonel of the Army who is serving in Germany. It is a very short letter.

The PRESIDING OFFICER (Mr. BELLMON). The Senator's 5 minutes have expired.

Mr. HARTKE. May I have 30 seconds to finish this letter?

Mr. MANSFIELD. Mr. President, I yield the remainder of my time to the Senator from Indiana. I think it amounts to 1 minute.

Mr. HARTKE. The letter said:

> I agree with the Mansfield amendment, and I think that if you would come to Germany and talk to the members of the military service here, you would find that a majority of them also agree with Senator Mansfield.

So I cast my lot with that colonel and with the military personnel of America on German soil. I cast it with Senator MANSFIELD.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I oppose the pending amendment to H.R. 6531 which would deny funds after December 31, 1971, for the maintenance or support in Europe of any military personnel of the United States in excess of 150,000.

Last week, in my remarks in opposition to the Mansfield amendment, I pointed out that the balance-of-payments issue was a false issue.

Last year, the U.S. balance-of-payments deficit in Europe hit $10 billion. I would be the first to agree this is an extremely serious problem and undoubtedly predicated the recent attack on the dollar.

However, to propose to the Senate that our NATO commitment is causing these monetary upheavals is nonsense.

In 1966, 1968, and 1969 this country had a surplus in our balance-of-payments account. From 1961 to 1965 and in 1967 there were deficits varying from $1.3 billion to $3.4 billion.

The current problem is related to the tremendous outflow of U.S. investment capital that left this country in 1970 seeking a higher return in Europe. This resulted from the decline of interest rates in the United States at the same time these rates were rising in Europe.

Furthermore, other factors figure into this problem. U.S. industry, seeking cheaper labor sources, has poured billions into plants abroad. Also, Americans are buying Volkswagens and other European products in greater quantities.

It is true military expenditures impact on our balance-of-payments problem. However, U.S. tourists spend as much in Europe as the military does. No one has proposed we shut off the flow of tourists to Europe.

Also, the Senate should remember much of current U.S. military expenditures in Europe are offset or neutralized through cash receipts from arms purchases by our allies. Our friends in Europe also undertake bond purchases for the express purpose of relieving the U.S. balance of payments on the military account.

Mr. President, a drastic reduction in U.S. military expenditures in Europe would also undoubtedly result in a substantial drop in the purchases of U.S. military equipment and U.S. securities by our allies there. Thus, the net savings in our balance-of-payments account might be small.

Now, on the floor today it has been generally acknowledged that the balance-of-payments deficit directly related to U.S. troops in Europe amounts to about $600 million annually.

An amendment, defeated earlier this afternoon, proposed to encourage our allies in Europe to assume half of that balance-of-payment deficit. I share this concern and would like to see the proper committees of the Senate address the problem and bring out some legislation

to help correct it. To date I have seen none.

The Mansfield amendment is based on two points. First, that a significant reduction can be made in U.S. troop strength in Europe without endangering the security of Western Europe. That point has been beautifully disposed of by the many fine statements here on the floor of the Senate this last week. While such a subject deserves hearings, the Senate has nevertheless acted as a committee and answered that issue.

Second, the Mansfield amendment pleads for this cut in order to help meet the balance-of-payments problem. This issue has also been dealt with effectively by the floor leader of this bill, Mr. STENNIS of Mississippi, the distinguished Senator from Tennessee (Mr. BROCK), and others.

Before closing, I would like to make one final point about this NATO cut and its impact on the U.S. balance-of-payments deficit. To offer this amendment based on such a hope is offering to the American people a false hope. If the Senate passed the Mansfield amendment thinking it would deal with the deficit problem, it would be a shameful act.

Mr. President, this pending amendment has nothing to do with the pending bill—extension of the Selective Service Act. I could offer an amendment today which would help with the balance-of-payments problem much more than cutting our NATO forces in half. It would also be as germane to this bill as the Mansfield amendment.

My amendment would be to prohibit this country from engaging in trade with Japan to an extent which results in a trade deficit for this country. If the Senate would approve such an amendment, then we could today make a significant dent on the balance-of-payments deficit.

For the last 3 years the United States has had trade deficits with Japan amounting to over $1 billion annually. These deficits started in 1965 and for the last 3 years they were as follows: 1968, U.S. balance-of-trade deficit of $1.1 billion; 1969, U.S. balance-of-trade deficit of $1.3 billion, and 1970, U.S. balance-of-trade deficit of $1.2 billion.

Now many Senators in this Chamber see Japan's wealth and how they relate to the money problems of the United States. This very day one Senator pointed out Japan is spending practically nothing for defense while this country is spending billions for defense. I quite agree. However, we cannot make Japan spend for defense, but we do have the power to halt this trade deficit.

Mr. President, I know about this trade deficit with Japan because thousands of people in my State have lost jobs due to the enormous volume of textile goods imported into the United States by Japan.

The Senate should also remember the words of the Secretary of the Treasury, Mr. John Connally, who said just a few days ago that in the long run he was more worried about this country's trade deficit than the balance-of-payments deficit. These are words of wisdom I would like to see both the Congress and the administration heed.

Finally, I say to the Senate, we will be fooling ourselves—and more seriously—be fooling the people of this Nation if we pass the Mansfield amendment on the basis it will provide any significant help with our balance-of-payments problem.

I have nothing but the greatest respect for the distinguished majority leader. He is a tower of strength for his party here in the Senate. But I cannot agree to this amendment as a salve to the American people who are worried about the declining value of their dollars.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, first of all, there is no political or psychological substitute for a U.S. presence in Western Europe from the standpoint of its being a deterrent and certainly a reluctance on the part of the Soviets to begin a military venture against substantial American forces. Second, the morale of Western Europe is extremely important. As long as they have significant evidence that we will measure up to our commitments, that is important for their own determination to defend themselves. Third, from the standpoint of the influence of the United States of America in Western Europe, as American influence would diminish in Western Europe, Soviet influence would increase. This could have nothing but bad political and economic ramifications for the United States.

It has been alleged that there has been no movement toward an increase in the contribution of the NATO powers toward Western European defense. I submit that that is not true. The NATO Ministers, at their last meeting, agreed to contribute to the NATO defense with funds in the nature of $1 billion and have instituted a program to improve their defenses, in which they have undertaken to improve not only the quality of what they are doing but also the quantity.

Speaking in terms of our national interest, it is clearly in the national interest to maintain our American influence in Western Europe. If that influence declines to the extent that the Western nations begin to make their accommodations with the Soviets, we will slip not only into a militarily inferior position but also a politically inferior and an economically inferior position as well.

I must submit, Mr. President, that the amendment offered by the Senator from Montana (Mr. MANSFIELD) is calculated to precipitate American withdrawal from Western Europe, thereby diminishing the American presence.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Ohio. He will be the last speaker so far as I know.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. TAFT. Mr. President, I would like to explain my opposition to the amendment offered by the distinguished majority leader. Many of the views he has expressed are very appealing ones, representing a move in direction we must ultimately go.

These views appeal not because of the quoted passages from my father at a different time and under different circumstances.

As a matter of fact, Mr. President, some of those who have quoted him today were his most severe critics then.

This is true particularly when we then had overwhelming nuclear and economic superiority. We must make our own decisions within the framework and to meet the exigencies of our times. As the majority leader, himself, has said, we must decide not on what was right for yesterday, but what is good for today and for tomorrow.

On this basis, I shall oppose the Mansfield amendment because it seems to me to be a particularly unfortunate time to force this issue, first, because negotiations with Russia are proceeding on mutual troop levels that would be affected in we know not what way, but very possibly adversely; second, our action would appear to be hasty and irresponsible as being triggered by the current international monetary crisis; third, the action would be tied to the issue of extension of the draft, and, as one who has long advocated rapid action toward a voluntary armed force, I dislike seeing this important basic question being clouded; and, fourth, we would be abandoning a commitment we have made as to this year's level of forces.

But I do wish to make it clear that when this question of level of forces comes before us in the future, after full committee hearings and with further warnings to our NATO partners we are giving, I shall review the question anew. Meanwhile, our leaders should reflect that in gaining credibility for policy proposal, actions almost always speak louder than words. There are steps we can and should honorably take to reduce the burden of our forces in Europe.

MANSFIELD AMENDMENT UNDERCUTS MUTUAL AND BALANCED FORCE REDUCTIONS

Mr. HANSEN. Mr. President, a number of my colleagues have pointed out the political, strategic, and military reasons that compel us to reject the Mansfield amendment as precipitate and dangerous to the fundamental security interests of the United States.

They have noted that we risk destroying the political and military solidarity of the Atlantic Alliance precisely at a time when we can least afford to do so. Indeed it is incredible that in a world as insecure and restless as ours we would move to undermine the one organization of free peoples which, for over two decades, has provided the shield behind which peace, security, and progress have been achieved for the members of the Atlantic Alliance.

I agree with the cogent arguments that have been used to illuminate the dangers the Mansfield amendment poses for the continued security of the Alliance members. Particularly, I share the consensus growing within the Senate that these dangers are very real, very serious and must not be permitted to prevail.

Today, I would like to mention a related aspect, one that has become

especially topical in the last few days: The hope for mutual and balanced reductions in the forces that face one another across the heart of Central Europe.

This confrontation, of course, is a symptom of the deeper anxieties and uncertainties that have characterized Europe since the end of World War II. We and our allies have long favored any and all reductions in the opposing forces, so long as our common security is not thereby endangered. We are very much aware of the economies that might be realized through reductions. But we are equally aware of the requirements of our security. It is for this reason that we have resisted pressures in the past for unilateral U.S. troop reductions in Europe. People knowledgeable of the explosive nature of central Europe's tensions recognize that unilateral reduction by the United States would undermine our security in at least three respects: it would leave the Soviet Union in a preponderant military position, from which it could more easily impose its will on Western Europe; it would create a fundamental dilemma for West Germany, disarm and accommodate to the policies of the Soviet Union, or embark on a vast program of rearmament—perhaps including the development of nuclear weapons, to provide for its own defense; and it would demonstrate to friend and foe alike that the United States had determined, in contradiction of the lessons bitterly learned in two world wars, that it no longer considered American security to be indivisible from the security of Europe.

These, then, are a portion of the harvest that the United States and our allies could expect to gather through the massive and unilateral reductions included in the Mansfield amendment.

Would it not be tragically ironic to reduce our forces unilaterally just as the Soviet Union is signaling an interest in negotiating mutual and balanced force reductions? What would history say of a nation which at the crucial juncture in diplomacy chose to give away its position? What would coming generations say of a United States which lacked the perseverance to negotiate a mutual agreement which could render undiminished our mutual security while lowering its costs? I am persuaded that history and succeeding generations will judge us harshly should we now abandon our resolve.

Let me make one point absolutely clear. I have no assurance that the recent statements of Mr. Brezhnev, first at the 24th Communist Party Congress, later on last Friday, mean that at last the Soviet Union is prepared to relax the tensions that it has imposed on central Europe.

The statements do, however, contain some new elements that may signal a new direction in Soviet policy, a move toward our thinking:

Whereas in the past, Warsaw Pact statements had spoken of withdrawals of foreign troops, these recent statements are more in line with NATO's call for reductions of indigenous troops as well as stationed forces;

Whereas earlier pact statements had been vague as to the geography of reductions, these recent statements refer specifically to central Europe; and

Whereas in the past the pact has implied that talks about force reductions could occur only after a separate Conference on European Security, these statements imply a readiness to proceed promptly with discussions on mutual force reductions.

The Soviet Foreign Minister confirmed to our Ambassador in Moscow early this week that the Soviets are prepared to undertake discussions on mutual and balanced force reductions and are interested in further exchanges on the subject.

It would be the greatest folly not to thoroughly explore the meaning of these statements. Should they turn out to be sincere signals of a shift in Soviet policy, we must be prepared to seize the opportunity to reduce mutually our forces. We have no illusions. Exploratory discussions, consultations with our allies, negotiations themselves—all of these will require the careful preparation that only time and resolve can yield. In fact, NATO, as well as the United States, has been devoting considerable effort to studies which have given us a good basis for proceeding with talks on mutual balanced force reductions.

In the coming months, as we seek to move toward negotiations for mutual force reductions, we must not surrender the one incentive that compels the Soviets toward these negotiations. That incentive is the knowledge that only through reciprocal reductions can the Soviets hope to reduce the size of the military power opposing it across the face of Europe.

This is a period for alliance determination, alliance solidarity. It is not a time for initiatives that betray lack of resolve, that bring into question the reliability of the United States. For that reason, and because mutual and balanced force reductions can lead to security at reduced levels of forces and reduced costs, I oppose the Mansfield amendment as unwise and ill timed.

Mr. DOLE. Mr. President, I rise in opposition to the amendment as offered by the senior Senator from Montana which calls for such a massive pull out of U.S. military force from Europe in such haste that should it be accomplished it could irrevocably damage U.S. credibility everywhere, gut the military alliance of NATO, and seriously endanger the security of this Nation.

The main stated purpose of the Senator's amendment is to reduce the number of U.S. military personnel stationed in Europe which would have a favorable effect on this Nation's balance-of-payments problem.

I, too, am concerned about the balance of payments and other monetary and fiscal problems which arise from time to time, but it is my understanding that we would be far off target if we were to cut the size of our military force deployments in Europe on the grounds of balance of payments. That is so because our balance-of-payments problem arises in large part from other areas such as the trade deficit with Japan and the wide disparity in interest rates between the United States and other nations.

OUR TROOPS IN EUROPE BECAUSE OF MUTUAL INTERESTS

My knowledge of the North Atlantic Treaty Organization and the security it provides this Nation brings me in agreement with the view expressed by President Nixon on May 15 when he said it would be "an error of historic dimensions" to reduce the number of U.S. troops in Europe at this time.

One of the basic facts which has guided five administrations in their policy toward Europe and toward NATO is that Europe is vital to American interests and that events in Europe profoundly affect the United States. Our troops are, therefore, in Europe to serve American interests and not just European interests.

NATO is essentially, above all else, a defensive alliance.

Shortly after the initial signing of the North Atlantic Treaty in 1949, the U.S.S.R. lifted its military blockade of Berlin and in the 22 years since that date the territorial integrity of all members nations of NATO has been preserved. And that includes the territory of the United States.

We cannot accept a Western Europe dominated by a power hostile to U.S. interests. Furthermore, we want to preserve our close political and military relations with Western Europe.

Over the years we have developed a mutual confidence through commitment of our forces to NATO and through our close consultations with the European allies. This cohesion and these years of effort would be critically damaged by unilateral U.S. reductions.

THREAT TO THE WEST HAS NOT DECREASED

No responsible person expresses doubts that our Nation has a legitimate interest in Europe. Yet the military situation in Western Europe, where we have most vital interests, is today precarious.

I have seen no convincing evidence that the Iron Curtain does not still stand.

I have seen no photographs and have read no news dispatches which indicate the Berlin Wall is being torn down today.

In fact, all evidence I am familiar with indicates that the balance of military forces in Europe is of even more importance today than it was just several years ago, because during recent years the U.S.S.R. has substantially increased the combat capabilities of its forces in Central Europe.

American ground combat units are deployed on NATO's central front with primary responsibilities in the sector of Southern Germany. A hasty pullout of troops in the magnitude and time frame proposed here could gut NATO's defense capability in that sector and seriously weaken the entire defense line running from the Austrian border to the North Sea. This body certainly should give pause before approving such action because in the approximate 3 years which have passed since this matter was last seriously discussed a very significant event took place. That event was the brutal, lightning-like, Soviet-led invasion of Czechoslovakia in August of

1968. In fact, it is my recollection that military operation by Communist military forces was executed with such skill and speed that it literally took the breath away from the debate then being conducted in this Chamber. A debate in which some Senators even at that time were advocating a unilateral pullout.

The military situation has not improved for us in Europe since that dark night in August 1968. In fact, today, right now, Soviet General Mayorov has under his command and located in Czechoslovakia 40,000 to 50,000 Red army troops organized into five divisions. And I remind you Czechoslovakia is a geographical salient pointing into the heart area from which the bulk of American troops would be pulled if the Mansfield proposal were enacted.

The historical record from 1917 through today proves that the U.S.S.R. has expanded its empire and extended its political control until such time and place where it is convinced it is up against a superior or equivalent military force. Clearly it would be penny-wise and dollar-foolish for us to withdraw our military forces without a mutual and balanced withdrawal of forces by the Warsaw Pact headed by the Soviet Union.

It seems to me that an excellent place from which to begin unilateral withdrawal of troops would be Czechoslovakia.

NUCLEAR RETALIATION STRATEGY NO LONGER CREDIBLE

NATO has agreed on a strategy of flexible response which calls for maintaining sufficient forces in Europe to give NATO more than one means of responding to Warsaw Pact aggression. In particular it calls for enough conventional forces so that the President of the United States would not have to resort immediately to the use of nuclear weapons. In this area of near nuclear balance between the United States and the Soviet Union, the strategy of massive retaliation is no longer credible as a means of responding to all forms of Warsaw Pact aggression in Europe.

NORTH ATLANTIC CONFERENCE OF DECEMBER 1970

We and our NATO allies have taken note of the continuous increase in size and strength of the already formidable Warsaw Pact forces and a special study of the entire problem of NATO defense in the 1970's was completed and put before the ministerial meeting of the North Atlantic Council in Brussels just this last December.

Here it is well to note the following solemn assurance by the United States as stated by President Nixon in his message to the NATO Council on December 3, 1970:

> We have reaffirmed flexibility of response as the proper strategy for a defensive alliance confronted by a formidable mix of a potentially hostile force, which is constantly improving.
>
> We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries. We will continue to talk with our NATO allies with regard to how we can meet our responsibilities together.

Contained in that pledge of less than 6 months ago are the studied solemn words that we will not reduce our forces "unless there is reciprocal action from our adversaries."

As yet there has been no concrete reciprocal action from our adversaries.

NATO DEFENDS UNITED STATES

Our European allies for their part have responded with a $1 billion addition to their normal defense expenditures and are in the beginning of a 5-year program of national and multinational defense improvements. A unilateral cut on our part would almost certainly halt this trend of rising European efforts.

Our allies contribute greatly to the defense of the United States, but too often we lack knowledge of that point or tend to overlook it because we are so immersed in our own national priorities and budgetary problems. But it is a fact our European allies today maintain about 2 million men in their armed forces at an annual budget cost to them of about $24 billion.

It is well to remind ourselves that the North Atlantic Ocean touches not only Europe but our shores as well, and that by our contribution to NATO we are effectively defending our Nation from forward military positions on the other side of the Atlantic.

In that regard, it is my belief that most Germans and other Europeans as well as most Americans would prefer that the free world be defended as far forward as possible.

It is clear to me that if we are going to maintain a sizable conventional defense force capability—and by that I mean an option to defend without the immediate use of nuclear weapons—then a large part of that conventional force should be located in Europe at this time. This is so not only for strategic reasons relating to U.S. interest in Europe and in the Middle East but also for budgetary reasons, because unless the military personnel which would be withdrawn were immediately demobolized, a withdrawal would also add sizable sums to the defense budget in order to provide just the equivalent of housing and troop training facilities on this side of the Atlantic.

FORCE REDUCTIONS SHOULD BE MUTUAL AND BALANCED

Mr. President, the political task of the North Atlantic Treaty alliance is to provide a forum for consultation and consideration of problems which have relevance to other individual members or to the alliance as a whole.

Under policies pursued by this administration the United States has worked in concert with our NATO allies and we were gratified when at the December 1970, NATO Council meeting our European allies joined in a pledge to strengthen their national military forces.

We have worked with our NATO allies with the aim also of arriving at understandings with the Warsaw Pact countries which would reduce the risks and burdens to all.

Mutual and balanced military force reductions obviously are an important part of the understanding we seek.

Unilateral U.S. troop reductions in Europe would destroy any hope of mutual and balanced force reduction negotiations at a time when such negotiations appear to be a real possibility.

CONCLUSION

American military forces are located in Europe in accordance with plans worked out in concert with our allies and their location in Europe has been and is now in our mutual interest and to our mutual benefit.

Without undiminished American participation in European defense, neither NATO's strategy, nor America's commitment would be credible.

A unilateral withdrawal as proposed in the amendment offered by the Senator from Montana has not been drawn up in consultation with our allies, would not solve our balance-of-payments problem, would weaken the Nation's forward defenses, and would undermine the hoped for negotiations leading to mutual and balanced force reductions.

Mr. MUSKIE. Mr. President, yesterday I discussed at length the reasons for my opposition to the Mansfield amendment. I said that I agree with the distinguished majority leader, Senator MANSFIELD, that there is no magic or sanctity about a European force level of 300,000 Americans.

I have supported him in seeking a reduction in our troop levels in Europe.

I have supported him in pressing our European allies to pick up a greater share of the burden.

I applaud the results he has achieved.

It is time to take a new look at Europe—East and West—and to accommodate our policies to the perspectives and prospects of the 1970's.

Mr. President, I do not believe that Senator MANSFIELD'S amendment is the right way to do it at this time.

I believe that negotiated cutbacks by both the NATO and Warsaw Pact countries are now the most potentially productive path to a reduced American military presence in Europe, a reduction of tensions and more open relationships between Eastern and Western Europe.

The Senate should encourage the administration to vigorously and strongly pursue the opportunity opened up by Mr. Brezhnev's recent call to start troop withdrawal negotiations, and Mr. Gromyko's subsequent discussion with Ambassador Beam. Such an effort would give us the chance to meet the objectives of this amendment while enhancing the stability and security of Europe. And that is what today's debate in the Senate is really all about.

Today I voted against the Nelson and Bayh amendments because they, with their mandatory troop reduction, create the same problems that I feel the Mansfield amendment contains.

My opposition to the Mansfield amendment, as I noted yesterday, does not represent in any way a lessening of the urgency with which I feel we should approach negotiations for mutual troop reductions with the Warsaw Pact or discussions with our NATO allies on measures to ease the balance-of-payments impact of our European military presence.

For these reasons, I supported the Mathias amendment which would put Congress on record as urging the Pres-

ident to move in these directions. The language of the amendment does not and should not preclude in any way the opening of bilateral negotiations with the Soviets on mutual troop reductions.

I am hopeful that mutual troop reductions in Europe, a change that is in the national interests of all the nations in the NATO alliance and the Warsaw Pact, can lead to a less costly, less fearful, and less hostile confrontation in Europe.

Mr. KENNEDY. Mr. President, the debate over the Mansfield amendment is drawing to a close. For the past week, we have seen the opponents rise to paint dramatic sketches of catastrophic consequences flowing from passage of the amendment to reduce our troops in Europe by 150,000.

I would call the attention of my colleagues to the past history surrounding this amendment. Over the past 6 years, the distinguished majority leader has continually sought to bring both Democratic and Republican administrations to examine the question of "How much is enough?" to meet our NATO commitment.

I took pride in cosponsoring those amendments which were aimed at inducing the executive branch to negotiate a reduction of our share of the NATO burden. The resolutions also were designed to encourage negotiations with the Soviet Union to achieve mutual reductions in NATO and Warsaw Pact forces. Neither avenue has been pursued with the vigor demanded by the times.

More important, I join the distinguished majority leader in the belief that his amendment was the only means left to those of us in the Nation who were convinced that substantial reductions can be achieved in our European troop size. Only a congressional directive with the force of law could prompt the much overdue evaluation of the composition and size of our European forces that is now taking place. Only the introduction of his amendment has assured a receptive attitude by the administration to the recent bid by the Soviets for mutual force reductions.

It must be clearly understood that a reduction in U.S. troop strength in Europe does not mean a lessening in our commitment to the defense of Western Europe. We shall fulfill that commitment because the defense of Western Europe is a prerequisite for the maintenance of our own national security. Over the past two decades, NATO has served as a deterrent to war. It has brilliantly fulfilled the mission to buy time for the scarred battlegrounds of the Second World War to regain their strength.

Yet, for all of its past successes, we have failed to adequately adapt our policies to changing times. By continuing to encourage European reliance on American Military Forces long after European economic recovery was complete, the United States has tended to perpetuate excessive American control of the alliance.

Partly because of inertia, partly because we preferred to fight old battles of the cold war, rather than face the new reality of Europe's emerging power. We permitted a pattern of benevolent American domination to continue long after its justification vanished.

The Supreme Commander remained a U.S. General. The focus of NATO remained one-sided instead of producing the equality of leadership that the alliance framers had conceived.

U.S. domination that was appropriate in the immediate aftermath of the war's devastation was inappropriate 20 years later. But no one was willing to turn away from the cold war shibboleths of the past to re-shape NATO to get a changing world.

Many saw the change. More than a decade ago, General Eisenhower recognized that Europe had been transfigured in two decades. He suggested even then that the United States could fulfill its commitment to NATO with far fewer troops than were then stationed in Europe. He believed and I share the belief that a reduction in forces could be carried out without deterring from our commitment to help assure the defense of Europe.

The NATO countries have a gross national product that rivals that of the United States. Their economic production is close to parity with the United States and far greater than the eastern European nations.

At the same time, they are expending a far smaller portion of their gross national product for defense than the United States. While we spend some 7 percent of gross national product on national defense, NATO Europe, including France, spends only 4.4 percent on defense.

Our balance-of-payments deficit mounts and a substantial portion is directly related to our maintenance of 300,000 troops and 225,000 military dependents in Europe. The cost of sustaining that presence totals nearly $3 billion. The net negative impact of that expenditure when European purchases of U.S. military equipment are leveling off is in the neighborhood of $1 billion a year. And that figure could easily escalate as military pay continues to rise.

I would note that there are many who view our current force structure in Europe as both topheavy and inefficient for fiscal 1972, our European forces include 4⅓ combat divisions, 4⅓ initial support elements and 2⅓ sustaining support elements. The manpower in the combat divisions involve some 65,000 including intra-division support units. The remaining 88,000 men in the division force reflect initial deployment support troops and support troops designed for sustaining the fighting divisions for a long-term contest.

Even discounting these troops, there remains some 150,000 other forces in Europe which reflect headquarter administrative and logistic forces. It seems clear that a substantial proportion of the 150,000 troop reduction suggested by this amendment could occur with little affect on the combat capability of U.S. forces and I believe the entire 150,000 reduction would neither significantly affect the NATO conventional capability nor in any way affect our commitment to the security of NATO.

And I would emphasize that our commitment is firm and sure. We are not calling for a complete withdrawal of U.S. troops, nor do I believe we should.

President Kennedy said in West Germany 8 years ago and I share that view:

Your safety is our safety, your liberty is our liberty and any attack on your soil is an attack on our own.

That holds true today as well and it is not affected by the 150,000 troop reduction that is being considered here today.

For 26 years, U.S. forces have garrisoned Europe. For 26 years, we have talked of a sharing of the burden of European defense. For 26 years, we have watched the support and logistical tail of our divisions curl around the continent of Europe.

It is time to cut the myths of the past. We have too many troops in Europe. We have too many generals, too many headquarters, too many support forces.

The European nations have recovered from the war. Yet, they have not assumed a full share of their military defense commensurate with their capacity. They have not done so because the United States has dominated the alliance and assumed the lion's share of the military burden.

Mr. GRIFFIN. Mr. President, John J. McCloy, adviser to Presidents and the U.S. High Commissioner for Germany from 1949 to 1952, expressed his concern about the pending Mansfield proposal in a New York Times article today. I ask that Mr. McCloy's article as well as an editorial which appeared in the same issue of the Times be printed in the RECORD.

[From the New York Times, May 19, 1971]

THE MANSFIELD PROPOSAL

It is a bizarre context in which the Senate will vote today on Majority Leader Mansfield's amendment to slash American forces in Europe in half by the end of 1971. In Moscow, Premier Kosygin has just reiterated the Soviet Union's willingness to "do everything possible to reach agreement" on mutual force reductions in Central Europe by NATO and the Warsaw Pact.

But in Washington the Democratic leader of the Senate is exerting himself to the end that the United States will break its word to its NATO allies and shove aside the agreed goal of mutual balanced force reductions which the Alliance has pursued vigorously for three years.

No one can guarantee that the negotiations for balanced force reductions would succeed; the only certainty is that there would be no point in attempting them in the unlikely event that the Mansfield amendment became law. Those American forces on the ground, committed to the common defense, are NATO's trump for any such negotiation. Moscow will not pay a price for their reduction if the United States intends to gut them in any event.

It is surely a measure of the widespread revulsion in Congress and the country over the disastrous American military adventure in Southeast Asia—and the chronic balance-of-payments deficit it has helped produce—that the Mansfield proposal could have any chance in the Senate today. Men who would have stoutly opposed any unilateral American pull-out in breach of Alliance policy in the past now go along out of Vietnam war-weariness and disillusionment.

But Europe is not Asia; the United States stake in Europe remains as clear as the United States' interests in Indochina remain obscure. Furthermore, ten European allies

have committed themselves to ease the American burden in NATO by spending a billion dollars over the next five years to improve their own forces and NATO's infrastructure.

A pullout of half the American forces would leave the West Germans with the strongest NATO force by far on the Central European sector, a prospect as worrying to the Bonn Government as it inevitably would be to Germany's neighbors, East and West. It would seriously damage chances for a viable Berlin settlement and for progress on arms control. It would wreck Bonn's efforts to build more peaceful relations with the Soviet bloc.

Those Americans who are so easily falling for the superficial allure of the Mansfield proposal need to be reminded of the history of NATO initiatives for mutual and balanced force reductions, beginning at Reykjavik in 1968 and culminating in Rome last year with proposals for exploratory discussions with the Warsaw Pact nations. It was only after the Rome initiative that the Warsaw Pact first signaled a willingness to discuss mutual troop reductions with NATO. And it was at the Soviet Communist party Congress two months ago that Leonid Brezhnev finally indicated Moscow would participate in a conference dealing specifically with mutual force reductions in Central Europe, including Soviet forces.

Mr. Brezhnev's television speech last week; Foreign Minister Gromyko's talks with American Ambassador Jacob Beam on Monday, and Premier Kosygin's remarks in welcoming Canada's Prime Minister to Moscow yesterday appear to have advanced considerably the prospects for productive negotiations.

In short, after three years of effort by the United States and its allies, the Soviet Union seems ready to negotiate realistically for mutual and balanced force reductions in Central Europe. It is this painstaking collective effort, finally eliciting a positive response, that Senator Mansfield would cast aside with his reckless proposal for a unilateral American troop pullout.

[From the New York Times, May 19, 1971]

THE MANSFIELD AMENDMENT: NO

(By John J. McCloy)

The sudden reappearance of the Mansfield Resolution in its present form constitutes one of the vagaries of American politics which from time to time confound our allies and shock those responsible for the conduct of foreign policy in this country.

It is difficult to think of any single piece of legislation which embodies so many potentially disastrous consequences at this particular stage of history as this amendment to the draft act. Government officials, past and present, who were engaged in the formulation of our defense and foreign policy after the close of World War II when NATO was organized, the Marshall Plan put into operation and the Atlantic partnership formed, are just about unanimous in their belief that the passage of this amendment at this time could seriously and adversely affect the existing balance of power, profoundly impair our relations with our allies and diminish the security of the country.

Let us examine the situation that the United States is facing. We have been witnessing a substantial increase in the nuclear potential of the Soviet Union which is, in certain of its forms, seriously disturbing. It is an increase that coincides in time with a marked expansion of Soviet naval strength, as well as Soviet naval presence in the wider seas, most noticeably in the Mediterranean, which constitutes the southern flank of NATO and Western Europe. The amendment comes at a time when, as a result of the Czechoslovak invasion, there are more Soviet divisions deployed farther west than at any time since the close of World War II. It comes at a time when doubts as to the credibility of the American deterrent have been growing in Europe not only because of the increased Soviet nuclear and military power but also by reason of the apparent malaise of spirit and will which the Vietnam war, the demonstrations, the violence and the lack of community and individual responsibility in this country seem to have induced. It comes at a time when the actual balance-of-payments costs of maintaining our NATO troops are, I believe, at their lowest stage in history.

One frequently hears the argument that the threat of a Soviet land attack which induced the original stationing of our troops in Europe no longer exists. This ignores both reality and history. The fact is the troops were placed there for very much the same reasons that their presence is now so vital a factor in the balance of power. If anything, the political need which was the primary cause for placing the troops in Europe is perhaps greater now than it was then.

Those troops represented and still represent the real earnest of our NATO commitment. They did restore Western confidence; they did discourage probing adventures; they did create a sense of security behind which the forces of economic rehabilitation could go to work and they did keep the peace. Today the presence of those troops actually constitutes deterrents to hostile adventures against the Free World.

The Mansfield move comes at a time when we are in the midst of negotiations to remove the dangerous leverages the Soviets are so tempted to apply from time to time on Berlin. If the Soviets see this significant reduction in American forces, one can confidently predict that their attitudes on Berlin will stiffen.

There is another argument which needs to be disposed of and it runs somewhat along these lines:

Who can say we need 300-, 400- or 500-thousand men stationed in Europe? Would not 100,000 or 200,000, or maybe even 50,000, serve the same purpose? All we really need is a symbol of our presence to create the deterrent.

To those who say that the presence of our troops in NATO simply extends the aspects of the cold war, precisely because it does confirm and solidify the alliance, I would reply that perhaps at another period in history the Alliance in its present convincing nature would be unnecessary and unproductive, but it is vital now. While it functions in full vigor, it contributes to the damping down of the cold war. For the present and the measurable future, it is the best guarantee that I can conceive of for the maintenance of the peace and the integrity of our free civilization.

A united Europe in solid partnership with the United States is essential and every effort to solidify that partnership should be exerted and every effort to dilute it should be resisted. The psychological effect of the passage of the Mansfield amendment, even if it only passed the Senate, could be profound, and this is a risk to which the security of the nation and the continuity of our foreign policy should not be subjected.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, under the agreement, there will be four yea and nay votes back to back. Under rules, 20 minutes are allowed on each rollcall amendment.

I ask unanimous consent, in the interest of saving time, it being a very late hour that, following the vote on the Mansfield amendment, the practice of allowing 20 minutes on each yea and nay vote be waived for the subsequent three votes which will immediately follow.

Mr. SCHWEIKER. Mr. President, reserving the right to object, what does that do to my pending amendment that has been laid aside three times now?

Mr. BYRD of West Virginia. It will not do anything. It will become the pending business. The Presiding Officer will take the time to make the Schweiker amendment the pending business, I assure the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER (Mr. BELLMON). All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD), No. 86.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BIBLE (after having voted in the negative). On this vote I have a pair with the Senator from Montana (Mr. METCALF). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 36, nays 61, as follows:

[No. 65 Leg.]

YEAS—36

Aiken	Hart	Mondale
Bayh	Hartke	Moss
Burdick	Hatfield	Nelson
Byrd, W. Va.	Hollings	Packwood
Church	Hughes	Pastore
Cranston	Inouye	Proxmire
Eagleton	Kennedy	Ribicoff
Ellender	Long	Saxbe
Fulbright	Magnuson	Symington
Gambrell	Mansfield	Talmadge
Gravel	McClellan	Williams
Harris	McGovern	Young

NAYS—61

Allen	Dominick	Pearson
Allott	Eastland	Pell
Anderson	Ervin	Percy
Baker	Fannin	Prouty
Beall	Fong	Randolph
Bellmon	Goldwater	Roth
Bennett	Griffin	Schweiker
Bentsen	Gurney	Scott
Boggs	Hansen	Smith
Brock	Hruska	Sparkman
Brooke	Humphrey	Spong
Buckley	Jackson	Stennis
Byrd, Va.	Javits	Stevens
Cannon	Jordan, N.C.	Stevenson
Case	Jordan, Idaho	Taft
Chiles	Mathias	Thurmond
Cook	McGee	Tower
Cooper	McIntyre	Tunney
Cotton	Miller	Weicker
Curtis	Montoya	
Dole	Muskie	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—2

Metcalf	Mundt

The VICE PRESIDENT. On this vote, the yeas are 36; the nays are 61. The amendment is rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Under the previous unanimous-consent agreement the Chair lays before the Senate the amendment of the Senator from Pennsylvania, which the clerk will state.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SCHWEIKER), for himself and others, proposes an amendment on page 33, line 13, after the word "thereof" strike out "July 1, 1973" and insert in lieu thereof "July 1, 1972".

Mr. SCHWEIKER. Mr. President, I modify my amendment and I send the modification to the desk.

The VICE PRESIDENT. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of my modified amendment be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The modified amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 76—AS MODIFIED

At the end of the bill add the following new titles:

TITLE IV—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 401. Section 203(a) of title 37, United States Code, is amended to read as follows:

(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 [2]	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1 [2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	665.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.40	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	547.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under section 205 of this title."

SEC. 402 (a) Section 402 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (b) is amended to read: "An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"(1) when rations in kind are not available; and

"(2) when permission to mess separately is granted."

(2) The fourth sentence of subsection (b) is amended to read: "The allowance for enlisted members who are on leave shall be the rate authorized for members authorized to mess separately".

(3) Subsection (d) is amended to read:

"(d) The basic allowance for subsistence for members of the uniformed services is as follows—

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day."

(4) Subsection (e) is amended by adding the following sentence: "Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.".

(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a

uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
O-10	$271.20	$339.00
O-9	271.20	339.00
O-8	271.20	339.00
O-7	271.20	339.00
O-6	249.30	303.90
O-5	233.40	281.10
O-4	210.30	253.50
O-3	186.30	230.10
O-2	163.20	206.70
O-1	128.10	166.50
W-4	202.80	244.50
W-3	182.70	225.60
W-2	161.40	204.30
W-1	145.80	189.30
E-9	153.90	216.90
E-8	143.70	202.50
E-7	123.30	189.90
E-6	112.80	176.40
E-5	109.20	163.20
E-4 (over 4 years' service)	96.00	143.10
E-4 (4 years' or less service)	45.00	45.00
E-3	45.00	45.00
E-2	45.00	45.00
E-1	45.00	45.00

A member in pay grade E-4 (less than four years' service), E-3, E-2, or E-1 is considered at all times to be without dependents.".

SEC. 403. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in place thereof the following table:

"Pay grade	Without dependents	With dependents
E-4 (4 years' or less service)	$96.00	$143.10
E-3	85.20	120.00
E-2	75.00	105.00
E-1	70.20	105.00."

SEC. 404. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before "*: Provided further*" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more".

SEC. 405. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training,".

TITLE V—ONE YEAR EXTENSION OF AUTHORITY TO INDUCT PERSONS INTO THE MILITARY SERVICE INVOLUNTARILY

SEC. 501. The Military Selective Service Act of 1967 is further amended by striking out "July 1, 1971" in section 17(c), and inserting in lieu thereof "July 1, 1972".

Mr. SCHWEIKER. Mr. President, I ask that my amendment be divided for the purpose of voting, with the vote for title IV being first, and the vote on title V being second.

Mr. DOMINICK. Mr. President, reserving the right to object, we should have an explanation of what they are before deciding what to do on it.

The VICE PRESIDENT. There is no right to contest the request of the Senator from Pennsylvania, according to the Parliamentarian.

Mr. DOMINICK. We can, as I understand it. on the right to a division; we can on the order of voting.

I do not know what is in the amendments so I do not know if I am opposed to anything or not.

The PRESIDING OFFICER. The order of voting, according to the Parliamentarian, will be the order in which it is printed. Part IV will be voted on initially.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. No Senator on the floor that I know of, except the Senator from Pennsylvania, has had a chance to read or know what is in the amendment. Does the Chair propose to rule that he has a right to a division before any Senator knows the contents of it?

The VICE PRESIDENT. The Chair understands there will be no voting on the amendment tonight.

Mr. STENNIS. That is true, but if the Chair orders a division, we are bound by that.

The VICE PRESIDENT. The Parliamentarian advises the Chair that, according to rule 18, the Senator from Pennsylvania has a right to request a division.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STENNIS. Is there one amendment or are there two amendments involved now?

The VICE PRESIDENT. There is one amendment in two parts.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOMINICK. Is there any reason why we should not have the amendment read so we will know what the amendment is? Does the Senator from Pennsylvania object to that?

The VICE PRESIDENT. The Senator from Pennsylvania asked unanimous consent that it not be read.

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

Mr. DOMINICK. I yield.

Mr. SCHWEIKER. I shall be glad to have my amendment read. It will be printed overnight. I did not want to delay the Senator further tonight, but I have no objection to having it read.

Mr. STENNIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Mississippi will state his point of order.

Mr. STENNIS. This proceeding is not in keeping with the unanimous-consent agreement, which was that the amendment of the Senator from Pennsylvania—and I remember the number was given in one place—would be laid before the Senate as the pending order of business. Further, the agreement was that it would be set aside for the taking up of the appropriation bill. My point of order is that the Senate is bound by the unanimous-consent agreement.

Mr. MANSFIELD. Mr. President, may I be heard on the point of order?

The VICE PRESIDENT. The Chair rules that the order provided for the amendment to be laid before the Senate, and the Senator has a right to modify the amendment since the yeas and nays had not been ordered.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The VICE PRESIDENT. Under the previous unanimous consent agreement, the Chair now lays before the Senate H.R. 8190, which the clerk will state by title.

The assistant legislative clerk read as follows:

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

Mr. DOMINICK. Mr. President, last March I voted in support of the SST. The issue at that time was an authorization of $134 million to continue development of two prototypes through June 30, 1971. Prior to that, the Government investment in the supersonic transport development program had been $864 million. If the $134 million had been approved, the Government investment through June 30 of this year would have been about $1 billion. Further requests for funds in fiscal year 1972, 1973, and 1974 would have resulted in a total Government investment of about $1.342 billion. Industry's share would have raised the total cost of the prototype program to over $1.7 billion.

At the time of the last vote, we were considering a clean program. All of the costs had been laid out for everyone's review. The contract between the Government and Boeing Aircraft had been in effect for some time and its terms were definitized. Each party knew exactly what was expected and what each had to do. At the time the total work force was assembled and actively engaged in working on the project. All of the subcontractors knew what their particular responsibilities were.

The airlines had contributed to this program and had put up additional funds to guarantee delivery priorities. In short, the SST program was an active, ongoing, well-organized program, that was meeting all expectations.

The defeat of the $134-million appropriation changed all of that. As the result, actions began to dismantle the program. Some 12,700 workers were laid off. Some have since secured other employment, although I understand most have not. Boeing and GE began other steps to terminate the program. The process of breaking down the assembly area was begun. Various parts of the aircraft were put in storage areas. The DOT began to proceed with their part of the termination. The airline position money was re-

funded, although the question of their participation money was not resolved. I understand they are considering various approaches to the recovery of these moneys. And, of course, the existing contract was terminated.

I have just briefly covered some of the things that have occurred since March 30, 1971. The point to be made is the termination process has been successful to the point that considerable difficulty and problems will be encountered if we restart the program.

Now today, we are being asked to restart the program by diverting $85 million, originally requested as termination costs, to keep the program alive through this fiscal year. At the very least, Mr. President, the public is entitled to know exactly what they are going to receive for this amount and more important, what the revised total costs will be, both to the Government and to private industry.

At this moment, estimates are hard to come by as to what the revised total Government cost will be. I have heard one estimate of $200 million, which would mean the Government cost for the total program, if completed, would approach $1.5 billion. Imagine, a $200-million increase incurred as the result of a 7-week interruption of the program. Estimates as to the increase in cost to Boeing and GE are also hard to come by. I suspect that if the additional cost to the Government approaches $200 million, the increased cost to industry will be proportionately as much.

Some other matters about this proposal disturb me. Mr. William Allen, board chairman of Boeing Aircraft, was quoted last week as saying the SST was not the kind of project that could be "turned on and off."

I agree wholeheartedly with that. Additionally, he is reported to have said that before gearing up again for the project, Boeing would want a commitment that the project would go all the way to completion of the two prototypes.

I also agree wholeheartedly with that. We cannot go on adding additional costs to an already extremely expensive program because of our own indecisiveness.

Therefore, Mr. President, while I believe strongly in the SST's technological advances involved in the original program for two prototypes I cannot support this particular proposal and I will vote against it. It is an admirable gesture to revive a fallen warrior, but without a new contract definition agreed to by all public and private sources, a detailed schedule of costs and who shall bear them, a thorough study of these problems by the appropriate committees and the executive department involved, it is my belief that we should continue research and development on totanium and abatement of noise pollution on jet aircraft engines through other sources.

Mr. TAFT. Mr. President, for many years, I have been an ardent supporter of the program for the development of two prototype SST's.

My support of that program was based upon the protection of American jobs, our historic world leadership in the aerospace industry, and the necessity for prototype development so that environmental concerns could be fully evaluated.

When this matter last came before the Senate, it made good economic sense from the standpoint of the taxpayer to continue with this project and not wash out the investment which had been made with public funds.

I felt that the abandonment of this enterprise by the House and Senate earlier this year was grossly in error—but it did occur. The recent reversal of that vote by the House has now come at a time when the termination process has gotten well underway and beyond hope of economical reinstatement.

In plain terms, it is easier to keep a horse from falling into a well than to pull him out once he is in.

The delays and cost factors inherent in any attempted resurrection of this project make it economically unsound at this time. Moreover, it is unlikely that our foreign competition could be overtaken at any reasonable cost.

In my judgment we had better conclude this inning and regroup for the development of other American aircraft as to which the environmental questions have been more satisfactorily resolved.

For these reasons I shall vote to delete funds for further SST development from the second supplemental appropriation bill now before us.

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will now proceed to vote on the amendment of the Senator from Wisconsin (Mr. PROXMIRE) to strike out, on page 24, all after line 16 down through and including line 22.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAVEL (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Montana (Mr. METCALF). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I have already voted "nay." I withdraw my vote.

Mr. DOMINICK (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 58, nays 37, as follows:

[No. 66 Leg.]

YEAS—58

Aiken	Byrd, Va.	Ellender
Allen	Case	Ervin
Anderson	Chiles	Fulbright
Bayh	Church	Gambrell
Bentsen	Cook	Griffin
Brock	Cooper	Hansen
Brooke	Cranston	Harris
Burdick	Eagleton	Hart
Hartke	McIntyre	Ribicoff
Hatfield	Miller	Roth
Hughes	Mondale	Schweiker
Humphrey	Montoya	Smith
Javits	Muskie	Spong
Jordan, N.C.	Nelson	Stevenson
Jordan, Idaho	Packwood	Taft
Kennedy	Pastore	Tunney
Long	Pell	Weicker
Mansfield	Percy	Williams
McGee	Prouty	
McGovern	Proxmire	

NAYS—37

Allott	Eastland	Randolph
Baker	Fannin	Saxbe
Beall	Fong	Scott
Bellmon	Gurney	Sparkman
Bennett	Hollings	Stennis
Bible	Hruska	Stevens
Boggs	Inouye	Symington
Buckley	Jackson	Talmadge
Byrd, W. Va.	Magnuson	Thurmond
Cannon	Mathias	Tower
Cotton	McClellan	Young
Curtis	Moss	
Dole	Pearson	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Mr. Dominick, for.
Mr. Gravel, against.

NOT VOTING—3

Goldwater	Metcalf	Mundt

So Mr. PROXMIRE's amendment was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be allowed to offer an amendment to the bill at this point. It pertains to the termination costs of the contract and the program. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

Mr. Magnuson (for himself, Mr. Jackson and Mr. Percy) proposes an amendment as follows:

On page 24, after line 16, insert the following:

Office of the Secretary

Civil Supersonic Aircraft Development

For expenses necessary for the termination of the civil supersonic aircraft program, $155,800,000;

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement pertaining to the amendment, and also wish to state that the amendment is on behalf of myself, Senator JACKSON, Senator PERCY, and I believe the Senator from Wisconsin (Mr. PROXMIRE).

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

STATEMENT OF SENATOR MAGNUSON

Mr. President, the amendment I am introducing is to provide funds to pay the contractors and the airlines back for the money they have invested in the SST program. It also provides funds to D.O.T. in order that they can carry out their duties to preserve the technology and the equipment developed during the prototype program.

This is the step that must be taken before Congress can ever honestly reconsider going ahead with the SST program. In light of the recent statement by the contractors and the White House, it appears that the SST program is again in serious trouble although we still face a conference on the SST program.

The Senate again has voted not to go forward on the SST program. I am asking for

$155,800,000 in order to pay off the companies and the airlines that have worked so diligently for the SST. I also want Congress to face up to the "real cost of termination." I still have hope that the program can be kept alive by the House/Senate Conference but the outlook looks dim because of the contractor's statement and this afternoon's White House announcement. I want the Conferees to have to face the question of whether they will spend $85.3 million to "go ahead" or $155.8 to "terminate." I of course want to go ahead with the SST program. If we do not prevail in Conference, then the first step toward creating the opportunity for going ahead in the future on the SST, is to pay the debts owed to the contractors and the airlines for their magnificent participation in this program. This will allow us in the future to begin again on a new basis. I am sure that there are still great possibilities for doing this in this future, just as I am sure that America will eventually have an American SST.

EXPLANATION OF AMENDMENT PROVIDING $155,800,000 FOR TERMINATION OF THE CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT PROGRAM

This amendment provides funds for the expenses not otherwise provided for, necessary for the termination of the civil supersonic aircraft program, $11,970,000; for refund of contractors shares, $85,330,000; and for refund of amounts contributed by airlines toward the civil supersonic research and development program, $58,500,000; in all, $155,800,000.

The PRESIDING OFFICER (Mr. SAXBE). By unanimous consent, the question is on agreeing to the amendment of the Senator from Washington.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. Under the previous order, no debate is in order.

Mr. ALLOTT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 92, nays 3, as follows:

[No. 67 Leg.]

YEAS—92

Allen	Burdick	Eagleton
Allott	Byrd, Va.	Eastland
Anderson	Byrd, W. Va.	Ellender
Baker	Cannon	Ervin
Bayh	Case	Fannin
Beall	Chiles	Fong
Bellmon	Church	Fulbright
Bennett	Cook	Gambrell
Bentsen	Cooper	Gravel
Bible	Cotton	Griffin
Boggs	Cranston	Gurney
Brock	Curtis	Hansen
Brooke	Dole	Harris
Buckley	Dominick	Hart
Hartke	McIntyre	Schweiker
Hatfield	Miller	Scott
Hollings	Mondale	Smith
Hruska	Montoya	Sparkman
Hughes	Moss	Spong
Humphrey	Muskie	Stennis
Inouye	Nelson	Stevens
Jackson	Packwood	Stevenson
Javits	Pastore	Symington
Jordan, N.C.	Pearson	Taft
Jordan, Idaho	Pell	Talmadge
Kennedy	Percy	Thurmond
Long	Prouty	Tower
Magnuson	Proxmire	Tunney
Mansfield	Randolph	Williams
Mathias	Ribicoff	Young
McClellan	Roth	

NAYS—3

Aiken	Saxbe	Weicker

NOT VOTING—5

Goldwater	McGovern	Mundt
McGee	Metcalf	

So Mr. MAGNUSON's amendment was agreed to.

SUMMER JOBS

Mr. CRANSTON. Mr. President, amendment No. 93 to H.R. 8190 may seem to some to be of modest significance when measured against the questions of the SST and the size of our NATO troops, two matters we are deciding today. But to me it is part and parcel of the same question of reordering our priorities and must not be overlooked in the heat of our debate on these more publicized issues.

Amendment No. 93, submitted on May 14 by the senior Senator from New York (Mr. JAVITS) and cosponsored by myself and five fellow members of the Labor and Public Welfare Committee, as well as eight other Senators, would increase to $157,428,359 the supplemental appropriation to be made available for summer jobs and recreational support programs for our Nation's youth. The National League of Cities and U.S. Conference of Mayors have determined that a total of 641,639 10-week summer positions are needed across the Nation, including 64,000 in the State of California. At a cost of $481 for each of these positions, a total of $308,628,359 is necessary to reach that need, and accordingly, $144,628,359 of the $157,428,359 of amendment No. 93 is needed to supplement the $164 million currently available.

At recent hearings called by the Employment, Manpower, and Poverty Subcommittee, on which I serve, witnesses testified to the vital need for substantially increased funding for these programs, and they expressed concern over the inadequacy of the President's request for an additional $64.3 million for summer jobs. In addition, I have received countless letters from mayors, city councilmen, and other involved Californians, citing the vital need for additional summer positions.

Mr. President, I congratulate the Appropriations Committee for recommending an additional $87.2 million to be made available for the summer jobs program, and an additional $12.8 million for the recreational support program. While this is in excess of the amount requested by the administration, I submit that it falls far too short of the need which must be met during this time when teenage unemployment already averages 17.2 percent—the highest overall rate in 7 years. This rate weighs most heavily on disadvantaged young people. For black youth, 16 to 19 years of age, the March unemployment rate was 32.2 percent. For black youth living in poverty neighborhoods in the Nation's 100 largest cities, it is 44.9 percent. And this does not even include the many thousands who are at this time not actively seeking work, but who will join the ranks of those needing employment this summer. Recent statistics show that in Los Angeles the unemployment rate among blacks and chicanos generally exceeds the appalling national average for disadvantaged youth.

We in the Senate have the opportunity today to reverse the upsurge of this deplorable unemployment rate among our young. We have the opportunity to provide productive alternatives for the summer for our Nation's youth. How can anyone prefer telling 7,541 young disadvantaged persons in Los Angeles, 2,848 in San Francisco, 2,671 in Oakland, and 328 in San Diego—who will not get jobs unless this amendment is adopted—that they have to find their own way on the street rather than become involved in meaningful activity during the next 3 hot months? With jobs, they can contribute to the cost of their education or the needs of their families during the remainder of the year. Without them, the alternative is mounting frustration and tension as the summer wears on.

I urge my colleagues to vote yes on amendment No. 93. I urge them to accept no compromise short of the full funding this amendment proposes.

Mr. NELSON. Mr. President, as chairman of the Senate Subcommittee on Employment, Manpower, and Poverty we have been holding hearings recently at which the extremely critical problem of youth unemployment has been emphasized over and over by expert witnesses from all over the Nation.

The testimony at these hearings strongly supports the need for the Javits amendment for a supplemental appropriation for $157 million to support summer Neighborhood Youth Corps job opportunities.

The mayors of 14 major cities came before our subcommittee in February pleading for prompt congressional action on legislation to deal with the explosive unemployment problems in their cities. The stories they told were almost identical; they varied only in degree.

The same story was reenforced anew on April 28 when Mayor Roman S. Gribbs, of Detroit, testified before our subcommittee at a special hearing on the problem of youth unemployment.

Mayor Gribbs testified that more than 3,500,000 young people, 16 to 21 years of age, will apparently be unable to find jobs this summer. Of this group nearly 600,000 live below the poverty level. Mayor Gribbs, speaking for the Nation's cities, said that this massive youth unemployment problem will exceed last year's unemployment total by more than a half a million.

Last summer we had approximately 13,200,000 young people seeking work. Through summer Neighborhood Youth Corps jobs we were able to take care of 414,000 for a 10-week period. The National Alliance of Businessmen, support-

ed by Federal funds, located another 143,000 jobs in the private sector, for a total of 557,000 summer jobs.

This summer there are three major differences:

First of all, there are more young people looking for work—13,800,000 this year compared to 13,200,000 last year.

Second, the national unemployment rate is considerably higher this year than last year.

Third, the private sector effort by the National Alliance of Businessmen is finding great difficulty in locating summer jobs in the private sector.

It is true that the administration has asked for more funds than last year. However, the President's request for funds to finance 514,000 9-week jobs is really the equivalent of only 463,000 10-week jobs and falls far short of what is needed.

The Conference of Mayors estimates that the National Alliance of Businessmen will find it very difficult to provide even 100,000 jobs this summer compared with 143,000 last year.

The National League of Cities and the U.S. Conference of Mayors canvassed the Nation's 50 largest cities and a number of smaller cities to determine how many summer Neighborhood Youth Corps jobs could be effectively used. The answer was 641,639 jobs for a 10-week period. This is not a pie-in-the-sky estimate but a responsible estimate of the well-supervised worthwhile jobs which the cities could provide for needy youth if the Congress simply makes the funds available.

Our subcommitteee recently surveyed a number of major cities to determine the seriousness of the youth unemployment problem. We were informed by mayors and State employment service directors that youth unemployment ranges as high as 50 percent in some of our most troubled major cities and many mayors expect that the job situation this year will be the worst in many years. A brief sketch of some of the responses of our survey follows:

CHICAGO.—Youth unemployment has averaged 16.7% vs. 4% overall rate in 1971. Summer job problems "infinitely more serious" than previous years due to lack of private sector job openings. Mayor's office estimates that 60% of youth job seekers will not find jobs. Even college graduates face "poor employment outlook."

PHILADELPHIA.—Employment service has 12,000 youth job applicants and "only a few hundred" entry level openings for which they qualify. Expect 20,000 new summer job applicants, but "virtually no private sector jobs due to economic stagnation." Job creation program has been cut from 14,000 to 7,500. Neighborhood Youth Corps slots are "far short of need," and "only massive federal funding will correct desperate situation."

BALTIMORE.—"Situation critical." Youth unemployment is triple the overall rate and worsening as summer nears. Over 93,000 potential job seekers 16 to 21 years old, of whom 46,000 are disadvantaged, but there are "few jobs in sight and major employers are not hiring." Neighborhood Youth Corps job slots have been cut by 1,000. Federal and state governments have imposed a freeze against summer hiring.

LOS ANGELES.—"By March, youth unemployment rate among minority youth in low income areas was approximately 50 percent. Overall unemployment rate is 7.5 percent. City estimates that only one-third of 30,000 summer job applicants will find jobs. "Rise in juvenile crime and delinquency seem to have a relationship to the lack of employment opportunity."

KANSAS CITY, MO.—Youth unemployment "very serious." Rate is 18 percent vs. 6 percent overall rate. Expect 10,000 applicants for about 1,000 summer jobs. "Placement will be much more difficult than in previous years."

DALLAS, TEXAS.—Youth unemployment is "more serious than previously," especially for young men. Employment service expects 6,000 applicants for 1,500 to 2,000 potential jobs. "Decline in economic activity triggering extensive layoffs in the area."

CLEVELAND.—Inner-city unemployment is 15 percent and youth unemployment 30 percent. "If the Neighborhood Youth Corps program does have 6,715 slots available (as promised) and if the National Alliance of Businessmen can place 1,400 young people in summer jobs (as pledged), we will still be serving less than 50 percent of those young people in need of jobs . . . For many Cleveland families, the student's summer wages may be their only source of support due to our high unemployment rate among traditionally low income groups."

BIRMINGHAM, ALA.—Youth unemployment is "a very serious problem and will worsen significantly as summer approaches." Of an estimated 10,700 disadvantaged youth, 4,300 will be served by existing programs, but only 1,500 out of 13,100 nondisadvantaged youth will receive work or training. Pending steel strike may aggravate problem.

Mr. President, every available indicator points to an extremely serious situation in the Nation's cities this summer unless we make an adequate effort to provide job opportunities for youths who are eager and are willing to work.

The combination of problems is highly explosive. We have thousands of recently returned Vietnam veterans, many of whom are finding it extremely difficult to find jobs. We have the highest unemployment rates in almost a decade. In the regular labor force we have more than a half million people who have been out of work for 27 weeks or longer and more than 5 million total unemployed. Both the Office of Economic Opportunity and the Bureau of the Census recently reported that the number of Americans living below the official poverty level has actually increased, from 24.2 million in 1969 to 25.5 million in 1970, reversing a long established trend. The unemployment and poverty rate is especially severe among blacks, Mexican Americans, Puerto Ricans, and American Indians.

A $157 million supplemental appropriation for summer youth jobs will not produce permanent solutions to these problems. We do have a number of bills pending in the Congress that aim at dealing with the root causes of poverty and unemployment. We hope to see those proposals enacted in this session. But the need for summer youth jobs is an urgent crisis which cannot await the fulfillment of the normal legislative process. We must make these funds available immediately so that the Nation's cities can begin at once planning reasonably adequate programs to put our unemployed young people to work and to defuse the most explosive situation that our cities have faced in recent years.

The Wisconsin State Employment Service issued the following report for April 1971 relating to the summer job outlook in Milwaukee:

Summer-Job Outlook Poor: It appears that jobs for summer workers will be scarce this year. Some 28,000 youth in the 16 to 21 age range will enter the labor market. Of these an estimated 20,000 will be seeking summer work. It is expected, because of high overall unemployment and the general weak demand for labor, that 10,000 students will not find vacation jobs. When summer-job seekers are added to unemployed June grads and long-duration unemployed the jobless total of youth 16 to 21 is expected to reach 29,400 or nearly one-third of all young persons in the labor force.

Mr. President, I ask unanimous consent that a statement of Mayor Roman S. Gribbs, of Detroit, Mich., on behalf of the National League of Cities and U.S. Conference of Mayors, be printed in the RECORD at this point.

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

STATEMENT OF ROMAN S. GRIBBS, MAYOR OF DETROIT, MICH.

I am Roman S. Gribbs, the Mayor of Detroit, Michigan. Here with me today are two of my staff assistants, Norman L. Miller and William M. Nugent.

Mr. Chairman: For generations Detroit has been the city at the end of the rainbow for hundreds of thousands of persons from diverse ethnic backgrounds. They came from every continent as well as from less fortunate areas of our own Nation; their immigration in search of a better life has made Detroit what it is today, a thriving City of 1.5 million people, the fifth largest in the Nation.

The key to the future for these people as, indeed, for the Nation are their children, the youth of Detroit, the youth of America. I am here today, speaking for my City, the National League of Cities, and the U.S. Conference of Mayors; and to review with you the role of youth programs in the development of the Nation's youth, the development of the Nation itself. I will try to speak to national problems and solutions, but, if I repeatedly refer to specifics within Detroit, you will understand that it is because I know my City best.

In Detroit there are 422,555 young people from 6 to 21 years of age. Of the City's 300,000 poor, more than 83,000 are youth 6–21. These facts alone give me a vital interest in the subject of today's discussions.

Essential to the development of our young people are a range of programs—education, employment, and leisure-time—which will enable them to mature as well-rounded individuals with an equal opportunity to compete in the workaday world and be capable of enjoying the richness of life which America affords.

In Detroit, as in many other cities throughout the Country, the mayor does not have the primary responsibility for education programs. He does, however, cooperate closely with school officials, providing complementary programs where possible. Thus, I will focus on the areas of employment and leisure-time activities.

While a good education is the single most important element in assuring an individual's future equal opportunities, the role of jobs should not be minimized. Employment provides young people more than pocket money. After-school and summer jobs afford young men and women—

Vocational exposure on which they may rationally base their future career choices;

The opportunity to relate closely with mature, stable adults;

The chance to develop work habits and

skills which will enhance their future employability; and

For some, sadly enough, income which puts food in their mouths, shoes on their feet, and the possibility to remain in or return to school.

Tragically, millions of young people will be denied these worthwhile benefits this summer. My staff has conservatively estimated that more than 3.5 million youth, 16 to 21 years of age, will be unable to find work this summer. Of these, nearly 600,000 will be poor youth.

The figure of 3.5 million unemployed—but job-interested—youth predicted for summer 1971 represents an increase of more than half a million over last summer and nearly one million over summer 1969.

In the face of these appalling prospects, the Administration has only recently asked the Congress to provide funds sufficient to maintain the national youth jobs effort equal to last year's inadequate level. In fact, if one views this year's Federal effort in light of the need, there will be proportionately fewer jobs available.

In summer 1970, with approximately 13.2 million young people actively seeking work, the Federal Government provided 414,000 ten-week Neighborhood Youth Corps jobs. The Federally backed National Alliance of Businessmen found 143,000 more. A total of 557,000 jobs.

This summer, with nearly 13.8 million youngsters looking for jobs and a national unemployment rate a third higher than last year, the President has just asked for $64.3 million to increase the sumer NYC to 514,000 nine-week jobs, the equal of only 463,000 ten-week jobs.

Meanwhile, reliable reports suggest that the NAB, confronting a sharply worsened economy, will be hard pressed to develop even 100,000 jobs this summer. This 100,000 and the Administration's request equal only 563,000 jobs in summer 1971, a negligible increase over last summer's 557,000.

Last November the National League of Cities-U.S. Conference of Mayors canvassed the Nation's 50 largest cities and several representative smaller cities, asking how many summer NYC slots they could effectively use. The total, Mr. Chairman, was 641,639 ten-week jobs.

This figure is not how many 16–21-year-olds need jobs or how many poor 16–21-year-olds need jobs. It is not a statement of the need for youth jobs—which is, indeed, far greater. It is a careful estimate of the number of well-supervised, worthwhile work assignments the Nation's cities could provide needy youth if the Federal Government were to provide the wages. These jobs are needed in addition to whatever the NAB produces.

As staff of this Committee has pointed out, the cost of 641,639 jobs is approximately $310.3 million. In light of the $165.7 million provided in the Administration's original budget and the Administration's request for $12.8 million for recreation support, my fellow mayors and I strongly urge you to provide a supplemental NYC appropriation of $157.4 million.

Mr. Chairman, I would like to say a few words about the Neighborhood Youth Corps. Many people seem to feel that we mayors look on the NYC as some sort of a panacea for the annual summer-jobs-for-youth crisis. This is simply not so.

The NYC is just one small part of the overall picture, and a sadly limited one at that. In effect, what the Labor Department provides through the NYC is a salary for a youth. There is virtually no provision for supervision of these young people.

Our community-action-agency director, whose agency is one of Detroit's two NYC prime sponsors, tells me that the Federal Government provides enough funds for us to hire one supervisor for every 150 NYC enrollees. Even the military, whose men are mature and trained to take orders, has one officer for every eight enlisted men. Thus, in a gross sense, the Federal Government, which says on the one hand that trained soldiers need a supervision ratio of 1:8, on the other hand provides the cities one supervisor for every 150 untrained youngsters.

The cities do not have excess managerial talent which they might assign to supervising young people. Precisely the opposite is the case; with Detroit facing a $21 million deficit this year, I have been forced to fire nearly 600 City employees and have directed that 2,000 other budgeted positions not be filled.

Given this dearth of provided supervisory staff, those of us who have assumed the responsibility of providing NYC work experience to poor youth, are forced to scour the cities' public and private non-profit agencies for work stations. But these agencies too are strapped for supervisory personnel.

It is for this reason that I have asked for only 12,000 ten-week NYC slots this summer while there are more than 31,000 poor youth between 16 and 21 years of age in Detroit.

The NYC is further handicapped in two ways. First, there are virtually no funds and, hence, no staff to find and develop work stations, the job at which an enrollee is to work. Such work-station development is essential to find the job, help a host employer redefine existing jobs to identify those tasks that might be done by unskilled youth, and effect a change in attitudes so that the host agency's first-line supervisor will be supportive and not destructively critical of the young enrollee. This is a most difficult selling job and an overwhelming task when, as in our case, the City has to find 12,000 such jobs.

Last December Detroit's NYC staff asked the Labor Department for $70,000 with which to hire and train a staff to find and prepare worthwhile work positions. Our request was denied; the Labor Department said that NYC funds could not be used for "planning." I submit, Mr. Chairman, that nothing is more vital to the successful implementation of the NYC than the development of instructive and supportive work stations. Work-station development is not planning; it is essential to the success of the NYC.

Also handicapping NYC is what I call double-jolt funding. This is the phenomenon which provides NYC sponsors initial notification of the number of jobs in mid-spring, often only sixty days before young people are expected to be employed. (The announcement in March this year was the earliest yet.)

By hard work and very long hours local NYC administrators are usually able to develop sufficient job stations by opening day. But the jobs were only found not prepared for the young enrollee who brings with him the handicaps of 16 years of poverty.

Then, two weeks or a month after the youth are hired—two weeks in which counselors and supervisors are just getting to know their charges—the Federal Government provides sorely needed additional jobs. But no additional staff. Existing supervisors and counselors are pulled off their planned activities and set to work finding new work stations. The original enrollees are left to shift for themselves. The new enrollees' work stations are often poorly developed because of time constraints. The whole program suffers as a result.

Mr. Chairman, if one were to review the entire range of Federal Government programs, I suspect he could find none with more potential for aiding poor youth which was simultaneously as effectively destroyed by the poor management practices I have outlined above.

I would now like to take a brief look at youth recreation programs. For several years in the late 1960s the Federal Government provided the Nation's community-action agencies $30 to $35 million for youth programs; much of this money was used to provide desperately needed summer recreation programs in the inner-city.

This money provided more than mere "fun and games;" it provided scores of thousands of culturally deprived youngsters their first look at planetariums, art museums, zoos, symphony orchestras, and other cultural attractions of their cities. Thousands more were able to compete in athletics or receive instruction in theater or performing arts.

After having recognized and met this need for several summers, the Federal Government last year redirected its community-action youth money into "employment and employment-related activities." It was only after vigorous and sustained protest by the mayors that the Administration asked and received of the Congress a supplemental appropriation to support inner-city recreation programs.

As I mentioned earlier, the President has again asked the Congress to include $12.8 million for this purpose in this year's NYC supplemental appropriation. I support his request.

In Detroit and elsewhere around the Country this money will be used to provide supervisors for the additional NYC enrollees. The teams thus formed will be used to expand recreation opportunities for younger poor children, 6 to 16 years of age.

Attached is a list of 13 detailed recommendations regarding the Federal Government's participation in and conduct of youth programs. Included are suggestions that the Neighborhood Youth Corps be greatly expanded and revamped, that the Federal Government promote a four-quarter school plan, and that the Federal Government expand its own program of hiring young people during the summer and after school.

In closing, I again urge you to consider favorably the President's request for supplemental NYC funds, increase the amount to $157.4 million—$144.6 for NYC slots and $12.8 for recreation, and pass it.

Thank you.

ADDITIONAL DETAILED RECOMMENDATIONS REGARDING FEDERAL GOVERNMENT YOUTH PROGRAMS

(Submitted by Hon. Roman S. Gribbs, Mayor of Detroit, to the Senate Subcommittee on Employment, Manpower, and Poverty, April 28, 1971)

1. The Federal Government should sharply increase the available number of training and work-experience slots (such as the NYC).

2. Whether or not the program is expanded, each summer and out-of-school slot should be for 40 hours a week, at least 10 of which should be devoted to actual skills, training or basic education to enhance the future employability of the enrollee.

3. Enrollees should be paid the minimum wage prevailing in this area, at least for the hours during which work is performed.

4. Local program operators should be notified of funding levels at least four months prior to the beginning of proposed programs.

5. The Federal Government, through its aids to education and other assistance, should encourage local school systems to convert to the four-quarter system, so that work-experience quarters (i.e., summers) could be scheduled evenly throughout the year so as to use supervisory and training cadre most effectively.

6. Administrators of local work experience programs should be intensively and thoroughly trained so as to radically improve the quality of programs.

7. The work-experience program should be an integral part of a broader program of manpower development so that as enrollees progress they may be moved to more relevant training programs.

8. The Federal Government should con-

tinue its program of summer transportation grants, consider such assistance on a year-round basis in support of youth-employment programs for youth to 21 years of age, and review the requirements for sign-off by local labor organizations.

9. To symbolize the Federal Government's concern for poor youth as well as to utilize the substantial work-experience opportunities within the Federal system, the Government should expand (by budgeted appropriations, if necessary) its Federal Summer Employment Program for Youth and the Stay-in-School Campaign.

10. Federal departments and agencies should assure (even to the point of transferring funds among installations) that Federal youth hiring is equitably distributed throughout the Nation according to the distribution of Federal employment.

11. The Departments of Labor and HEW should collaborate with the private sector to develop a high school work-study program in which work stations and training would be in the private sector.

12. The Department of Labor should encourage States to develop a definition of "poor youth," to provide them with summer and part-time employment opportunities, and to devise a central reporting system to account for such youth hires.

13. The Department of Justice should review existing Federal child labor laws and insurance regulations to determine what changes, if any, are necessary to permit the employment and training of poor youth in the widest possible number of job categories.

Mr. MONDALE. Mr. President, I cosponsored amendment No. 93, introduced by the senior Senator from New York, because I feel it is essential to provide increased opportunities for summer employment for young people.

I shall not attempt to improve on the Senator's excellent introductory remarks, which provided impressive statistical data and eloquent testimony for the need to expand the Neighborhood Youth Corps summer program. I simply want all of us to keep in mind the significance of this program and the wide range of its benefits. There is a good reason why we are hearing pleas for help from both inside and outside "the Establishment." It would be very foolish for Congress to turn a deaf ear to the cries coming from both mayors and unemployed youth.

A quick glance at the scope of the problem makes it clear why all these people are worried. In Los Angeles County as many as 100,000 young people are expected to be looking for jobs. State officials estimate only 25 percent will be successful. The Arkansas Employment Service expects about the same percentage of placements in Little Rock.

In Detroit there are less than 12,000 Federal jobs available for the 100,000 who will be looking for work. In New York City 300,000 youngsters will be eligible for the Federal program, but only 41,000 positions are available.

I would be the last to urge Congress to act because of threats of violence if it does not act. But I think we should be mindful of our previous experiences, both good and bad. We should remember the riots that scarred our Nation's cities and the call of the Kerner Commission for more jobs and more summer programs for youth. We should remember how difficult it has been to use effectively money that has not been appropriated far enough in advance of the summer employment season. And we should remember that unemployment is higher today than it has been in a long time, which means the need is significantly increased. Unemployment rates among youth are simply scandalous.

I believe the Congress must go at least as far as this amendment proposes to make the summer NYC an effective program. If we shirk our responsibility, I fear the social cost may be far greater than any we might try to measure in dollars.

Mr. HUMPHREY. Mr. President, I strongly support amendment No. 93 to H.R. 8190, the second Supplemental Appropriations bill. Amendment 93 would increase funds available for the Neighborhood Youth Corps summer programs from the $100 million provided by the House and by the Senate Appropriations Committee to a figure of $157,428,359. These funds would be sufficient to provide a total of 641,639 10-week job opportunities for young people in the Nation's cities. This is the number of jobs which a careful city by city survey conducted by the League of Cities—U.S. Conference of Mayors established could be effectively developed and supervised by the cities.

This figure does not represent anywhere near the number of jobs that are needed. For instance, Mayor Roman S. Gribbs of Detroit testified to a Senate subcommittee that he has asked for only 12,000 10-week Neighborhood Youth Corps jobs this summer although there are more than 31,000 poor youths between 16 and 21 years of age in Detroit who will need work.

The staff of the League of Cities estimates that more than 3.5 million youth, 16 to 21 years of age, will be unable to find work this summer. Of these, nearly 600,000 will be poor youth.

Mr. President, that projection of 3.5 million unemployed young people in the summer of 1971 ought to shock this Government into immediate action. That figure represents more than half a million more young people unemployed than last summer and nearly 1 million more than in the summer of 1969.

We have been talking a good deal lately about a volunteer army and doing away with the draft. These young people have been drafted as front-line troops in the administration's war on inflation. They did not volunteer. And yet they find themselves facing a summer in this great country of opportunity with very few job prospects.

The unemployment rate nationally now stands at 6.1 percent. Serious enough, God knows. But for young people, teenagers, the unemployment rate in April was 17.2 percent, the highest rate in 7 years. For black teenagers, the rate for the first quarter of this year was 31.8 percent; nearly one in three was unable to find any work at all. But the unemployment rate for black teenagers in urban poverty neighborhoods for the first quarter of this year was an astounding 44.9 percent. That is the highest rate since 1967, when the Bureau of Labor Statistics first began compiling this data.

What are we to do about it? We are asking businessmen to help. Last summer the National Alliance of Businessmen set a goal of 180,000 job opportunities across the Nation. This was at a time when the national unemployment rate was 4.7 percent. Unfortunately, they were unable to reach that goal, coming up with 143,000 job opportunities. This year, with unemployment over 6 percent, they have set a goal for themselves higher than the number of jobs actually achieved last year. They are seeking 150,000 jobs. But it is not realistic to expect the private sector in a time of recession to provide an increased number of jobs, great though the efforts they make will be.

I submit, Mr. President, that the provision of jobs for young Americans in the summer is a Federal responsibility. We ought to be providing perhaps a million jobs. They are certainly needed—not only for poor young people but for all young people seeking work at a time when the need for accomplishing public work is so great.

But the mayors have not asked for so grand a total of jobs. They have not asked funds to meet the full need. What they have asked for is only that amount of money which they are confident they can administer with the limited supervisory resources on hand at the present time—funds for 641,639 ten-week jobs. I believe that represents the minimum number of jobs which the Federal Government should fund. I am pleased that the administration on April 9 asked for supplemental appropriations of $64.3 million for summer jobs and that the House and the Senate Appropriations Committee have seen fit to raise that figure to $100 million. This represents progress, but it is still woefully inadequate.

I wish to commend the distinguished senior Senator of New York (Mr. JAVITS) and the chairman of the Manpower Subcommittee, Senator NELSON for their efforts to secure minimum adequate funding for summer jobs. I hope the Senate will support amendment No. 93. I think it is the least we can do under the circumstances.

We have learned in past summers through bitter experience that joblessness for young people on a mass scale is too high a price to pay for inflation control. Our youth deserve better than this from their Government. That is why I have been so deeply concerned about the administration's decision on April 2 to terminate the President's Council on Youth Opportunity. I had the honor as Vice President to be chairman of that council when it was established by Executive order on March 5, 1967. I know well the crucial role it played in persuading bureaucrats in Washington to make summer employment funds available and in providing technical assistance to cities all around the Nation. The excellent role now being played by the League of Cities and the U.S. Conference of Mayors in addressing the critical needs of disadvantaged young people developed in part from their work with the President's Council.

I hope that abolishing the President's Council on Youth Opportunity, during the time of the highest youth joblessness in our memory, is not symbolic of the priorities of the current administration. The work of the Council was by no means finished, as our current situation loudly attests. I hope the administration will reconsider its action.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from New Hampshire (Mr. COTTON) to the amendment of the Senator from New York (Mr. JAVITS), which the clerk will state.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SAXBE). The Senator will state it.

Mr. JAVITS. If the Cotton amendment is agreed to, will the sum contained in the Cotton amendment, $16 million, be substituted for the sum contained in my amendment, $57 million?

The PRESIDING OFFICER. That is correct.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 1, line 2, of amendment 93 strike out "$157,428,359" and insert in lieu thereof "$116,600,000".

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If the Cotton amendment is rejected, will the vote occur immediately thereafter on my amendment?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 49, nays 46, as follows:

[No. 68 Leg.]

YEAS—49

Aiken	Dominick	Montoya
Allen	Eastland	Packwood
Allott	Ellender	Pearson
Anderson	Ervin	Prouty
Baker	Fannin	Randolph
Bellmon	Fong	Roth
Bennett	Gambrell	Scott
Bible	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hollings	Stennis
Buckley	Hruska	Stevens
Byrd, Va.	Jordan, N.C.	Talmadge
Cannon	Long	Thurmond
Cook	Magnuson	Tower
Cotton	McClellan	Young
Curtis	McIntyre	
Dole	Miller	

NAYS—46

Bayh	Brooke	Case
Beall	Burdick	Chiles
Bentsen	Byrd, W. Va.	Church
Cooper	Jackson	Proxmire
Cranston	Javits	Ribicoff
Eagleton	Jordan, Idaho	Saxbe
Fulbright	Kennedy	Schweiker
Gravel	Mansfield	Spong
Griffin	Mathias	Stevenson
Harris	Mondale	Symington
Hart	Moss	Taft
Hartke	Muskie	Tunney
Hatfield	Nelson	Weicker
Hughes	Pastore	Williams
Humphrey	Pell	
Inouye	Percy	

NOT VOTING—5

Goldwater	McGovern	Mundt
McGee	Metcalf	

So Mr. COTTON's amendment was agreed to.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SAXBE). The question now recurs on the amendment of the Senator from New York (Mr. JAVITS), as amended.

Mr. JAVITS. Mr. President, I ask unanimous consent that the requirement for the yeas and nays be vacated.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New York? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from New York, as amended.

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment, as amended, was agreed to be reconsidered.

Mr. HRUSKA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CURTIS. Mr. President, is a unanimous-consent request now in order?

The PRESIDING OFFICER. It is always in order.

NUTRITION SERVICES FOR THE ELDERLY

Mr. PERCY. Mr. President, I am pleased to report that the Senate Appropriations Committee voted recently to accept an amendment I offered to the second supplemental appropriations bill for fiscal year 1971, to provide emergency funding for a highly successful program of nutrition services for the elderly. If agreed to by the full Senate and later by the House when the bill goes to conference, the amendment will enable 18 ongoing research and demonstration projects in various cities throughout the country to continue operating for 1 additional year.

In an earlier statement on the floor of the Senate, I pointed out that the Administration on Aging, in accordance with the provisions of title IV of the Older Americans Act, distributed $2 million in 1968 to 32 projects for the purpose of providing meals and nutrition education for the isolated aged. Eighteen of the projects are still operating on the basis of their original Federal grants. If not refunded, 17 of the 18 will expire at the end of this fiscal year, and the 18th project will expire in October. In addition to these 18, three more projects are still operating on the basis of local funds.

While each of these projects differs from the others, they are all aimed at dealing with the interrelated problems of inadequate nutrition and social isolation among the elderly. Many elderly people live alone, as they have outlived their spouses and their children have gone their own ways. Often they are unable to cook for themselves. They frequently subsist on poorly prepared or inadequate diets in the depressing atmosphere of an isolated apartment or home. As a result, their health deteriorates further, as does their emotional and spiritual well-being. The emphasis of these research and demonstration projects, then, is to provide nutritious meals for the elderly in a social setting, on the premise that malnutrition and undernutrition of older citizens must be considered in the context of interrelated economic, social, and psychological elements.

Each project reaches out into the community to locate the senior citizens who stand to benefit from the program. These citizens are encouraged to come to communal dining facilities and to take advantage of ancillary social services which are offered in addition to the actual meals. In an effort to help elderly citizens who are completely unable to get out of their homes because of disabilities or illness, some of the programs have a "meals on wheels" component, whereby hot meals are delivered to the homes of shut-ins.

Interim reports on these projects indicate that they have been tremendously successful in helping to alleviate the depression which so frequently accompanies the loss of family structure and social estrangement which confront the aged. Many of the participants speak enthusiastically of the new friends they have met through the program, their improved outlook on life, and their new sense of belonging.

An important feature of the program is that the meals provided are not given away, and care is taken to avoid the connotation of charity or welfare. The participants pay a fixed amount for meals or whatever they can afford. Most projects also employ the elderly to the extent possible.

The 18 projects still operating on the basis of their original Federal grants are located in the following cities:

Phoenix, Ariz.; Los Angeles, Calif.; Denver, Colo.; Washington, D.C.; St. Petersburg, Fla.; Emmett, Idaho; Chicago, Ill.; Olive Hill, Ky.; Roxbury, Mass.; Detroit, Mich.; Jackson, Miss.; Helena, Mont.; Walthill, Neb.; New York City; Cincinnati, Ohio; and Salt Lake City, Utah. The additional three whose Federal grants have expired but which are hobbling along with local support are located in Buffalo, N.Y.; Miami, Fla.; and Tulsa Okla. Under my amendment, the AOA would consider the needs of these projects as well.

In Chicago, 900 meals are served daily in 33 centers scattered throughout the city. More than 3,600 people have registered as participants.

Perhaps the best way of illustrating the value of this program is to discuss the consequences of not refunding it. In considering this question, Robert J. Ahrens, Director for the Division of Senior Citizens in the city of Chicago, has said there would be:

1) A reduction in the number of elderly receiving the minimum daily dietary requirements.

2) A decrease in the number of eating facilities which offer low-cost dining for the city's elderly, a critical supportive service for this financially deprived age group.

3) A decrease in the already low incomes of the elderly.

4) A reduction in the number of educational and recreational programs and health screening tests presently offered as a part of the Nutrition Program.

5) A reduction in the number of social contacts for program participants.

6) The increased possibility of a substantial number of elderly entering nursing homes because of their inability to prepare meals.

7) A reduction in income and meaningful service roles for the elderly aides employed by the program.

8) A reduction in volunteer opportunities for the many elderly who contribute to the project.

Although Mr. Ahrens' comments refer specifically to the Chicago project, they are generally true for all of the projects.

It is true that these projects were established on a temporary basis, and legislation to establish them on a permanent basis is pending. In the meantime, it is crucial that the funds provided by my amendment to the Second Supplemental Appropriations Bill be approved by the full Senate and the House. Termination of the projects would mean a significant loss of already assembled manpower, expertise, equipment, and organizational structure—all of which will be needed as the basis for a permanent program.

The cost of my amendment is minimal when weighed against the amount we spend for far less worthy and successful programs. There is also the distinct possibility that the program is actually saving the Federal Government money in that the participants do not have to leave their homes and go into federally funded nursing homes. As the able Commissioner on Aging, John B. Martin, has said in testimony before the Senate Select Committee on Nutrition and Human Needs:

There is no data on the extent to which the costs of these programs (Medicare, Medicaid, and Mental Health) are increased by malnutrition among older Americans, but there are good reasons to believe that an investment in improving the nutrition of this age group would be substantially offset by savings in other publicly financed programs.

Mr. President, I am most pleased with the Senate Appropriations Committee's acceptance of my amendment, and I am looking forward to full Senate approval of the amendment. Furthermore, I am hopeful that the House will agree to this amendment when it goes to conference.

NEIGHBORHOOD YOUTH CORPS SUMMER JOBS PROGRAM

Mr. HART. Mr. President, I urge the Senate to increase the appropriation for the Neighborhood Youth Corps summer jobs program to $308.6 million.

My plea for additional funds is based on two points: because of the continuing high rate of unemployment—a rate which is extremely high among the age group covered by the NYC program—it is important that the number of job slots be increased, and because employer and employee, as well as the general public, should be interested in making the work experience as meaningful as possible to all parties, it is important that the duration of the program run for most, if not all of the summer vacation.

And, of course, behind both of these points are the many, many statements from city officials that the frustrations of the unemployed are timber for another hot summer.

Let me cite some figures which outline demand and the funding situation as I understand it.

Last summer, Neighborhood Youth Corps provided $182.6 million for 414,000 10-week jobs.

The administration's original request for this summer was $164 million for the same number of jobs. However, the length of the jobs was to be cut back to 8 weeks.

Recently, President Nixon announced he would request an additional $64.3 million for the Neighborhood Youth Corps, of which $51.5 million would be for summer jobs and $12.8 million for summer recreation.

The total of $215.5 million would fund 514,000 9-week jobs.

The House of Representatives approved and the Senate Appropriations Committee recommended an additional increase of $37.5 million.

That total of $251.2 million would support 601,400 9-week jobs.

As welcome as the administration's supplemental was, and as welcome as the recommendation of the Appropriations Committee is, even the $251 million falls short of financing the projected number of job opportunities available in cities and towns across the country.

Last fall, the League of Cities made a survey of the Nation's 50 largest cities and a number of smaller communities. Based on that survey, the league estimated that local governments could supply 641,600 summer jobs for disadvantaged youths this summer.

The study projected about 333,000 job opportunities in the 50 major cities and about 310,000 in the balance of the country.

In addition, the league urged that the jobs run 10 weeks, as has been the case in past years.

To finance 641,600 10-week jobs, NYC needs $308.6 million—$93.1 million more than the total of the President's two requests and $57.4 million more than the recommendation by the Appropriation Committee.

Two additional facts should be kept in mind to place this amendment in its correct perspective.

First, we are not talking about 35-hour-a-week jobs, or even 30-hour-a-week jobs. Unfortunately, we are talking about 25- or 26-hour-a-week jobs. I say "unfortunately" because the quality of the work experience, for both employer and employee, would be improved if the youth jobs were more consistent with normal working hours.

And, second, when we speak of job opportunities we are not talking about job demands.

For example, while Detroit has applied for 120,000 NYC job slots, and has received an allocation of almost that number, estimates of the number of disadvantaged youths who will be without jobs in Detroit this summer run in excess of 20,000.

Equally important, the Detroit school officials have informed me that they believe they could place another 4,000 youths. Similarly, representatives of the city government said that the various groups participating in this program could, with an effort that they are more than willing to exert, find close to 20,000 jobs.

Also, we must remember we are concerned not just with jobs for disadvantaged youths in the Nation's largest cities. According to the League of Cities, Grand Rapids could place 1,200 youths; Lansing, 2,000 youths. In addition, I have received requests from several smaller Michigan cities for additional NYC summer job slots.

It seems to me that this once at least, Congress and the executive branch ought to go the entire route on an antipoverty program.

Not only are we facing what could be another hot summer, we are also involved in an exercise which could determine future attitudes of many youths toward the responsiveness of "their" Government.

SECTION 235 AND 236 HOUSING PROGRAMS

Mr. President, the Committee on Appropriations recommends that $25 million be added to the supplemental appropriations bill for both the 235 and 236 housing programs.

Inasmuch as there probably will be no vote on these particular items, I would like to make clear that these amendments enjoy considerable support in the Senate.

Nineteen Senators signed a letter urging that the committee add these funds. In addition, I understand, three other Senators sent separate letters making a similar plea.

I ask unanimous consent that the letter be printed at this point in the RECORD.

The letter was signed by Senators JAVITS, ANDERSON, BAYH, CASE, CRANSTON, EAGLETON, FONG, HATFIELD, INOUYE, MONDALE, MOSS, NELSON, PACKWOOD, RANDOLPH, RIBICOFF, SPARKMAN, TUNNEY, HUMPHREY, and me.

Mr. President, I would like to thank Senator PASTORE, the able chairman of the Appropriations Subcommittee which handles these items, for taking the leadership in getting the funds added to the bill.

It is my hope that this expression of support for these amendments will strengthen the hand of the Senate conferees when they meet with the House conferees on this bill. That Senator PASTORE will fight hard to retain the Senate figures we know; for enabling the Senate to put the issue into conference, we thank him.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 29, 1971.

Senator JOHN PASTORE,
Chairman, Independent Offices Appropriations Subcommittee, New Senate Office Building.

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,

Jacob K. Javits, Clinton P. Anderson, Alan Cranston, Mark O. Hatfield, Frank E. Moss, Jennings Randolph, John V. Tunney.

Philip A. Hart, Birch Bayh, Thomas F. Eagleton, Daniel K. Inouye, Gaylord Nelson, Abraham Ribicoff, Hubert H. Humphrey.

Clifford P. Case, Hiram L. Fong, Walter F. Mondale, Robert W. Packwood, and John J. Sparkman.

SUPPLEMENTAL FUNDS FOR MORE VA HOSPITAL STAFF

Mr. CRANSTON. Mr. President, I rise to express my strong support and appreciation for the Appropriations Committee's inclusion in chapter V of title I of H.R. 8190, the second supplemental appropriations bill, fiscal year 1971, of an additional $8 million for the VA medical care item. This accords with the amount included in the bill by the other body based on the recommendation of my good friend and colleague, OLIN E. TEAGUE, chairman of the House Veterans' Affairs Committee.

By approving the committee amendments en bloc and ultimately passing this bill, the Congress will remove any doubt as to its intention to improve staffing in VA hospitals. This was the intention last year when Congress twice voted, over administration opposition, to add $105 million to the VA medical care budget request. That appropriation was finally approved by the President this past December 17, Public Law 91-556, and not apportioned to the VA by the Office of Management and Budget, OMB, until over 2 months more of this fiscal year had elapsed. And, then, as revealed at hearings of the Health and Hospitals Subcommittee, which I am privileged to chair, of the Veterans' Affairs Committee, OMB prevented the VA from using 1 penny of the additional money to expand hospital medical staffs. Instead, OMB directed the VA to use $46 million of the $105 million for salaries and benefits for existing VA medical personnel—costs which, although necessary, should have been covered by a supplemental appropriation—and denied the VA request to seek approximately this much in supplemental funding for these purposes.

Mr. President, I strongly believe—and by approving this supplemental appropriation the Congress is indicating in the clearest possible way its belief—that Congress, not OMB, should establish whether and for what purposes appropriations are to be spent.

The full VA hospital situation is detailed in a May 7, 1971, letter I sent to the Senator from Rhode Island, the distinguished chairman of the Independent Offices Appropriations Subcommittee (Mr. PASTORE). I recommended that $8.9 million be added to this bill precisely for the purpose of hiring new medical staff—about 8,800 persons—during the remainder of this fiscal year. In the letter, I stated that as a result of an unprecedented increase in recent months of applications for employment in VA hospitals, there are health personnel now available to fill every unfilled position in VA hospitals and that if the VA delayed too long in hiring these persons, a unique opportunity might be irretrievably lost.

In fact, the VA now has almost 12,000 applications for qualified personnel on hand as follows:

Physicians	791
Registered nurses	2,856
L.V.N.'s	1,362
Other health personnel	6,965
Total	11,974

It is my understanding that if this bill is passed and approved this week, the VA will be able to spend the $8 million to bring onboard over 8,460 new hospital workers during the last 6 weeks of this fiscal year.

In my State of California alone, this will mean adding 957 health personnel as follows at California VA hospitals:

Brentwood	82
Fresno	36
Livermore	25
Long Beach	344
Los Angeles (Extended Care)	100
(Out Patient Clinic)	41
Martinez	41
Palo Alto	120
San Francisco (Ft. Miley)	37
Sepulveda	70
Wadsworth	81
Total	957

By approving this substantial staffing increase, the Congress and the Appropriations Committees of both bodies are committing themselves to providing an increase in the fiscal year 1972 VA medical care item to fund the salaries of these new personnel for a full 12 months—about $95.4 million at the fiscal year 1972 average salary of $11,279.

Mr. President, I should point out that even this significant staff expansion, coming as it will so late in the year, will not permit the VA to come anywhere near its fiscal year 1971 budget figure of 136,454 for year-end cumulative full-time equivalent employment, FTEE. Through April 1971, the cumulative FTEE was only 132,679 and the additional 8,460 persons, even if all are on board by June 1, will increase that figure cumulatively only by about 700. On the other hand, with these 8,460 persons on board throughout the year, for fiscal year 1972, this increase will permit the VA for the first time to meet its year-end cumulative FTEE budget projection—140,295.

At this point, Mr. President, I ask unanimous consent that there be set forth in the RECORD the full text of my May 7, 1971, letter to Chairman PASTORE.

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

UNITED STATES SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., May 7, 1971.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Housing and Urban Development, Space, and Science Appropriations, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Following up on my May 27, 1970, testimony before your subcommittee on the VA fiscal year 1971 budget request, I would like to bring some matters to your attention and offer some recommendations for immediate action on the Second Supplemental Appropriation bill, fiscal year 1971, on which I understand House action is scheduled next week.

First, I want to thank you for your great consideration and cooperation last year in the effort to add $105 million to the VA medical care item. I also want to congratulate you on the prescience you displayed in the April 21 hearing when you told the Deputy Administrator of Veterans' Affairs that you anticipated my raising with you the question of what happened to that $105 million.

I have just finished chairing three days of hearings (on April 27, 28 and 29) of the Health and Hospitals Subcommittee of the Veterans Affairs Committee on "the VA Hospital Crisis." The hearings focused, first, on the use of the $105 million and, next, on the fiscal year 1972 VA medical and hospital budget, about which I would like to present testimony to your subcommittee when it

conducts hearings on the HUD-Independent Agencies Appropriation bill, fiscal year 1972. (Press releases regarding that budget are enclosed for your advance information.)

Our just completed subcommittee hearings and preparatory investigation established some very important facts that I would like to share with you.

First, as the VA advised you on April 21, not one penny of the $105 million was spent for adding the doctors, nurses or other health and housekeeping personnel so urgently needed. On the contrary, $46 million ($32.3 million for pay raise absorption, $4.3 million for PL 91–418 increased personnel health benefits contributions, and $9.4 million for payroll adjustments to support budgeted FY 1971 FTEE) was spent for salaries and benefits for existing VA medical personnel. Although I fully support the justification and need for expenditures for the many dedicated Veterans Administration medical personnel—indeed the first two expenditures items were required by new laws—the administration should have sought additional funds for these purposes in the supplemental appropriation bill.

Although the VA must deny it officially, I have it from unimpeachable sources that the VA did indeed seek authority to request a supplemental appropriation of $43 million, which the Office of Management and Budget denied. Moreover, the VA had formulated detailed plans on how to use the additional funds to expand its health care staff. But the Office of Management and Budget just said "no." Please note that the VA made these hiring plans even though more than half the fiscal year had elapsed. The Office of Management and Budget feared the annualization of this staffing increase expenditure in succeeding fiscal years, believing quite properly, I think, that Congress was fully prepared to appropriate the funds to support the necessary staffing increases after the first year.

I feel very strongly that Congress, not OMB, should establish whether and for what purposes appropriations are to be spent. This is part and parcel of the questions being raised about the President's freeze of $11.1 billion overall in FY 71—at least $1.5 billion from the appropriations bill passed out of your subcommittee.

Because the VA was forced to hold its staffing at levels which could be supported by the amounts in the President's budget, it will fall at least 2,500–3,000 FTEE short of reaching its budgeted FY 1971 cumulative FTEE of 136,454. As of March 1971—the most recent figures I have been able to get—the cumulative FTEE was only 133,459 and had been declining steadily for each of the eight months of FY 1971. At the same time, the average daily patient census was running far ahead of the 83,000 budgeted for fiscal year 1971 and on which figure the staff/patient ratio in the budget was calculated.

The average daily patient census for March 1971 was 86,226—3,226 above the budgeted figure—and the cumulative average through March was 84,776. Dr. Musser, the VA Chief Medical Director, conceded at our hearing on April 27 that the FY 1971 average census might be 84,500—1,500 over the figure for which funds were budgeted.

The significance of this actual census experience to date is enhanced by three facts, also conceded by Dr. Musser:

(1) applications for hospital admissions for April are projecting at an all-time monthly high of 121,000;

(2) the domestic hospital waiting list (excluding Puerto Rico) in February 1971 had almost doubled over the level of four months ago and was the highest in three years (the March figure, which I have obtained now, rose dramatically—15 percent—over February to almost 5,000); and

(3) the 66,500 patients admitted in March 1971 was up 10,000 from February 1971, and 6,000 over the previous March, and was the highest monthly admission total in VA history.

Thus, I conclude that there is no reason at all to expect the cumulative average daily patient census for FY 71 to drop below 84,500; it may well exceed it, given the above data regarding present record levels of admissions, applications and domestic waiting lists. What this means in terms of staff/patient ratio is that instead of the FY 1971 budget level of 1.366:1—based on the budgeted ADPC and FTEE for FY 71

$$\frac{\text{(83,000 ADPC)}}{\text{(113,365 In-patient FTEE)}}$$

the census for FY 1971 will actually be 1.299:1 based on experience through March 31, 1971—

$$\frac{\text{(84,776 ADPC)}}{\text{(110,132 In-patient FTEE)}}$$

It takes approximately 8,450 FTEE to move the ratio .1 of a point, patient census remaining constant.

Obviously, the need for increased hospital staff right now remains great. This was affirmed at our hearings by the former Assistant Secretary for Health and Scientific Affairs, HEW, Dr. Philip Lee, now Chancellor of the University of California, San Francisco; Dr. S. Richardson Hill, Vice President for Health Affairs and Director of the Medical Center, School of Medicine, University of Alabama, two physician fellows and a chief medical resident from the Wadsworth VA Hospital, and representatives of The American Legion, VFW, DAV, AMVETS and Paralyzed Veterans of America. All agreed that supplemental funds for more staff right now were badly needed.

In that regard, at the hearings Dr. Musser conceded a highly significant development; he said: "We have seen in the last couple of months a considerable increase in the number of [employment] applications" from health professionals. He agreed that there are health personnel available to fill every unfilled position in VA hospitals (VA-wide employment is currently running 4,300 below the OMB authorized full-time employment level). Reliable information available to me shows that there are pending applications from persons processed and deemed qualified to add 8,872 health personnel in the month of June alone (565 physicians, 1,963 registered nurses; 1,344 LPN's; 5,000 other health personnel) at a one month cost of $8.9 million. (This additional staff would annualize out to $87.85 million in FY 1972.)

Apparently, the availability of many of these individuals is seasonal and due to the nationwide high unemployment rate. If the VA has to wait well into fiscal year 1972—until its FY 72 appropriation bill is enacted—to begin spending at an increased rate to expand staffing over FY 1971 levels, this unique opportunity may be irretrievably lost.

Accordingly, I request that you present to your subcommittee my urgent recommendation that the medical care item in the Second Supplemental Appropriation bill, FY 1971, be increased by $8.9 million and that the additional funds be specifically earmarked *in the bill* for use only for the purpose of hiring new medical staff.

I would be happy to provide you with any further data you may require on the above discussion. If your staff wishes further information, the person to contact is Jonathan R. Steinberg (x57651 or 52). Your continuing cooperation and dedication to our nation's veterans is deeply appreciated.

Warmest regards.

Sincerely,

ALAN CRANSTON,
Chairman, Health and Hospitals Subcommittee.

Mr. CRANSTON. Mr. President, in response to my request and the House action, Senator PASTORE and the distinguished chairman of the Appropriations Committee (Mr. ELLENDER) wrote into the Appropriations Committee report, 92–107, page 25, the following language to make unequivocally clear that the additional $8 million recommended was exclusively for additional medical care staffing:

> In providing funds for veterans' medical care, the committee wishes to make it clear that these funds are to be available solely for personal services and not to be used for any of the other purposes set out under this appropriation title.

Finally, Mr. President, lest there be any doubt about the need now for this increase in VA hospital staffing, I will cite a few specific examples of VA hospital situations which need urgent remediation and have needed it for well over a year now.

Over 17 months ago, one of the most effective and forceful witnesses at the oversight hearings by the Labor and Public Welfare Committee's Subcommittee on Veterans' Affairs, which I chaired, was Capt. Max Cleland, of Lithonia, Ga., U.S. Army, retired. On April 29, Captain Cleland, a triple amputee, returned to testify before the Health and Hospitals Subcommittee of the Veterans' Affairs Subcommittee, having been elected a Georgia State senator since he testified in December 1969. Senator Cleland told us:

> The Atlanta VA serves metro Atlanta and North Georgia. It has the additional responsibility of being a Regional Amputee Center for the Southeast, treating mostly Vietnam veterans, though with no significant increase in staff or funds.
>
> It is a new hospital and still has two wards not in use because of inadequate staff. Applications to get into the hospital are running almost 2,000 ahead of this period last year, but admissions are down, not up, and the waiting list is over 100. The proposed 1972 reduction would take 20 beds out of circulation that are in use now.
>
> The VA hospital in Augusta, Georgia, was built to handle a maximum of 800 patients. It handles nearly 1,000. It suffers from inadequate staff and ward personnel and has a backlog of almost 70 patients on its waiting list.
>
> Applications by veterans to get into the Augusta VA are up almost 1,000 over this time last year, but if funds are not restored by Congress to the VA medical budget, the Augusta VA will be forced to take over 100 beds out of circulation.
>
> The third Georgia VA hospital is in the southern part of the State, and experiencing shortage of doctors. It has only one orthopedic surgeon for a hospital that can handle 500 patients. The current patient level is 376 and the hospital is having difficulty providing adequate staff for that number. . . .
>
> All in all, applications of veterans seeking admission to VA hospitals in Georgia are up 3,000 over this time last year. If the current VA medical budget is not supplemented, the Georgia VA hospital will have to cut back over 170 beds and add to a state waiting list already approaching 400.

Mr. President, of the 8,460 new health personnel which our action here will provide for the care of disabled veterans in our VA hospitals, 150 will be provided to the three Georgia hospitals Captain Cleland mentioned.

Also, at our recent hearings, we heard a second round of testimony—1 year and

1 day after their original testimony last year—from Dr. Bernhard Votteri, Fellow in Pulmonary Disease, and Dr. J. Gary Davidson, chief medical resident, Wadsworth VA Hospital in Los Angeles. Here are some most disturbing extracts from their April 29 testimony:

Dr. VOTTERI. Although some improvements have been made since we met with you last year, the operation of the hospital continues to be plagued by deficiencies in nursing staff, convalescent patient placement, anesthesia, inhalation therapy staff, medical and respiratory care units, cardiovascular surgery, renal hemodialysis, messenger and escort service and laboratory services.

We have appealed through channels at all levels and although people listened to us, appropriate corrections are not forthcoming. The situation is so critical that further temporizing is not acceptable. The physicians in training are almost totally disillusioned and tired of words without action.

If immediate action and correction are not forthcoming, the physicians in training have advised us that they will "heal-in" the hospital. Such an action which should be and can be obviated by corrective measures now will have the effect of forcing the eligible veteran to seek aid at other hospitals. . . . The physicians state, and rightly so, that if substandard care continues to be all the VA can afford to support then, in good conscience, they can no longer quietly deliver care under such restrictions. Deficiencies in staff, equipment and supplies cannot continue to be made up by the superhuman efforts of nurses, paramedical personnel, and physicians without the blame for these inequities being placed squarely on those who would remain unresponsive to the needs of the veteran.

. . . Dr. Baldwin Lampson, Director of Hospital, UCLA, School of Medicine, in his thorough analysis of the Wadsworth Hospital in 1970 [at Senate Veterans Affairs Subcommittee hearings] pointed out that the UCLA Hospital Inhalation Therapy Staff consists of 52 people including a physician head. The Wadsworth Staff was found to be inadequate to provide direct patient treatment. In addition there was no night and weekend coverage in inhalation therapy. As a result in 1970 and still in 1971, necessary inhalation therapy must be handled by overworked and understaffed nursing service.

The situation is so urgent at the Wadsworth Hospital now that the Chief of Anesthesia and Chest Medicine have recommended that these services which are indispensable and lifesaving will have to be curtailed in the interest of reducing the spread of infection. Forcing the patient to breathe in dirt and bacteria which may result in lung infections cannot and will not be tolerated. The prevention of this disaster is simple. The recommendations have been made, the solutions await only financial support.

Recently our open-heart surgery case load went to four per week. Shortly after this the Chief of Surgery was besieged by complaints from the nursing service to reduce this, as their staffing was inadequate, both in the operating room and in the surgical intensive care unit. The Chief's initial response was an admonition to the cardiac surgeons to reduce this work to the previous level—approximately two cases a week. His stated reason was "our facilities cannot handle it."

This is the greatest plea for mediocrity that we have heard yet. As a matter of fact, Wadsworth has two fully-trained cardiac surgeons, a fully-trained open-heart-pump team capable of operating five-six major open-heart surgery cases per week.

The Cardiology Department can evaluate up to four surgical candidates per week presently, and with the opening of the new catheter laboratory in May, '71, this capability will increase to six a week.

It is obvious with the current crisis in surgery and anesthesia that our potential will not be realized and a great number of veterans will go wanting for much needed heart surgery. It seems inconceivable that a health system that has been designated as a regional care center for cardiac disease could be rendered inert by deficiencies in staffing in anesthesia and nursing. Furthermore, it is most inconceivable that the response to this crisis is to reduce the amount of health care.

Dr. DAVIDSON. The Assistant Chief, Infectious Diseases, at our hospital, has listed for your perusal, and states the following:

Listed below are the names of three patients with whom I have had direct contact, who expired at Wadsworth General Hospital during the months of March and April, 1971. While no one can say that these patients would have survived if more intensive observation and care had been provided, it is my opinion that such intensive monitoring and special nursing care was indicated, would have been available at a first-class hospital, and was not available or was provided too late and in a suboptimal fashion at this hospital. I intend this statement in no way as a criticism of the nursing personnel who cared for these patients but rather to indicate that sufficient special nursing personnel and adequate intensive care facilities are currently unavailable at this hospital.

Dr. VOTTERI. Must we come to this legislative body each year to present a chronicle of horrors to get adequate support for our veterans? The answer is a resounding no. It is unacceptable medical practice and morally wrong to continue to provide substandard care for our veterans. We hope that the needs of the veterans will at last be recognized and adequate funds and vigorous management will combine to finally rectify these inequities.

I would like to emphasize that, at this point, that all of us, as Doctors here, have completed our training in the Veterans' Hospitals, and we will be leaving to go into the community. Whether further support to the Veterans' Hospital will ever be forthcoming will have no direct effect upon us.

However, we are sincerely anxious that these gains should accrue to patients, and this is why we testified today, and this is why we testify in behalf of the persons in training at the Wadsworth hospital.

Mr. President, fortunately, as I pointed out earlier, the Wadsworth Hospital will receive 120 of the 8,460 additional personnel.

Regarding the Birmingham VA Hospital, we heard from Dr. S. Richardson Hill, vice president for health affairs of the University of Alabama and director of the Alabama Medical Center. Dr. Hill testified on April 28 as follows:

The Veterans Administration Hospital staff are dedicated and well-qualified individuals who are loyal to the Veterans Administration and to the mission for which they are held accountable; namely, quality health care for the veteran patient. The facilities which are available to them vary from excellent to poor, but the ability to employ health professionals is far less than necessary to maintain the quality of health care available either within the University Hospital or within other leading community hospitals. The simple facts are that there are insufficient numbers of staff available to do the job that must be done.

Some of the facilities, I am told, are underutilized because of the limited staff at night and on weekends and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

We, therefore, have undertaken a continual and critical review of these problems in order to determine whether or not it is fair to our health professional students to expose them to health care experiences in such an environment. I would urge this Committee to exert its influence to help provide the resources necessary for these hospitals to operate efficiently and effectively as a component part, not only of the University Medical Centers, but of the health care delivery system of our country as well. Our Veterans Administration hospitals desparately need an increased staff as well as updated technical equipment and mechanisms for maintaining continued progress in the rapidly advancing technical ability to manage patients more effectively and efficiently.

My comments have principally been related to the Veterans Administration Hospital which I know best; namely, the one in Birmingham. It is my understanding that comparable problems for the coming year are anticipated at the Montgomery, Tuscaloosa and Tuskegee, Alabama VA Hospitals, as well as other VA hospitals in the country."

. . . The staffing problems with regard to nurses and with regard to technical staff particularly and clinical laboratory, gets very low. We have sometimes no laboratory technicians within the Veterans' Administration hospital. We do have some on call, but we need more staff.

Senator CRANSTON. How many beds are there in the wards there?

Dr. HILL. 30 to 40 per ward.

Senator CRANSTON. In the middle of the night how many nurses are available?

Dr. HILL. There may be one nurse available for two such wards on a floor.

Senator CRANSTON. That can lead to considerable difficulties, can't it?

Dr. HILL. Yes, it can, and they are not registered nurses.

Senator CRANSTON. How does that compare to the situation in the University Hospital?

Dr. HILL. In University Hospital there are two nurses for a 40-bed ward at night.

Senator CRANSTON. About one-fourth of the staffing at the VA hospital?

Dr. HILL. Yes.

Mr. President, that hard-pressed hospital will receive funds for 35 more health personnel out of the $8 million we are adding.

Another returning witness was Michael Burns, now executive director of the Paralyzed Veterans of America and himself a quadruplegic. Mr. Burns had testified on January 9, 1970, at hearings in Los Angeles by the former Veterans' Affairs Subcommittee when he was president of the California PVA. On April 28 he stated:

As a direct result of those hearings, a supplemental appropriation for the hospital care of veterans was voted favorably by the Congress. It amounted to $105 million, and was specifically intended to relieve the immediate crisis situation within the Veterans Administration.

Those hearings and that appropriation told us that Congress cared about the plight of those left ravaged by the war, about those who gave a part of themselves in the service of their country. For this, all veterans were grateful.

The final testimony of those hearings was presented just one year ago. What has the Veterans Administration done since? What have they told us by their actions, about how they feel about this plight?

I submit that by diverting these funds into other areas than patient care, or by simply

not expending them, that the VA has told us that it still maintains that it did not need help, it did not need supplementation, and it did not want either advice or Congressional generosity.

Within this appropriation were funds specifically earmarked for use by the Spinal Cord Injury Service. Initially, $169,000 was released for five centers determined to be in the most critical need. Subsequently, other centers were included, and more funds were released. I cannot emphasize strongly enough that these funds were to be used to upgrade hospital care, primarily through the recruitment of new staff.

These funds were released. They were sent to the field. Allegedly, over $1.3 million eventually went to these ten centers to upgrade staffing.

Our reports and the Veterans Administration's own figures prove that these monies were never spent. This money never reached the level for which it was intended.

As proof of this statement, one need only compare the staffing ratio per 100 patients in December, 1969, which averaged 1.21 for all centers to the same ratio eight months later.

August, 1970's ratio should have begun to reflect the impact of these funds. Yet, what was the ratio? A mere 1.27.

Even one year later, the December 1970 figure shows only 1.39, and at the end of March this year, it reads 1.38.

Are we to assume then, that the $1.3 million bought the Spinal Cord Injury Service .17 in staff?

Rather, I believe we should assume that the money was not spent at all. The hypocrisy of a system which tells you to believe what they say and not what you see, must be questioned. This hypocrisy must be dispensed with if we are to work together diligently for the betterment of the plight of all America's veterans.

How does that situation appear to be now?

Mr. BURNS. I would not say it has changed to any great degree, except when Senators come to visit.

Senator CRANSTON. Finally, for the benefit of those who are present, who haven't visited one of those wards under the prevailing circumstances, or who have not heard a description of what happens in those wards when there is inadequate personnel, I wish you would briefly describe what happens to a veteran when there is not enough people on the staff to deal with his human needs.

Mr. BURNS. The circumstances regarding a spinal cord injury individual in a hospital, if I may, I will take Long Beach as the example, that was the place at which I was rehabilitated.

First of all, you are faced with a situation where the staff is, at best, adequate, not in the sense of their abilities, but in the numbers.

After 4 p.m., everything ceases to exist, except the very basic patient needs. That is, we must feed him, we must get him into bed, we must care for him medically, we must give him his prescribed medicine. That is all.

In Long Beach, there are five wards, 205 patients. They operate at 95 percent capacity during the winter months. They have 42 beds on a ward. During the day they average 2 RNs, 1 LPN and 6 aids.

In the evening hours, in my last visit, they were averaging 1 RN and 3 technicians.

In the night hours, between 11 and 7, 1 nurse and 2 patient care technicians.

Their sole purpose in the evening hours, is to deal with the basic functions. Feed those who need the assistance in being fed, get the medication to the patients.

These patients require, especially the high-level quadriplegic, who are unable to care for themselves, constant turning. They are turned every two hours. If you take two patient care technicians, provided they are male, and provided they are strong and willing to work, they can go through a ward and turn every person in that ward in an hour, which means that leaves them another hour to attend to all of the other things they must attend to, including cleanliness of the ward. And then they must start the process over again. And this goes on for eight hours.

In the meantime, recreationwise, we might as well consider it negligible. We are talking about 24-year-olds and less, Vietnam veterans. I would hesitate to call the Vietnam veteran a new breed of veteran. He still requires the same type of things, only perhaps they are a little different these days than they were before.

Mr. President, it gives me particular pleasure to stress that the very badly understaffed Long Beach VA Hospital to which Mr. Burns referred will receive 344 new medical staff out of the 8,460 we are adding.

Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and now chancellor of the University of California at San Francisco, also returned to tell us that the Ft. Miley VA Hospital remained seriously understaffed more than 16 months after he first testified. That hospital will now receive 37 more staff.

A strikingly clear picture of the continued deterioration of the VA hospital staffing situation was provided in a May 9, 1971, article in the Miami Herald by June Kronholz, entitled "Care 'Second to None', But Veterans Alone Neither in Waiting Nor Dying" and another piece in the same paper "As War Began To Fill the Hospitals, Pressure Mounted for Cuts in Budget."

These two pieces are extremely significant in light of the January 27, 1970, testimony to the former Veterans' Affairs Subcommittee by Dr. Douglas J. Stewart, then a second-year resident at the Miami School of Medicine. He detailed for us the shortage at that time of 25 ward secretaries, 26 inhalation therapist technicians, 50 laboratory technologists, and numerous nurses at all levels.

Mr. President, I ask unanimous consent that the text of these two articles be set forth in the RECORD at this point, and I note that the Miami hospital will receive 47 new personnel from the supplemental appropriation.

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

[From the Miami Herald, May 9, 1971]

CARE "SECOND TO NONE," BUT VETERANS ALONE NEITHER IN WAITING NOR DYING

(By June Kronholz)

The old man had cancer. You could see he was dying.

He came to the Miami Veterans Administration hospital to relieve the pain knowing that at least he could die here. He had lived alone; he didn't have to die alone.

His nights were difficult. He coughed up mouthfuls of blood and splattered his white sheets with red. In the morning a nurse would lift him onto a litter and he was wheeled around the hospital for X-rays, cell counts, and tests his doctor ordered.

His afternoons were just as hard. A volunteer wheeled him back to his room, back to a bed still soaked in dried blood and unchanged. He looked at it and remembered the pain and sorrow of dying.

"Take me out into the hall," he pleaded. "I will wait there until they can clean it up. I can't look at it. You know. . . ."

And he waited and he waited, but he wasn't alone in his waiting.

In half-empty rooms, on half-empty floors of the sparkling new $18.1 million Miami hospital, waiting is not uncommon. Nearly a full year after a U.S. Senate subcommittee charged that the facility was hopelessly understaffed, conditions have changed little.

Red tape, delays, postponements and interminable waits are part of any visit.

"Our problems have their solutions in adequate staffs," explains one well-known VA doctor. "If only we could afford the staff."

The Miami VA hospital was built four years ago to house 1,026 in-patients. Today it has beds for 893 veterans, but on an average day only 640 of them are filled.

Room after room is empty or has been turned into an office or a doctor's lounge. The five-man wards hold desks or sofas or empty beds or spare equipment—or nothing at all.

Even operating at just over half its designed capacity the hospital is understaffed, under-financed and personnel are overworked.

Some 1,330 staff members—resident doctors, nurses, therapists, cooks, housekeepers and administrators—are assigned to the facility.

In addition to the 640 in-patients housed in roomy, bright five-man wards, the VA hospital cares for 550 out-patients every day—130,000 out-patients ever year—with a staff of almost 300 persons.

It is these patients who wait longest. As many as 20 of them—many with bandages or casts—sit on molded plastic chairs for up to four hours to be seen by a resident doctor.

"It's like a meat market down there," growls a former Marine who had spent six hours strapped to a stretcher, his back shooting with pain, before a doctor had time to examine him.

Long waits are not limited to the clinics, however. Down the hall, in the first floor corrective therapy room as many as 60 patients a day clamor for the attention of three dedicated, over-worked technicians.

The ideal work-load for therapists in other hospitals is eight or nine patients a day, but at the VA that number is often 20. The rush, complain the patients, means incomplete treatments.

"The therapy here is good," says 20-year-old John Metz, a Vietnam veteran, "if you have the time to wait about 15 years for it."

On the upper floors the shortages continue. Only 146 registered nurses working three eight-hour shifts are available to care for the 640 patients the hospital houses daily. During daytime hours only two registered nurses are stationed on each floor section of 40 to 63 men. In the evening, that number slips to one nurse.

In intensive care, where the most critically ill patients fight for their lives, only two registered nurses care for 10 acutely ill men—at least three nurses short by most hospital standards.

The shortages extend to housekeepers and technicians too. Beds go unchanged for hours, patients go unwashed—not because the staff wants to ignore them, but because they are so overworked they can do nothing else.

Tucked away in some of the empty upper floor wards, stored away and idle, sits a small fortune in heart monitoring equipment. "We don't have the staff to operate it," explains Dr. Elisio Perez-Stable, assistant chief of the hospital's medical service.

Not in as abundant supply as the heart monitors are wheel chairs and litters. When the supply runs low on either one—and it often does—a bedridden patient has no alternative but to cancel the blood test or therapy or X-rays his doctor ordered.

The staff and money shortages also mean needed programs must be ignored.

With one of the highest alcohol and transient rates in the country, the Miami hospital still has no alcohol rehabilitation program and a drug program is still 15 months away.

The hospital has no emergency room and no plans to add one, either.

"An out-patient who needs emergency treatment goes to Jackson Memorial Hospital for it," explains Dr. Robinson. "Then if he needs to be admitted he can come back here."

And finally, there are statistics. For every patient in the Miami VA facility there are 2.1 hospital employes—the lowest ratio of any major hospital in Dade County. Jackson Memorial Hospital boasts 3.6 employes for every patient while Mt. Sinai has a ratio of 3.5 to one.

To the patient, that means less care and to the hospital that means a lower patient turn-over rate. In most private hospitals each bed will change patients 36 times a years—a figure that means fast care and cure.

But in the VA system a change of 15 patients a year is considered admirable. A smaller staff means slower care and slower care means that fewer patients can be admitted.

Robinson and Perez-Stable nevertheless contend that the Miami VA hospital provides medical care "second to none in the city."

They probably are right. No one has questioned the hospital's medical competency.

But as only one cog in the 165-hospital VA system, the 12-story Miami facility is a victim of circumstances.

While all over the country hospital costs—for staff members, equipment, construction and maintenance—are skyrocketing, the VA budget has inched upward. And even those increases were granted by Congress over the objections of two U.S. Presidents.

The Miami hospital's $20.7 million budget for fiscal year 1970–71 represents a $3.7 million increase over last year's allotment.

But when Dr. Albert Tomasulo, former director of the hospital, learned of the increase, he told reporters it would only make matters worse for the hospital staff.

With that increase, the hospital administration opened another 210 beds on the upper floor of the 12-story building. The hospital this year is operating with an average 114 patients a day more than it was last year.

At an average cost of $68 a day for each patient's care, $2.8 million of that increase was immediately consumed. Additionally, plans were made to open a coronary care unit and an acute respiratory care unit, the hospital's extended care program was expanded from 20 to 40 beds and the first beds of what eventually will be a 40-bed ward for spinal cord injuries were opened.

By the time the new programs were funded, however, the hospital was left with an almost minute budget for expanding its housekeeping, nursing and medical staffs.

Funds were appropriated for 70 more nurses, but the VA can barely compete with the salaries and fringe benefits offered at private hospitals and 30 of these 70 nursing jobs are consistently vacant.

More funds were provided for additional clerical help, X-ray technicians and laboratory assistants—all of whom were in seriously short supply last year. X-rays and blood tests couldn't be performed as ordered for want of technicians and vital information wasn't being recorded on patients' charts by the over-worked ward clerks.

But even with the added staff the VA cannot muster the around-the-clock operation its doctors say it needs.

"This is an 8 to 4 hospital," lamented one young physician, "and you'd better not get sick any other time."

Despite its staff shortages, the VA cannot turn away a qualified veteran—that is, one who was injured while in one of the armed services or one who served his stretch of duty during wartime, and they can't discharge him against his wishes.

"The alcoholics, the hypochondriacs, the old men with nothing else to do but come here, they all make it tougher on the rest of us," moaned a Vietnam veteran one afternoon.

To the veteran on the critical list, those staff shortages could mean the difference between receiving a blood transfusion when it's needed, or three hours later, between fast emergency nursing treatment and delayed, over-due attention, perhaps between life and death, the hospital's young doctors contend.

Dr. Robinson, however, claims that only the "frills" are hurt by staff shortages—the niceties that patients in private hospitals pay for but that patients in government-supported facilities cannot expect.

To the men in the VA hospital, the "frills" are not as superfluous as Dr. Robinson would have them think.

A pajama-clad veteran in his 50s, confined to a wheel chair since a stroke left him almost immobile, explained it this way:

"This morning I asked the nurse if I could have a shower and shave. 'What for?', she asked, 'the doctor isn't seeing you today.'"

His hair uncombed, a two-day growth of beard on his cheeks, his pajamas stale and unchanged, he sat there.

"Do they think we want to be clean FOR somebody? Don't they think we want to be clean for ourselves?"

And then his expression changed. "Of course they know that. They're good, good people. The trouble is there just aren't enough of them."

[From the Miami Herald, May 9, 1971]

AS WAR BEGAN TO FILL THE HOSPITALS, PRESSURE MOUNTED FOR CUTS IN BUDGET

The American public turned its eyes from the war to its wounded in June 1970 when a Senate Subcommittee on Veterans' Affairs declared that U.S. soldiers injured in Vietnam were receiving second-rate medical care in the nation's Veterans Administration hospitals.

Witness after witness detailed the horrors of the VA hospital system, the largest in the world.

The testimony was not all technical, either. Capt. Max Cleland of Atlanta, Ga., cautiously testing new artificial legs, strode to the microphone to tell the senators how he had lost two legs and an arm in Vietnam in 1968, then vegetated in a hospital for more than a year without so much as a wheelchair of his own.

Finally, he convinced doctors to admit him to a special Prosthetics Center in New York. There it took him 10 weeks to master his new artificial limbs. The VA, he complained had cost him a year of his life.

In another war it might not have been so. In World War II or Korea, Max Cleland might have died before he ever reached a hospital.

But in this war, helicopter teams evacuate the wounded within minutes to well-staffed, well-equipped support hospitals where miraculous treatment has saved twice as many lives as in previous wars, even though battle injuries tend to be far more devastating.

From Vietnam the wounded—more than 297,800 of them to date—are flown home and many, instead of being committed to army hospitals as in other wars, are discharged and admitted to one of the 168 VA facilities across the country.

There they face recuperations much more lengthy than in other wars where disease hospitalized almost as many men as did battlefield wounds.

In the jungles of Vietnam, where skirmishes put enemies at arms' length and landmines pepper the countryside, missing or paralyzed limbs are common injuries.

As a result of the war the VA hospitals were called upon to care for and rehabilitate thousands of battle injured men as well as old World War I and II patients—patients with cardiac, respiratory and just plain old age problems.

Today, 12 to 14 per cent of the patients in the country's VA hospitals are young Vietnam veterans.

Ironically, just as the war was increasing in intensity and the hospitals were filling with thousands of young patients, pressure to cut the VA budget began.

In 1966, Congress imposed on the VA system an arbitrary personnel ceiling that made it impossible to add more doctors and nurses—just as Vietnam casualties continued to pour in.

The objective was to try to control inflation—inflation originally caused by the war.

The Senate hearings dominated newspaper headlines for a few weeks and sent reporters scurrying through most of the VA facilities in the country.

The furor was short-lived, however, and the 1971 ($1.9 billion) was not substantially larger than the 1970 allotment ($1.7 billion).

The 1972 budget—at $2 billion—will not allow the Veterans' Administration to perk up its image, either. The entire medical budget proposed by the Nixon Administration for 1972 is less than the cost of one month of fighting in Vietnam.

Mr. CRANSTON. Mr. President, in closing I want to pay special tribute to the chairman of the HUD-Space Appropriations Subcommittee, the Senator from Rhode Island (Mr. PASTORE), and thank him for his great concern and compassion for our Nation's disabled veterans and his dedication to assuring that the VA hospital and medical system has the funds to provide care truly "second to none." Just as he cooperated so greatly to increase the regular VA medical program appropriation finally adopted on December 17, he and his excellent subcommittee staff have afforded me every courtesy and consideration regarding this supplemental funding. I thank him, and I know all of our Nation's disabled veterans and their families, indeed, all veterans and all Americans join me in thanking him. Similar praise is due to the chairman of the appropriations Committee (Mr. ELLENDER), its ranking minority member (Mr. YOUNG) and the subcommittee's ranking minority member (Mr. ALLOTT) for their assistance in our continuing endeavor to provide for the health care of our Nation's veterans.

Mr. President, in the months ahead, we will be turning our attention to the VA hospital and medical budget request for fiscal year 1972. To give Senators some indication of the highly restrictive budget proposed by the administration for this coming fiscal year, I refer them to the contents of my May 7 letter to Chairman PASTORE, which I inserted into the RECORD earlier and to two press releases, which my office issued in the last few weeks, and which I request, Mr. President, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CRANSTON. Mr. President, to put all of this in the most recent context, it should be noted that VA hospitals are now experiencing an extremely heavy demand for services: the number of applications for hospital admissions in April 1971 was about 8,000 more than

April a year ago; the number of admissions for this April was up 3,000 over April 1970; and the current waiting list at domestic VA hospitals has doubled over the number waiting immediate admission during the last quarter of 1970.

Obviously, a great deal more investigation and hard work lies ahead as we find out what we must do to provide first quality medical care to our returning veterans and all veterans. But I know that when the case is made, the Appropriations Committee and the Senate will respond with the same generosity and high purpose they have displayed with regard to the fiscal year 1971 supplemental appropriation matter now before us.

EXHIBIT 1

Senator Alan Cranston (D., Calif.) revealed today that the Office of Management and Budget has ordered the Veterans Administration to reduce the anticipated patient load in veterans hospitals across the country by 47,000 patients during the fiscal year beginning in July.

Cranston, who is chairman of the new Veterans Health and Hospitals Subcommittee, announced he will conduct three days of hearings next Tuesday, Wednesday and Thursday "to determine what medical impact this incredible cutback will have on sick and disabled veterans and to demand that the Administration explain itself to the American people."

"The American people have a right to know whether this is part of a plan by the OMB to phase out and eventually do away with veterans hospitals," Cranston declared.

"It is intolerable for this to happen in the face of the lowered quality of medical care we have already found in veterans medical care," Cranston asserted. As chairman of the former Veterans Affairs Subcommittee in the last Congress, Cranston uncovered a "serious deterioration" in VA hospital care, especially for critically wounded Vietnam veterans.

Cranston said his hearing will also look into "the question of what happened to the $105 million extra Congress appropriated as a result of our investigation so the VA could expand its medical staff. I understand that the money has been totally spent without using a penny to hire any additional doctors, nurses or medical attendants."

Cranston asserted that the patient cutback is "especially painful in light of the fact that there are now 5,000 ailing veterans who have already been certified for immediate admission to VA hospitals and are still waiting to get in.

Cranston said the current waiting list is almost double the number who were awaiting admission in December, "just four months ago."

In addition, an estimate 121,000 veterans will have applied for admission by the end of this month, a 24 percent increase in the rate of applications during the past fiscal year, Cranston added.

He disclosed he had been informed that "a number of veterans hospitals have already begun closing down wards and beds in anticipation of fewer patients". There are now 96,649 beds in the VA hospital system.

Cranston said that the OMB had ordered the VA to cut down its average daily census to 79,000 patients during fiscal 1972. The current patient load is running at 86,500 ADC, Cranston said, with a projected average of 84,500 for fiscal '71.

Cranston said the ordered cutback of 5,500 in average daily census will mean the VA will be forced to treat 46,728 fewer hospital patients during the upcoming fiscal year based on the current rate of patient turnover.

Cranston said the hospital load reduction will be brought about by cutting down the total number of patients who will be admitted, and by making admission requirements more stringent.

Cranston disclosed that the OMB had ordered a "virtual standstill" in admissions despite the "unprecedented demand by sick and disabled veterans for hospital care".

There were 805,150 patients treated in the VA's 166 hospitals this year. At present admission and turnover rates, it was anticipated that some 852,000 patients would have been treated in VA hospitals next year, Cranston said.

But the OMB is funding for only 805,429 patients for the upcoming year, based on a planned six percent increase in patient turnover rate in order to speed patients through hospital care.

"I question the medical validity of such a projected increase in turnover; it seems grossly unrealistic in terms of our aging veteran population and with wounded Vietnam war veterans continuing to pour in," Cranston said. "It will mean the VA will be able to care for fewer acutely ill patients who have nowhere else to go."

Cranston pointed out that "with the OMB imposed census reduction, long-term chronic cases will comprise an even higher proportion of patient workload tnan at present. Without significantly increasing nursing home funds, there will be no place to put chronic patients."

"The VA isn't just going to kick them out," the Senator said.

Next week's hearings will be the first to be held by Cranston's subcommittee, which is a unit of the newly created Veterans Affairs Committee.

Tuesday's hearing (Apr. 27) will be held in the Foreign Relations Committee hearing room (4221 NSOB) beginning at 9:30 a.m. Wednesday's hearing will be held at the same place beginning at 1:00 p.m. Thursday's hearing will start at 9:30 a.m., place to be announced.

PRESS RELEASE

The Administration's economy move in cutting down admissions to veterans hospitals may actually cost the taxpayers more money, Senator Alan Cranston (D., Calif.) declared today.

Cranston, who opened three-days of hearings this morning as chairman of the Veterans Health and Hospitals Subcommittee, asserted that "aged and impoverished veterans who are denied admission to Veterans Administration hospitals will turn to public and private hospitals where care under tax-supported Medicare and Medicaid is far more expensive."

Dr. Marc J. Musser, the VA's chief medical officer, admitted in response to Cranston's questioning, that the average cost under Medicare is $73 a day as compared with $54 in VA hospitals.

Dr. Musser agreed that the disparity between the two would be "even greater if we included physician's charges in the Medicare figure."

Cranston estimated that including physician's fees, Medicare costs would average $25 a day more than VA hospital per diem costs.

Dr. Michael J. McGarvey, assistant to the president of the New York Health and Hospitals Corporation, who also testified before Cranston's Subcommittee, said that Medicaid costs for public hospitals in New York City run $113 a day and that a semi-private room in a typical private hospital in the city would come to $155 a day, without including physician's charges.

Attacking what he called the "false economy" of the VA's approach, Dr. McGarvey predicted that the cutbacks will mean that approximately 2,800 veterans in New York City alone "will be forced to seek hospital care elsewhere—most likely in our hospitals." His corporation, the largest non-federal hospital system in the country, operates the New York municipal hospitals.

Cranston's Subcommittee is investigating the medical impact of an Office of Management and Budget order to reduce the patient load in VA hospitals across the country.

The OMB has directed that the average daily census at the VA's 165 hospitals be brought down to 79,000 patients during fiscal 1972. The VA's fiscal 1971 budget allows for 83,000 average daily patients.

Musser acknowledged, however, that the average census thus far is running at 84,776 patients and that applications for hospital admissions "might well reach an all-time high'" of 121,000 by the end of this month.

According to Cranston, the drop of 5,500 in the average daily hospital census—from 84,500 to 79,000—would mean 47,000 fewer hospitalized patients in the course of a year based on the present demand and rate of patient turnover.

Dr. Musser confirmed Cranston's disclosure that the VA now has 5,000 veterans on its domestic hospital waiting list—double the number just four months ago.

He said, however, that "we plan to take care of more veterans in fiscal 1972 than we did in 1971 by increasing our patient turnover rate and outpatient visits".

He said the 1972 budget projects an increase of 474,000 outpatient visits, to a total of 6,855,000.

OMB, projecting a 5.6 percent increase in patient turnover rates has provided funds for 805,429 patients next year as compared with 805,150 patients this year.

Cranston pointed out that if present patient turnover rate and demand continue "as I have reason to expect" some 852,000 sick and disabled veterans would be treated in VA hospitals during fiscal '72.

Wednesday's hearing will be held in Rm. 4221 NSOB, beginning at 1 p.m.

Witnesses will be: Alfred P. Chamie, national Commander of the American Legion.

Dr. Philip R. Lee, chancellor of the University of California medical school and former Assistant Secretary for Health and Scientific Affairs.

Charles Huber, national legislative director of the Disabled American Veterans.

S. Richardson Hill, director of the University of Alabama Medical Center.

Michael Burns, executive director of the Paralyzed Veterans of America.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

Mr. TUNNEY. Mr. President, I ask to have my amendment reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 14, between lines 21 and 22, insert the following:

Office of Education

Higher Education

For an additional amount for "Higher Education," $53,962,000 of which $18,380,000 is to carry out part A of title IV of the Higher Education Act of 1965 and $35,582,000 is to carry out part C of such title IV.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is any debate permissible on this amendment?

The PRESIDING OFFICER. No de-

bate is permissible under the previous order.

Mr. GRIFFIN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is a motion to table in order?

The PRESIDING OFFICER. A motion to table would be in order.

Mr. GRIFFIN. Mr. President, since this is an amendment out of the blue and no one knows what it is about, I move to lay the amendment on the table.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Mr. President, will the Chair please state what is the rule that rules out of order the amendment of the Senator from California and debate on it?

The PRESIDING OFFICER. The order was previously entered by unanimous consent that when the bill came up, there would not be any debate at that time. The debate in the last few days was to take care of that. There would be no debate on any amendment. This amendment was just offered and would be subject to the previous unanimous-consent agreement.

Mr. HUMPHREY. Mr. President, is that amendments at the desk or all amendments?

The PRESIDING OFFICER. It said all amendments.

Mr. HUMPHREY. Bad practice.

The PRESIDING OFFICER. The question is on agreeing to the motion to table (putting the question).

The ayes appear to have it.

Mr. HUMPHREY. Division.

Mr. PASTORE. Mr. President, now may we have order so that we can see those who stand.

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the motion to table.

All of those in favor of the motion to table will stand and be counted.

All of those opposed to the motion to table will stand and be counted.

The motion to table is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 8190) was read the third time.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[No. 69 Leg.]

YEAS—94

Aiken	Fannin	Muskie
Allen	Fong	Nelson
Allott	Fulbright	Packwood
Anderson	Gambrell	Pastore
Baker	Gravel	Pearson
Bayh	Griffin	Pell
Beall	Gurney	Percy
Bellmon	Hansen	Prouty
Bennett	Harris	Proxmire
Bentsen	Hart	Randolph
Bible	Hartke	Ribicoff
Boggs	Hatfield	Roth
Brock	Hollings	Saxbe
Brooke	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Humphrey	Smith
Byrd, Va.	Inouye	Sparkman
Byrd, W. Va.	Jackson	Spong
Cannon	Javits	Stennis
Case	Jordan, N.C.	Stevens
Chiles	Jordan, Idaho	Stevenson
Church	Kennedy	Symington
Cook	Long	Taft
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Cranston	Mathias	Tower
Curtis	McClellan	Tunney
Dole	McIntyre	Weicker
Dominick	Miller	Williams
Eagleton	Mondale	Young
Ellender	Montoya	
Ervin	Moss	

NAYS—0

NOT VOTING—6

Eastland	McGee	Metcalf
Goldwater	McGovern	Mundt

So the bill (H.R. 8190) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. MCGEE, Mr. PROXMIRE, Mr. MONTOYA, Mr. INOUYE, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, Mr. COTTON, and Mr. CASE conferees on the part of the Senate.

THE MILITARY SELECTIVE SERVICE ACT

The Senate resumed 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.

The PRESIDING OFFICER (Mr. SAXBE). The question now recurs on amendment No. 76, as modified, offered by the Senator from Pennsylvania (Mr. SCHWEIKER) to H.R. 6531.

PENDING CONSUMER LEGISLATION

Mr. MAGNUSON. Mr. President, Consumer Reports in its May 1971 issue, has published an outstanding article analyzing both the President's consumer message of February 24, 1971, and the consumer legislation pending in the Congress.

I am particularly pleased that the article has brought to the attention of the several million readers of Consumer Reports, the scope and direction of congressional initiatives on consumer matters. Far too often, the public first becomes aware of legislation at the time of floor debate or after passage. This article clearly outlines the proposed response of the Congress to the many consumer problems which we see around us.

The steps which we must take are many. The areas which we will investigate touch the everyday lives of all of our citizens. And the reforms, which I am confident we will approve, will bring significant improvement to the lives of all Americans.

I ask unanimous consent that the article from Consumer Reports be printed in the RECORD.

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

[From Consumer Reports, May 1971]

THE PRESIDENT'S CONSUMER MESSAGE

(NOTE.—President Nixon's consumer message last February 24 for the most part rehashed and refurbished his 1969 legislative proposals, precious few of which became law or deserved to. Consumer messages have begun sounding like a litany. Buyers' rights are enumerated, and business is assured that it has nothing to fear from the Administration's commitment to the consumer. As state papers go, this latest one was deemed of so little moment by The New York Times that it did not publish the text, though it had published the texts of most previous consumer messages, starting with President Kennedy's in 1962.

(There should be nothing ritualistic about these messages. Beneath their rhetoric lies an official Administration policy line and program. Mr. Nixon's program may have deserved more attention from the press, for on some issues he has moved perceptibly, if not boldly, in the right direction.)

A CONSUMER AGENCY

In his previous consumer message, delivered October 30, 1969, the President asked Congress to make the office of his Special Assistant for Consumer Affairs into a permanent White House agency. Consumer-minded legislative leaders, the Consumer Federation of America, Ralph Nader and CU were at the time urging Congress to establish a special independent agency to function as the consumer's advocate when relevant issues come before regulatory agencies or courts. Mr. Nixon was against an independent agency and proposed instead a consumer advocate's office in the Justice Department.

In this year's message, the idea of letting the Justice Department serve as consumer advocate has been dropped, and rightly so. Not only is that department far too politically oriented to speak consistently for the consumer, it is also put in the compromised position of having to represent Government agencies when they go against the consumer interest. It was the Justice Department, after all, that argued against CU when we challenged in Federal court the Department of HEW's lax administration of the Child Protection and Toy Safety Act (Consumer Reports, March 1971).

While abandoning the Justice Department concept recognized that Congress was coming very close to voting for an indepedent consumer agency anyway. The Senate passed a consumer agency bill last year by a 74-to-7 margin, and a similar bill had no fewer than 156 sponsors in the House. The bill died in the House Rules Committee (Consumer Reports, February 1971), but the new Speaker of the House, Carl Albert, promised to bring this year's version of the bill to a vote in late April.

In the 1971 consumer message, the President remains opposed to the creation of "still another independent agency," as he put it. Curiously though, he expressed an interest in a recommendation to split the Federal Trade Commission into two separate agencies, one to perform antitrust functions and the other to administer new consumer laws. So a new agency might be created after all. Consumer forces in Washington are understandably suspicious of the motives for breaking up the Federal Trade Commission at a time when, as *Advertising Age* says, the "FTC's stock is at an alltime high, largely because of widespread admiration of its willingness to get tough with advertising."

Mr. Nixon promised to make his own proposals for reorganizing the regulatory agencies some time after April 20, and he went on to say:

"If the Congress feels it must proceed on the matter of consumer advocacy prior to receiving my recommendations, then I strongly urge and would support, as an interim measure, the placement of the advocacy function within the Federal Trade Commission."

There are indications the FTC would welcome becoming the consumer advocate, but its chairman, Miles W. Kirkpatrick, a Nixon appointee, has, spoken out emphatically against splitting up his agency.

Mr. Nixon may soon make clear his ultimate intention for the FTC. As an encouraging sign, his consumer message renewed the perennial request for Congress to bolster police powers of the FTC with authority for it to seek temporary injunctions against all manner of unfair or deceptive business practices (authority now limited mainly to advertising of foods, drugs and cosmetics). The Justice Department would also get beefed-up enforcement power to combat consumer frauds under the Nixon program. But in proposing the FTC, instead of the Justice Department, as a home for the consumer advocate, the President missed the point: Advocacy cannot be assigned to any agency with regulatory responsibility, since it is just that responsibility that a consumer advocate would have to oversee. CU therefore continues to support creation of an independent consumer agency.

In addition, the President should have a permanent consumer advisory office, just as he has a Council of Economic Advisers and a National Security Council. The White House consumer office should be made permanent through legislation. Mr. Nixon seems to have abandoned the idea in his latest consumer message. Instead, by executive order he has elevated Mrs. Knauer's operation on paper by renaming it the Office of Consumer Affairs. Another President could as easily order it disbanded.

CONSUMER GROUPS IN COURT

If the President's approach to consumer representation in Government is unsatisfactory, his approach to class-action legislation is utterly unacceptable. For he has merely dusted off the inadequate measure that he espoused previously. Here again the battle lines were drawn in the last Congress. Former Senator Joseph D. Tydings and Representative Bob Eckhardt cosponsored a bill allowing consumers to join together in groups for the purpose of bringing damage suits against firms that commit fraud or deception, or that violate consumer-protection or antitrust laws. With that kind of legal weapon consumers could not only protect their personal interests but also help police the marketplace.

The Administration's halfway answer continues to be to give consumers the use of class-action law suits only against firms that have already been found guilty after prosecution by the FTC or the Attorney General. In short, business has convinced the White House not to let consumers help enforce the law. The Tydings-Eckhardt Bill, lacking Administration backing, died under a barrage of business opposition. Similar legislation this year faces the same obstacles.

EVERYDAY COMPLAINTS

Even the staunchest supporters of class-action legislation do not see it as solving the everyday problems of consumers when marketplace transactions turn sour. Settlement of the run of problems with defective toasters, worthless auto repairs, undelivered merchandise, maladjusted color TV sets, false billings, bait advertisements, unrefunded rent security, clothes ruined by the dry cleaner, overpriced drugs, and so on ad nauseum, calls for a kind of street-corner justice that today is hard to get.

The 1971 consumer message contains a helpful suggestion. Recognizing the failure of existing remedies to assure justice for individuals wronged in the marketplace, the President called on a citizens study group to make a thorough report. A distinguished group of citizens quickly responded to the challenge by announcing the formation of the National Institute for Consumer Justice. According to a spokesman, the institute will operate completely apart from the Administration and the Congress. It will seek money from foundations, and it will issue a series of research reports during the next 18 months.

The subjects to be explored include small-claims courts, arbitrators and other approaches to settling disputes; methods of improving the debtor-creditor relationship, and group litigation (class actions). One thing the institute made quite clear at the outset: Its studies should not be used as an excuse for Congress to delay passage of Federal legislation to permit consumer class actions.

HAZARDOUS PRODUCTS

The President has moved in the proper direction on legislation against hazardous products. In his previous consumer message, Mr. Nixon spoke of continued surveillance, investigation and the preparation of safety legislation. Now he has proposed a law nearly paralleling the recommendations made last year by the National Commission on Product Safety (CONSUMER REPORTS, September 1970). It would establish "broad Federal authority for comprehensive regulation of hazardous consumer products," including the power to write and enforce safety standards.

There is serious doubt about whether the authority should be based, as the President suggests, in the Department of Health, Education, and Welfare. The National Commission on Product Safety proposed an independent agency and, in addition, a consumer advocate appointed by the President to speak for the consumer on safety matters. For that matter, both the commission's and Mr. Nixon's proposals fall short by not requiring clearance of products for safety *before* they may go on sale. But at least the White House and the Congressional sponsors of product-safety legislation now appear to be moving toward the same goal.

WARRANTIES

The President has also reached the point of supporting a law to improve warranties or guarantees on consumer products. In his previous message he spoke only of reactivating task forces. Last year, with a fairly good warranty bill making progress in the Senate, he submitted a much weaker proposal of his own under which the Federal Trade Commission would see that warranties gave buyers adequate information in simply written words. This year he is submitting the same weak legislation.

Stronger warranty legislation, already being considered in the Senate (S. 986), would in addition, establish some basic obligations of the manufacturer or the seller to the buyer of any product priced over $5. Anything called a "full warranty" would have to include a promise to replace or repair defective merchandise at no cost to the buyer. Breach-of-warranty suits would be made practical by a provision authorizing courts to award successful plaintiffs their attorney's fees and sometimes other expenses. Arbitration of disputes over the performance of a warranty would be encouraged. Advertising claims might sometimes be considered part of the warranty.

POTPOURRI

The consumer message contained a variety of other news. It called again for a law requiring identity-coding of drug tablets and capsules to prevent poisonings. It announced that the Secretary of Commerce is organizing a National Business Council for Consumer Affairs to encourage businessmen to recognize their responsibility to the consumer. And it renewed the President's intriguing legislative proposal for Government-approved methods of testing some characteristics of consumer products as a basis for advertising claims. It's an idea with both promises and pitfalls, and it will be discussed in detail here when (and if) the Administration makes its intentions clear.

All in all, this year's consumer message puts perspective on how far the consumer's cause has progressed in the past decade. In 1962 consumers were delighted to see President Kennedy appoint a Consumer Advisory Council, though it had no real power, and to see him endorse in principle the Truth-in-Packaging and Truth-in-Lending Bills. In 1971 consumers are in a better position to demand agencies with real power and legislative programs on a broad front. The President's consumer messages can help, and his strong support can help even more. But Congress can also act on its own when, as this year, the President's program is insufficient.

CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

Mr. MAGNUSON. Mr. President, I wish more Senators were here to listen to what I am about to say.

Two and one-half years ago, my colleagues and I bid farewell to a man who served longer in this body than any man in history. Carl Hayden left the Senate as a champion, an honored and respected man who had served well, the people of his State and of the entire Nation.

Mr. President, on April 18, 1971, the Los Angeles Times published a lengthy and perceptive column about Carl Hayden. So that more of us can have an opportunity to broaden our knowledge of a fine and true public servant, Mr. President, I ask unanimous consent to have the Times article printed in the RECORD.

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

STILL BUSY AT 93—CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

(By Jerry Cohen)

TEMPE, ARIZ.—When last seen on the floor of the U.S. Senate, he seemed merely

hunched and withered. Now, 2½ years later, he is bent and shriveled.

The agate-bald scalp stretched like a tightly-drawn parchment across his skull. Crinkled hands tremble. The eyes often lose focus behind thick spectacles perched uncertainly on a bony nose.

As he strains to catch a question with his hearing aid, the head bobs slackly. When he walks, he wobbles. When he stands, he leans reavily on a walking stick bearing a little metal crest; Stanford University, Junior Class, 1900.

"An old man ought to have a cane," he says, and the smile deepens the hollows of the shrunken cheeks.

But the mind remains as bright as the hot Arizona sun splashing the fairways of the Shalimar Country Club just outside the old man's smart, Spanish-style townhouse here.

CONTRASTING LIFE-STYLE

How, odd, it occurs to the visitor, that a politician who spent more years than any other at the center of national power should be content in this setting—so far removed from Capitol Hill where once he exercised majestic influence.

But retired Arizona Democratic Sen. Carl Hayden, who will be 94 next October, finds it not at all remarkable.

"I never liked the climate in Washington," he said in a voice still deep, still firm. "I don't like cold weather. It can't compare with the nice climate we have back here."

A surprising confession from one who served 57 years in the Congress (15 as a representative, the remainder as a senator).

But only a slim truth.

The real truth is that Carl Hayden, despite two-thirds of a lifetime in the rarified air of the nation's capital, never did shake the Arizona desert from his hightop shoes.

PIONEER PARENTS

Hayden, son of a prominent Arizona pioneer, was the first white child born in this suburb of Phoenix, and it is here that his heart and thoughts, if not his presence, always remained.

It was here in Maricopa County, too, that his political acuity was shaped. Even before he became Arizona's first (and only—at that time) member of the House of Representatives when the state became the 48th admitted to the Union, he had been elected county treasurer ("We paid salaries in gold then") and sheriff ("I never had to shoot anybody").

So when he finally decided not to campaign for an eighth term in the Senate, he was not tempted to linger at the scene of past glories, a weakness common to many retired or defeated federal legislators. To Hayden, the only logical thing to do was to "come home."

When he did quit public life, he left behind an impressive record of legislative accomplishment, particularly in land reclamation and transportation, that changed the face of the nation and will continue to alter it for decades to come. During his long years as a public servant, he influenced the very course of American history.

He also relinquished a seat of enormous power, the extent of which was largely unrecognized by the public. But that was the way Carl Hayden, who had an absolute genius for the unspectacular, wanted it.

"In a temple dedicated to windbaggery," the Associated Press' Arthur Edson wrote in 1966, "he has kept his mouth shut while astutely pushing out invisible tentacles of power."

That power rested in no political charisma. Hayden almost never called a press conference, rarely spoke from the Senate floor. "It's no fun making a speech," he said the other day. "I never made them unless I had to."

Rather Hayden's vast "invisible" power reposed partly in seniority, which is so respected among senators, partly in the web of friendships he wove through the years with other influential politicians.

COMMITTEE CHAIRMAN

But most important of all was his chairmanship for 14 years of the Senate Appropriations Committee (he was a member for 30) whose control of the federal purse makes it all powerful. He presided over the appropriation of untold billions needed to run the nation, and as the late Times columnist Bill Henry wrote:

". . . He has assisted so many pet projects for so many senators that when old Carl wants something for his beloved Arizona, his fellow senators fall all over themselves giving him a hand. They'd probably vote landlocked Arizona a navy if he asked for it."

Today, Hayden jokes about his decision to retire and give up all that. "It was high time to quit," he says. But he admits that it was a wrenching experience to let go. And on May 6, 1968, at age 90, he quite literally sobbed after he paraphrased the Old Testament in announcing he would not seek reelection:

"There is a time of war and a time of peace, a time of keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step down."

Says a longtime friend:

"Carl's greatest goal for all those years had been to retain his membership in the 'club' (the Senate)."

But when Hayden did quit no man ever was more resolved to make his decision stick. Associates say that today the onetime "senators' senator" is "the most retired of retired politicians."

He still reads the daily Senate summary in the Congressional Record and scans the news papers. Otherwise, he devotes himself to private matters.

His personal wants are attended to by the housekeeper, Miss Frances Doll, who came into his employ as a nurse for his wife in the mid-1940s. His wife, the former Nan Downing of Los Angeles, died in 1961, and Hayden spent his last years in Washington in an apartment house a block from the Senate Office Building.

He reads a wide assortment of books and articles dealing with Arizona and Western history. Though enfeebled, he takes short walks daily for exercise.

ANSWER MAIL

He keeps a steady flow of correspondence going by "scribbling" notes at home, then three times a week visiting an office provided for him in the Charles Trumbull Hayden Memorial Library (named for his father) on the Arizona State University campus here. There he turns the notes over to a typist.

Most of the correspondence is with non-political friends or former constituents who still seek his help and advice.

"That always was one of Carl's great political assets," said a friend. "He always paid attention to the folks back home. He saw that every letter was answered promptly, and he tried to fill every request. He never was what you would call a great statesman, but he was a dedicated servant of the people."

Today, added the friend, politicians on all levels seek to exploit Hayden's reputation. "They try to get him to make speeches or public appearances in their belief. But he won't do it. He's retired and he means it."

SELF-DEPRECATING

Hayden said he resists such blandishments, usually by saying good-humoredly, "I'm not reliable any more."

He remains true to his personal creed, that of the taciturn Westerner.

"He never has been a man critical of others. He always has been guarded and cautious in his comment," said a close friend.

"He always conducted himself in a manner to assure reelection by avoiding trouble and controversy. He was always a workhorse, not a showhorse; always followed the Boy Scout practice of holding a wet finger up to find out which way the wind blew.

"He's still as cautious as a man who is going to run for office tomorrow."

Ask 93-year-old Carl Hayden today to evaluate this or that President under whom he worked and he will smile like a schoolboy and reply:

"I wouldn't want to rate them. That's not good business. All were men of ability."

But with more logic than evasiveness, he explains:

"There is no way to compare two Presidents, I served under 10, beginning with Taft. No two are alike. So you can't put a yardstick to them. It's not fair to say one or two Presidents were better than the others. Each had different problems, each came along at a different time in history."

PRESIDENTIAL SCORE

If asked about specific Chief Executives, his replies are equally noncommittal but not unenlightening:

"Roosevelt? I don't know who could have done better in wartime."

"I knew Lyndon (Johnson) when he first came into the House, and later when he came into the Senate we became good friends. I think he was a good President."

"President Nixon? I think he's handicapped by the war. But he is doing his best to get us out. I got well acquainted with him when he was Vice President and presided over the Senate. I think he's a man of ability, and I think he's doing the best he can."

Without judging the man from Missouri's place in history, Hayden admits to a personal favorite. "I liked Harry Truman the best of all the Presidents," he said. "We got to be such good friends in the Senate.

"Harry was a fighter, and you've got to admire a fighter. He took a point and stuck to it, and he had a sense of humor.

ROOSEVELT DEATH

"I remember I was there that day in the Senate when someone came and called him to the telephone because the President had died. Harry got up and left and went to answer the phone and he never came back."

Hayden rose slowly from a chair in his office in his library, clutched his cane and walked over to one of the photo-lined walls. The pictures are of him with other political giants of the last five decades.

He tapped one showing him with President Truman and former House Speaker John W. McCormack, all three top-hatted and sitting in an open limousine.

"John and I rode with Harry from the White House to the Capitol that day for his inauguration."

Nearby hung a picture of Hayden and a smiling young man, inscribed: "To Carl Hayden, one of the best I have met along the way. John F. Kennedy."

On Hayden's desk sit busts of both Presidents Kennedy and Johnson, given him by the two former Chief Executives.

There is a frequently told story related originally by the late President himself about an early encounter between Mr. Kennedy and Hayden, who always went out of his way to be friendly to new senators.

When Mr. Kennedy arrived in the Senate, he struck up a conversation with the Arizonan by asking the difference between the modern Senate and that of 30 years earlier.

Hayden, who favors a corn-cob pipe today, chomped on his cigar and replied: "Young men didn't talk so much then."

When the young President was assassinated, Hayden, who never nursed ambitions beyond the Senate, was third in line as president pro tem of that body after Vice President Johnson and House Speaker McCormack.

Asked by an aide what he would do if either Mr. Johnson or McCormack were disabled, Hayden, taking note of his advanced years, replied with typical dryness:

"I'd call Congress together, have the House

elect a new speaker, and then I'd resign and let him become President."

RUSSELL FRIEND

As he has a favorite President in Harry Truman, Hayden also had a favorite colleague in the Senate, the late Richard B. Russell of Georgia.

"He was the one I liked best and had the most respect for. If Dick Russell had come from the North, he would have been President of the United States," Hayden said.

"He just had a lot of good common sense and the ability to express himself. He had the courage to take unpopular positions."

Without ever abandoning the celebrated Hayden constraint, the old senator during two days of interviews in his home and office made the following comments on issues of current national interest:

The Vietnam war: "It's very unfortunate that Dulles (John Foster Dulles, secretary of state under President Dwight D. Eisenhower) got us into it. We should never have been there. What was happening there at the time never was a concern of the American people. President Nixon has a job on his hands getting us out."

The state of the nation: "I don't think we're sick. I think this nation is living and growing. I have no complaint about the drift we've taken. I don't think we're more violent than any other."

The state of the world: "I can't see any blowup in sight."

Race: "I think the situation has improved. I think the rights of the colored are respected more than they used to be."

Spending for space exploration: Hayden would not commit himself, but said: "I think it will be done for a long time to come. I think we'll continue to try to get information about space."

The SST program: "I would have voted for it. I think we need a real high-speed plane." His view probably reflects the abiding interest he always had in transpotration.

A woman as President: "It's all right with me. It's possible. But I doubt it will happen. I don't know if any lady would want it. It's a terrible responsibility, you know."

MISSED COMBAT

As he looks back, Hayden says he has one major regret. A longtime Arizona National Guardsman, he accepted an Army commission as a major near the end of World War I. "We were a well-trained unit and ready to go. Then the Kaiser quit."

Because of his father's death, Carl Hayden did not complete his education at Stanford, where he played football.

His devotion to family and Arizona cost him a singular distinction, but one which never has caused him regret.

He explained: "I could have played center on the first Rose Bowl team. But I thought it was more important to come home for the Christmas holidays than play some Eastern team."

Besides, he doubts if his presence would have made much difference in the outcome. Michigan beat Stanford, 49–0.

ADDITIONAL ROUTINE MORNING BUSINESS

By unanimous consent, the following additional routine morning business was transacted:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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. MAGNUSON (by request):

S. 1907. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 1908. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

S. 1909. A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission;

S. 1910. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to clarify Congressional intent as to the appropriateness of the judicial fixing of penalties for certain safety violations, and to modify the grant-in-aid program to State agencies participating in safety regulation under the act, and for other purposes; and

S. 1911. A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1912. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes; and

S. 1913. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 1914. A bill to amend the Interstate Commerce Act to require carriers by railroad to exhaust certain State remedies prior to petitioning the Interstate Commerce Commission for relief in intrastate rate cases; and

S. 1915. A bill to strengthen Federal-State cooperation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (by request):

S. 1907. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 1908. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

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S. 1915. A bill to strengthen Federal-State cooperation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, at the request of the National Association of Regulatory Utility Commissioners, I introduce, for appropriate reference, a series of bills dealing with communications, electrical power, natural gas pipeline safety, motor carriers, railroads, and the movement of household goods.

NARUC is to be commended for its diligence in preparing these legislative proposals dealing with a number of problems in the Federal-State regulatory area. I am hopeful the Congress will be able to give these proposals very serious consideration during this session.

Mr. President, I ask unanimous consent that the text of these bills, together with the justifications be printed in the RECORD at this point.

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

S. 1907

A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern

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 "Local Communication Service Act".

SEC. 2. The Communications Act of 1934, as amended, is further amended by striking subsections (r) and (s) of section 3 and inserting in lieu thereof two new subsections to read as follows:

"(r) 'Exchange service' means communication service between two or more points within an exchange area. An exchange area is that area within which communication service is provided for under exchange service charges subject to regulation by a State commission or by local governmental authority.

"(s) 'Toll service' means communication service between stations in different areas for which there is made a separate charge not included in contracts with subscribers for exchange service."

SEC. 3. The Communications Act of 1934, as amended, is further amended by striking the word "telephone" from subsection (b) of section 221.

LOCAL COMMUNICATIONS SERVICE ACT—JUSTIFICATION

The major exemption contained in the Communications Act of 1934, as amended, is Section 221(b) [47 U.S.C., Sec. 221(b)] which reads as follows:

"Subject to the provisions of Section 301, nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio *telephone* exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority." (Emphasis supplied.)

Section 3 of the Act (47 U.S.C., Sec. 153) defines two terms which relate to the Section 221(b) exemption. These definitions read as follows:

"(r) '*Telephone* exchange service' means service within a *telephone* exchange, or within a connected system of *telephone* exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange and which is covered by the exchange service charge.

"(s) '*Telephone* toll service' means *telephone* service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service." (Emphasis supplied.)

Since the Section 221(b) exemption and these definitions are tied to the telephone device, it might be determined that TWX and other present or future means of communications not using the telephone device, but primarily of local concern, are not subject to State and local regulation.

Accordingly, it is important that these provisions of the Act be modernized by orienting them on "communications service" instead of "telephone service." This would be accomplished by the adoption of the Local Communications Service Act which was introduced in the Ninety-first Congress as S. 1917 by Senator Magnuson (D.-Wash.) and H.R. 12152 by Representative Rooney (D.-Pa.). Representative Rooney on February 2, 1971, reintroduced this legislation in the Ninety-second Congress as H.R. 3325.

S. 1908

A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes

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

SECTION 1. This Act may be cited as the "Federal-State Communications Joint Board Act".

SEC. 2. The Communications Act of 1934, as amended, is further amended by adding a new subsection (c) at the end of section 410 (47 U.S.C. 410) to read as follows:

"(c) The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a Notice of Proposed Rule Making and, except as provided in section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties, and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its deliberations, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commissioners of the Commission and/or four State commissioners nominated by the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board."

FEDERAL-STATE COMMUNICATIONS JOINT BOARD ACT—JUSTIFICATION

In the United States today there are over 110 million telephones which average out to about 52 telephones per 100 people. Of these, 72 percent are classified as residential and the remaining 28 percent are classified as business.

These telephones comprise a nationally interconnected system which transmits approximately 169 billion calls a year.

Dominant in this national communications network is the American Telephone and Telegraph Company and its 24 associated companies which comprise the Bell System. This System is concentrated primarily in the metropolitan areas and has over 91 million telephones, a gross plant investment of over 46 billion dollars, and annual revenues of approximately 14½ billion dollars.

The remainder of the telephone service in the Nation is provided by 1,850 independent, or non-Bell, companies who have 19½ million telephones, a gross plant investment of almost 12 billion dollars and annual revenues of 2½ billion dollars.

Regulatory jurisdiction over the telephone industry is divided between the FCC and the State commissions.[1] The FCC regulates interstate message toll calls, commonly referred to as long distance calls.[2] The State commissions regulate intrastate message toll calls and local exchange calls even in instances where the boundaries of the exchange area overlap State lines.[3]

Under this division of regulatory responsibility, the FCC regulates approximately 3 billion interstate long distance toll calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year. In terms of plant investment, the FCC exercises jurisdiction over approximately 25 percent of Bell System plant[4] while the State commissions exercise jurisdiction over the remaining 75 percent and over virtually all of the plant of the independent telephone companies.[5]

Under the rate base concept of ratemaking, practiced by the FCC and the State commissions, the Bell System, through its rates, is entitled to earn a reasonable return on its plant invested in common carrier service and to recoup its expenses reasonably incurred in furnishing such service. Since the vast bulk of Bell System plant and expenses are used in furnishing both interstate and intrastate communication service, such plant and expenses must be allocated or separated between the interstate and intrastate uses for purposes of ratemaking by the respective Federal and State jurisdictions.

The procedures employed in the division of these joint telephone costs are commonly referred to as "separations procedures." Inherently, they involve judgment factors in which there is no absolute correctness or incorrectness.

It is essential to the public interest that procedures for separating such plant and expenses be fair and equitable so that no unreasonable burden will be placed on either the interstate or intrastate users of the telephone service.

The State commissions have long contended that the FCC, which has controlled the prescription of separations procedures since the beginning, has never prescribed equitable ones because it has consistently refused to allocate a fair amount of the cost of providing local telephone service to the users of the interstate service. Local telephone service is an integral part of the national and international toll network. It is the gateway to the toll network and without it the toll network would be worthless.

The State commissions contend that the long-standing unfairness of FCC prescribed

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[1] Telephone companies are regulated by State commissions in every State except Texas where regulation is administered at the municipal or local level. In the District of Columbia, The Chesapeake & Potomac Telephone Company, part of the Bell System, is regulated by the District of Columbia Public Service Commission.

[2] Communications Act of 1934, as amended, Secs. 1 *et seq.*, (47 U.S.C., Secs. 151 *et seq.*).

[3] *Id.*, Secs. 2(b) and 221(b) [47 U.S.C., Secs. 152(b) and 221(b)]. An example of an exchange area which overlaps State lines is the very large Washington metropolitan exchange area encompassing the District of Columbia and parts of Maryland and Virginia and calls therein are subject exclusively to State and local regulation. The dimensions of the exchange area are measured by the distance you can call without incurring a toll charge.

[4] *Re American Telephone and Telegraph Company et al.*, 70 PUR 3d 129, at p. 146, par. 21 (1967).

[5] Communications Act of 1934, as amended, Sec. 2(b)(2) [47 U.S.C. Sec. 152(b)(2)].

separations procedures, which favor the interstate users, is magnified by a strong technological trend in the telephone industry which results in reduced costs for long distance service and increased costs for local service. The extensive use of microwave facilities and of coaxial cable, with its high volume circuit capacity, has dramatically reduced the cost of long distance circuits. Ten years ago coaxial cable could carry only about 500 telephone calls at a time. The newest ones can handle about 32,000 calls at a time, and it is anticipated that in the near future this capacity can be increased to 100,000 calls. During the same period, the cost of installing such cable has decreased from about 100 dollars a mile for each channel to less than 5 dollars.

In contrast, there is no such technological breakthrough in the furnishing of local exchange service and hence the cost of providing this service steadily rises due to inflation. Although exchange plant is employed in both interstate and intrastate service, the investment in such plant is determined by the number of exchange subscribers served and not by the volume of local traffic generated. In other words, the investment in the local distribution plant connecting the subscriber to his central exchange office, as well as a significant portion of the investment in the central office, have a one-to-one correspondence with the number of subscribers. Accordingly, exchange plant costs vary directly with the number of subscribers while the magnitude of the long distance toll lines plant investment is largely determined by actual usage and hence this high use factor permits long distance calling to achieve a high degree of economic efficiency.

In an effort to afford the State commissions a role in decision-making regarding changes in separation procedures, the NARUC Executive Committee on March 13, 1969, approved the proposed Federal-State Communications Joint Board Act of 1969 (NARUC Bulletin No. 13–1969, p. 17), which was promptly introduced in the Ninety-first Congress as S. 1917 by Magnuson (D.-Wash.) and H.R. 12150 by Rooney (D.-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3323.

Adoption of the Act would create a seven member Board composed of four FCC Commissioners designated by the FCC and three State Commissioners nominated by the NARUC and appointed by the FCC. The Board would have sole administrative authority under the Communications Act of 1934 to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service. For the text of this legislation, see *81st NARUC Annual Convention Proceedings*, pp. 157–159 (1969).

Congressional hearings on this legislation were precipitated by an announcement of the FCC on November 5, 1969, that it had negotiated with the Bell System telephone companies an interstate toll rate reduction totaling $237 million. NARUC Bulletin No. 45–1969, p. 20. This announcement came at a time when the same Bell System was seeking from State commissions rate increases totaling over half a billion dollars for State and local telephone service!

NARUC President Francis Pearson requested the prompt scheduling of hearings on the legislation in duplicate letters, dated November 8, 1969, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and to Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. NARUC Bulletin No. 46–1969, p.3.

The Senate Committee on Commerce concluded hearings on S. 1917 on December 9, 1969. Fifty-one State commission representatives from 32 States appeared in support of the bill at these hearings. The FCC testified in opposition to the bill. NARUC Bulletin Nos. 48–1969, p. 15; 50–1969, p. 2.

The subcommittee on Communications and Power of the House Committe on Interstate and Foreign Commerce concluded hearings on H.R. 12150 on February 25, 1970. Fifty State commission representatives from 30 States appeared in support of the bill. Again, the FCC testified in opposition. NARUC Bulletin No. 9–1970, p. 3.

Following the conclusion of the NARUC testimony on February 25, 1970, the FCC, by letter of March 17, 1970, to the NARUC, suggested that pending jurisdictional separations proposals be considered by a Federal-State joint board established pursuant to Section 410 of the Communications Act of 1934, as amended (47 U.S.C.A., Sec. 410). The Congress, thereupon, suspended further consideration of the legislation to await the outcome of the joint board procedures. As indicated by the report on *Telephone Separations* (FCC Docket No. 18866), appearing in the *Report of the General Counsel on Litigation* submitted to the 82nd NARUC Annual Convention on November 16, 1970, a joint board was established and, pursuant to its recommendation, the FCC adopted the "Ozark Plan" on October 27, 1970.

The NARUC and the FCC on October 7, 1970, reached an agreement on a proposed amendment to the legislation which, in effect, would strike all after the enacting clause and substitute a provision confirming the Federal-State joint board procedures used in FCC Docket No. 18866. The FCC's agreement on this compromise legislation is reflected by its letter, dated November 13, 1970, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. The text of the Magnuson letter is stated in Appendix A to this document.

APPENDIX A

November 13, 1970.

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

DEAR SENATOR MAGNUSON: This is in reference to S. 1917 the "Federal-State Joint Board Act of 1970" and the letter to you dated October 9, 1970 from the Honorable Francis Pearson, President, National Association of Regulatory Utility Commissioners transmitting a proposed amendment version of that bill.

Under the proposed amendment, the bill would amend section 410 of the Communications Act of 1934, as amended, 47 U.S.C. § 410, to provide for a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate services. As in section 410(a) of the Act, the proposed section 410(c) would provide that the Joint Board's decision is the equivalent of an Examiner's Opinion in that it would "prepare a recommended decision for prompt review and action by the Commission."

The Joint Board would have seven members: three FCC commissioners, selected by the Commission and four State commissioners nominated by the national organization of the State commissions, and approved by the FCC. The Chairman of the FCC would be the Chairman of the Joint Board if he is on the Board. Otherwise, the full Commission would designate the Chairman of the Joint Board.

The bill would require that once the Commission institutes a proceeding pursuant to a Notice of Proposed Rule Making regarding jurisdictional separations it must refer the matter to the Joint Board. The Commission may, in addition, refer other communications common carrier matters of concern to both Federal and State governments to the Joint Board consistent with existing law.

When the Commission considers the recommended decision of the Board, or other orders of decisional importance regarding the separations proceeding, it must allow the State members of the Joint Board the opportunity to sit *en banc* with the Commission for oral arguments and deliberations. In order to retain federal superintendence in this field, however, the State members would not vote on the final decision.

As you have been advised, a similar procedure has recently been voluntarily followed under the present statutes. On May 20, 1970 the FCC adopted a Notice of Proposed Rule Making and Order convening Joint Board in Docket 18866, 23 F.C.C. 2d 465 (1970), In the Matter of prescription of procedures for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of telephone companies. The purpose of the proceeding was to consider changes in the separations procedures, but the Commission also convened a joint board under 47 U.S.C. §410 to recommend the changes. The Board consisted of three FCC commissioners and four state commissioners nominated by NARUC. On August 6 the Board convened, and a week later it recommended proposed rule changes to the Commission. Shortly thereafter, the Commission issued a Further Notice of Proposed Rule Making in Docket 18866, 25 F.C.C. 2d 123 (1970) calling the comments from interested parties on the Joint Board's proposal (the so-called Ozark Plan). Finally, on October 28, 1970 the Commission adopted a Report and Order,———F.C.C. 2d——— (1970) which adopted the recommendations of the FCC–NARUC Joint Board on Jurisdictional Separations. The revised procedure resulted in an additional shift of approximately $130 million in revenue requirements from intrastate to interstate operations.

Your committee was kept advised of developments as they arose during this period.

It appears that the proposed amendment, a copy of which is attached, would afford the state commissioners the opportunity to participate in proceedings which affect their regulation, while not affecting the responsibility and authority granted this Commission by section 221(c) of the Communications Act to determine what property of common carriers shall be considered as used in interstate or foreign telephone toll service.

In view of the foregoing the Commission supports enactment of the amended bill.

Sincerely,

DEAN BURCH, *Chairman.*

S. 1909

A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Commuications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Communications Regulatory Cooperation Act".

SEC. 2. Section 410 of the Comunications Act of 1934, as amended (47 U.S.C. 410), is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(c) State officials and representatives of the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended (49 U.S.C. 302(b), 305(f)), serving in joint hearings or in other regulatory cooperative efforts with the Commission shall receive such allowances for travel and subsistence expenses as the Commission shall provide."

FEDERAL-STATE COMMUNICATIONS REGULATORY COOPERATION ACT—JUSTIFICATION

Section 410(a) of the Federal Communications Act of 1934, as amended [47 U.S.C., Sec. 410(a)], presently authorizes the FCC to refer administrative matters to joint boards composed of State commissioners and further provides that they "shall receive such allowances for expenses as the Commission shall provide."

However, these provisions for defraying the out-of-pocket expenses of joint boards composed wholly of State officials, do not cover the cooperative arrangement where State commissioners sit with FCC presiding officers. The following proposed legislation is designed to rectify this omission.

It provides that when State commissioners sit with FCC presiding officers pursuant to invitation by the FCC, the reasonable expenses incurred by the State commissioners may be defrayed by the FCC.

For example, the FCC on October 27, 1965, released an order instituting an investigation of the charges of the American Telephone & Telegraph Company and the Associated Bell System Companies for interstate and foreign communication service, Docket No. 16258.

In accordance with paragraph 5 of the order, the FCC extended an invitation to the NARUC to designate cooperating State commissioners to sit with the presiding officers of the FCC for the hearing of the proceeding in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the FCC's Rules.

The NARUC on November 9, 1965, accepted the FCC's invitation, and on December 10, 1965, designated three cooperating State commissioners to sit with the presiding officers of the FCC in the AT&T rate proceeding.[1]

AT&T and the Bell System Companies operate in forty-eight States and the District of Columbia. The cooperating State commissioners, like the FCC presiding officers, render a national service when presiding in the proceeding.

Consequently, it would appear inappropriate for a few State commissions to bear the travel, food and lodging expenses of the cooperating commissioners furnished by them when the service rendered by the commissioners is of national benefit.

Traditionally, when State commissioners are invited to participate in cooperative arrangements with Federal regulatory commissioners, the travel, food and lodging expenses of the State commissioners are defrayed by the Federal commission issuing the invitation.[2]

The Interstate Commerce Commission is also authorized to refer administrative matters to joint boards composed of State officials and the law provides that they "shall receive such allowances for travel and subsistence expenses as the Commission shall provide." Interstate Commerce Act, Part II, Sec. 205(b), as amended [49 U.S.C., Sec. 305(b)].

The Federal Government benefits from this arrangement by acquiring the use of State expertise and by conserving the use of Federal officials.

Accordingly, enactment of proposed legislation should strengthen cooperative efforts between the Federal and State governments in the regulation of the communications industry. The legislation was introduced in the Ninety-first Congress as S. 1922 by Senator Magnuson (D.-Wash.) and H.R. 12148 by Representative Rooney (D.-Pa.).

[1] A more recent example, was the use of three cooperating State commissioners in FCC Docket No. 18519 involving TWX acquisition by Western Union.

[2] Section 209(a) of the Federal Power Act (16 U.S.C., Sec. 824h) and Section 17(a) of the Natural Gas Act (15 U.S.C., Sec. 717p), each authorize the Federal Power Commission to refer administrative matters to joint boards composed of State commissioners and further provide that they "shall receive such allowances for expenses as the Commission shall provide."

S. 1910

A bill to amend the Natural Gas Pipeline Safety Act of 1968 to clarify congressional intent as to the appropriateness of the judicial fixing of penalties for certain safety violations, and to modify the grant-in-aid program to State agencies participating in safety regulation under the Act, and for other purposes

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

SECTION 1. This Act may be cited as the "Natural Gas Pipeline Safety Act Amendment of 1971".

SEC. 2. The Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720), is amended by inserting the words ", by it or the courts of the State," immediately after the words "such State agency" in clause (4) of subsection (a) of section 5.

SEC. 3. The Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720) is amended by striking the first sentence of paragraph (1) of subsection (c) of section 5 and inserting in lieu thereof a new sentence to read as follows: "Upon application, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the ensuing fiscal year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act."

SEC. 4. The Natural Gas Pipeline Safety Act of 1968 is further amended by adding at the end of subsection (c) of section 5 the following:

"(4) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each such State agency the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the appointment has been made for each fiscal year, the State agency of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State agency elects not to accept the funds apportioned to it, such funds shall be reapportioned among the other States whose State agencies are eligible to receive Federal funds under this subsection.

"(5) The Secretary may, in his discretion, from time to time as work progresses make payment to a State agency for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State agency shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

"(6) Upon application by the national organization of the State commissions submitted on or before September 30 of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of (i) conducting training of State enforcement personnel, (ii) furnishing technical assistance, or (iii) other activities appropriate for the advancement of the safety programs of State agencies carried on under this Act.

SEC. 4. Section 15 of the Natural Gas Pipeline Safety Act of 1968 is amended by inserting "(a)" immediately after "SEC. 15." and by adding at the end thereof the following:

"(b) For the purpose of further aiding the Secretary in providing financial assistance to State agencies pursuant to section 5(c) of this Act, there is hereby authorized to be appropriated the additional sum of $ ——— for the fiscal year ending June 30, 1972; the additional sum of $ ——— for the fiscal year ending June 30, 1973; and the additional sum of $——— for the fiscal year ending June 30, 1974."

* * * * *

NATURAL GAS PIPELINE SAFETY ACT AMENDMENT OF 1971—JUSTIFICATION

The Congress, in enacting the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A., Sec. 1671, *et seq.*), intended to establish a viable Federal-State partnership to carry out a national gas safety program. Under Section 5 of the Act, a State agency which adopts the Federal safety standards as a minimum and which has the ability to effectively enforce these standards, is permitted to administer a comprehensive gas safety program within that State with respect to distribution companies and local transmission lines. State adoption and enforcement of the Federal standards are reflected by a State agency annually submitting to the Secretary of Transportation a certificate accompanied by supporting information depicting the State program. If the Secretary finds that the State performance is inadequate, he may reject the certificate and assert direct Federal regulation.

However, one facet of Section 5(a)(4) of the Act [49 U.S.C.A., Sec. 1674(a)(4)] has created a conflict of interpretation between the State agencies and the Office of Pipeline Safety of DOT. Section 5(a) provides, as one of the conditions for State certification, that: . . . the law of the State makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions *substantially the same as* are provided under sections 9 and 10; except that a State agency may file a certification under this subsection without regard to the requirement of injunctive and monetary sanctions under State law for a period not to exceed two years after the date of enactment of this Act. (Emphasis supplied.)[1]

The Office of Pipeline Safety has interpreted the phrase "substantially the same as" to mean that a State agency itself must possess the authority to fix and compromise penalties against gas companies committing safety violations.

Traditionally, many States have reserved such authority for exercise by the judiciary and not regulatory agencies. This certainly appears to be a sound policy decision when we consider that the judiciary is the ultimate guardian of the rights of the people.

Irrespective of the enormous responsibility placed upon the judiciary under our

[1] The Act was signed by the President on August 12, 1968.

system of government, and the excellent record it has made in meeting this responsibility since the establishment of our government, the Office of Pipeline Safety has determined that the judicial fixing of penalties is inadequate.

Many States have attempted to change their laws to conform with DOT's interpretation during the two year period specified in Section 5(a) which expired on August 12, 1970. However, thus far the Office of Pipeline Safety has determined that the laws of only 33 States and Puerto Rico satisfy its imaginative interpretation regarding monetary sanctions. It has determined that the laws of the following 14 jurisdictions are inadequate and, therefore, require amendment: Connecticut, Delaware, Hawaii, Louisiana, Massachusetts, Minnesota, Mississippi, Nebraska, New Jersey, North Dakota, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. It has not yet completed its review of the laws of Arkansas, Indiana, New Mexico and Ohio.

In view of these considerations, the NARUC believes that the interpretation adopted by the Office of Pipeline Safety, which is unsupported by the legislative history, is bad policy because it minimizes the time-honored judicial role and because it will seriously impair the Federal-State safety program intended by the Congress. See resolution adopted by NARUC Executive Committee on July 22, 1970. NARUC Bulletin No. 31–1970, p. 5.

Accordingly, the Natural Gas Pipeline Safety Act of 1968 should be amended in the manner proposed below to clarify the Congressional intent as to the appropriateness of the judicial fixing of penalties for safety violations.

Also, the Act should be further amended with regard to the 50–50 matching grant-in-aid program to assist the State commissions in their safety regulation. As a result of the timing of the State commission's application for funds and the calendar year basis of the existing grant-in-aid program, most State commissions will not know the amount of Federal funds they are entitled to receive in any year until after their State legislatures have made appropriations for that year. Under these circumstances, a State legislature could easily fail to appropriate sufficient State funds to fully match the Federal funds apportioned to the State and hence the unmatched part of the apportionment would lapse.

Enactment of the Natural Gas Pipeline Safety Act amendment of 1971, set forth below, would permit Congressional authorization of a specific amount of funds for a given fiscal year to be apportioned among the several States well in advance of such fiscal year in accordance with a precise formula. Under this concept, the Federal authorizing legislation would be enacted during an even-numbered year, and the apportionment of funds to the States would be made before the close of that even-numbered year, so that the State legislatures, (the vast majority of which meet during the odd-numbered years) would know the amount of State funds needed to match the apportioned Federal funds. The Federal-aid highway program is an outstanding example of the application of this concept.

The proposed Amendment also contains a "contract authority" provision which means that when the Secretary of Transportation approves the gas safety program of a State commission, such approval "shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto." The proposed Amendment includes authorization for a $20,000 annual grant to the NARUC to aid in the conduct of the national gas safety program.

The proposed amendments, regarding the modification of the grant-in-aid program, formed a part of the NARUC proposed Natural Gas Pipeline Safety Act Amendment of 1969 which was introduced in the Ninety-first Congress as S. 1919 by Senator Magnuson (D.-Wash.) and H.R. 12151 by Representative Rooney (D.-Pa.). Representative Rooney on February 2, 1971, reintroduced this legislation in the Ninety-second Congress as H.R. 3324.

S. 1911

A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers

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

SECTION 1. This Act may be cited as the "Uniform Motor Carrier Standards Act".

SEC. 2. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended (40 U.S.C. 302(b)(2)), is hereby further amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: ": *Provided,* That any amendments of the standards determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date: *And provided further,* That after the standards become effective initially any amendments thereof subsequently determined by the national organization of the State commissions shall become effective at the time of promulgation or at such other time as may be determined by such organization.".

UNIFORM MOTOR CARRIER STANDARDS ACT—JUSTIFICATION

Public Law 89–170 was signed into law by the President on September 6, 1965. Among other things, it amended Section 202(b) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b)(2)] to authorize the NARUC to determine standards, and amendments thereto, evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate same into law to become effective five years from the date of promulgation. When the standards become effective any State laws not in accord therewith are deemed to be an undue burden on interstate commerce.

The NARUC, assembled in annual convention on Novemer 17, 1966, unanimously adopted a resolution determining such standards, and the ICC promulgated them into law on December 14, 1966.[1] Accordingly, the standards will become effective on December 15, 1971.

The success of the national regulatory program which will be established by these standards, and the ability of the NARUC to discharge its responsibilities thereunder, will be directly affected by the capacity to expeditiously adopt necessary amendments. Under present law, five years would have to elapse after the NARUC determined an amendment before it could become effective. As an example, it would take a minimum of five years for the NARUC to make a minor change in the language of the cab card form. Accordingly, it is very important that Public Law 89–170 be amended to provide that after the standards become effective, any amendments thereof subsequently determined by the NARUC may become effective at the time of promulgation or at such other time as it may determine.

This proposed amendment was a part of the NARUC proposed Federal-State Highway Transportation Law Enforcement Act of 1969 which was introduced in the Ninety-first Congress as S. 1923 by Senator Magnuson (D.-Wash.), H.R. 12146 by Congressman Rooney (D-Pa.), and H.R. 12267 by Congressman Friedel (D.-Md.). Representative Rooney on February 2, 1971, reintroduced this legislation in the Ninety-second Congress as H.R. 3320.

The enactment of the proposed Uniform Motor Carrier Standards Act would so amend Public Law 89–170.

S. 1912

A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, 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 "Motor Carrier Safety Act".

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205a as follows:

"MOTOR CARRIER SAFETY

"SEC. 205a(1). POLICY, PURPOSE, AND ASSISTANCE TO THE STATES.—

"(A) The Congress declares that public policy requires measures to reduce the causes of death, injury, and damage resulting from the operation of commercial motor vehicles in interstate or foreign commerce on the Nation's highways, and finds that a program of joint Federal-State cooperation in the enforcement of safety regulations pertaining to such vehicles is needed to achieve this end.

"(B) In furtherance of this policy the Secretary is authorized to cooperate with appropriate State commissions in establishing, developing, and administering a State motor carrier safety program designed to insure the safe operation of commercial motor vehicles on the highways by regulating the safety of operation and equipment, and the qualifications and maximum hours of service of employees, and in providing for the effective enforcement of such programs.

"SEC. 205a(2). DEFINITIONS.—As used in this section—

"(A) The term 'Secretary' means the Secretary of Transportation.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (i) a gross weight in excess of ten thousand pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

"(C) The term 'motor carrier safety program' means a range of activities specifically designed to insure the safe operation of motor carriers on the public highways, including qualification and maximum hours of service of employees, and safety of operation and equipment.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department, commission, agency, officer, or official authorized by State law to

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[1] 78th NARUC Annual Convention Proceedings, pp. 203–230, 371 (1966); NARUC Bulletin No. 63–1966, p. 2; Fed. Reg., Dec. 28, 1966, pp. 16567–16575; 49 C.F.R. Secs. 1023.1, *et seq.* The standards have been amended on the following three occasions: (1) 80th NARUC Annual Convention Proceedings, p. 263 (1968); NARUC Bulletin No. 49–1968, p. 9; Fed. Reg., Dec. 25, 1968, p. 19250; (2) 81st NARUC Annual Convention Proceedings, p. 375 (1969); NARUC Bulletin No. 43–1969, p. 12; Fed. Reg., Feb. 4, 1970, p. 2524; and (3) 82nd NARUC Annual Convention Proceedings, p. —— (1970); NARUC Bulletin No. 48–1970, pp. 4, 5.; ICC Order dated February 18, 1971, and served Feb. 19, 1971.

adopt or enforce regulations governing the safety of operation of motor carriers.

"(F) The term 'national organization of the State commissions' means the national organization of the State commissions referred to in section 202(b) and 205(f) of the Act.

"SEC. 205a(3). FEDERAL ASSISTANCE FOR MOTOR CARRIER SAFETY PROGRAMS.—The Secretary is authorized to make grants for the purpose of establishing, increasing and maintaining motor carrier safety programs administered by State commissions to reduce the causes of death, injury and property damage on the highways, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205a(4). MINIMUM PROGRAM.—The Secretary shall establish by order a minimum motor carrier safety program to be used in determining the eligibility of a State to receive grants under this section. The safety aspect of such motor carrier programs may be based, to the extent the Secretary finds appropriate, on existing motor carrier safety regulations and hazardous material regulations.

"SEC. 205a(5). MINIMUM MOTOR CARRIER REGULATIONS AND ENFORCEMENT.—

"(A) The Secretary shall formulate minimum motor carrier safety regulations, minimum hazardous material regulations and minimum standards for the enforcement of such regulations, after consultation and cooperation with the State commissions, the national organization of the State commissions, and the National Motor Carrier Safety Advisory Committee provided for in subsection 205a(8)(A), which he shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have adopted regulations at least equal to those minimum motor carrier safety regulations and minimum hazardous material regulations and have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Secretary finds for good cause shown, and publishes his reasons for such finding, that a later effective date is in the public interest. The Secretary may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such minimum motor carrier safety regulation, hazardous material regulation or enforcement standard established by him under this section.

"(B) A State commission may adopt such additional or more stringent safety regulations applicable to motor carriers as are not incompatible with the minimum motor carrier safety regulations and minimum hazardous material regulations promulgated and adopted by the Secretary pursuant to subsection 205a(5)(A), if such regulations adopted by the State commission are reasonable, do not constitute an undue burden on interstate commerce and are required to better protect the public safety.

"SEC. 205a(6). GRANT AUTHORIZATION.—

"(A) The Secretary is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier safety programs in States requiring such assistance and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier safety programs. The Secretary shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's council' composed of the Governor, or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the council shall be by majority vote. Each grant application shall describe the long-range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Secretary may require. The Secretary may approve an application for a grant only to State commissions which—

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier safety program for such State shall be coordinated by and through the Governor's council;

"(2) have on file with the Secretary an approved motor carrier safety program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Secretary which shall disclose the total estimated cost of the annual program;

"(4) have regulations which, in the Secretary's determination, do not constitute an unreasonable burden on motor carriers;

"(5) provide assurance satisfactory to the Secretary that Federal funds made available under this section will be so used as to supplement and, to the extent practical, increase the amount of funds that the applicant would make available for motor carrier safety in the absence of such Federal funds; and

"(6) provide assurance satisfactory to the Secretary that its expenditure of State funds not derived from Federal sources, for its motor carrier safety program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Secretary shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Secretary requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30 of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier safety programs, and to render assistance to such commissions in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier safety programs approved in accordance with such section and shall be apportioned by the Secretary among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"one-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"one-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States: *Provided*, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each State commission the fund which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's motor carrier safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Secretary may, in his discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier safety program, to enforce the safety and economic laws of the State concerning highway transportation.

"SEC. 205a(7). RESEARCH, TRAINING, AND DEVELOPMENT.—In order to encourage training, research, and development in the motor carrier safety field, the Secretary is authorized to conduct research and development and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, equipment, and devices to improve motor carrier safety;

"(B) to enter into contracts with public agencies, institutions of higher education, private organizations and individuals to conduct research, demonstration, or special projects pertaining to the purposes described in this section, including the development of new or improved approaches, techniques, systems, equipment and devices to improve motor carrier safety;

"(C) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this subsection;

"(D) to carry out a program of collection and dissemination of information obtained by the Department or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve motor carrier safety; and

"(E) to make grants to the national organization of the State commissioners, or other national organizations representing

State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier safety programs.

"SEC. 205a(8). NATIONAL MOTOR CARRIER SAFETY ADVISORY COMMITTEE; COOPERATION.—

"(A) There is established in the Department of Transportation a National Motor Carrier Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, who shall be Chairman, the Federal Highway Administrator, and twenty members appointed by the Secretary, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests, contributing to, affected by, or concerned with the conduct of motor carrier safety programs, including national organizations of motor carrier vehicle manufacturers, owners, and operators, as well as research scientists and other individuals who are expert in this field. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

"The National Motor Carrier Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department relative to the conduct of motor carrier safety programs. The Committee is authorized (1) to review training, research or development projects or programs submitted to or recommended by it relative to the conduct of motor carrier safety programs and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to the strengthening of such motor carrier safety programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Secretary under the provisions of subsections 205a(4) and 205a(5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

"The National Motor Carrier Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

"(B) The Secretary shall provide such staff and facilities to the National Motor Carrier Safety Advisory Committee from among the personnel and facilities of the Department of Transportation as are necessary to carry out the functions of such Committee.

"(C) The Secretary is authorized and directed to assist, cooperate, and consult with other Federal departments and agencies, and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

"SEC. 205a(9). ADMINISTRATION AND REPORTING.—

"(A) The Secretary shall carry out the provisions of this section through the Federal Highway Administration.

"(B) Nothing in this section shall prohibit the Secretary from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted the minimum motor carrier safety regulations and the minimum hazardous materials regulations.

"(C) The Secretary shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.—

"(A) For the purpose of carrying out section 205a(6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $ ——— for the fiscal year ending June 30, 1972, $ ——— for the fiscal year ending June 30, 1973, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a(7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $ ——— for the fiscal year endign June 30, 1972, and $ ——— for the fiscal year ending June 30, 1973.

MOTOR CARRIER SAFETY ACT—JUSTIFICATION

The Highway Safety Act of 1966 (23 U.S.C., Secs., 401 *et seq.*; 80 Stat. 731) provides for grants-in-aid to assist a State in conducting a highway safety program which meets Federal minimum standards. The Governor of the State is responsible for administering the program, including the determination as to which State agencies are to participate therein and receive Federal funds.

The Act is drawn in broad terms and applies to all vehicles that travel the highways.

However, the history of motor carrier safety regulation generally recognizes that motor carrier safety warrants special regulatory attention at both the Federal and State levels to be distinct from general highway safety regulations such as traffic and speed laws and periodic inspection appropriate for automobiles and small commercial vehicles.

The enactment of the proposed Motor Carrier Safety Act would provide Federal grants-in-aid directly to the State commissions in administering their motor carrier safety programs and in enforcing Federal and State safety laws concerning highway transportation. The grants-in-aid would be paid by the Department of Transportation to the State commissions whose safety and enforcement programs meet minimum Federal standards.

Furthermore, the adoption of the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which, as amended by the law creating the Department of Transportation, authorized the Department to make cooperative agreements with the various States to enforce the safety laws and regulations of the Federal and State governments concerning highways transportation. Pursuant to Public Law 89–170, the agencies of 48 States have executed cooperative agreements with DOT to enforce such safety laws.

The proposed Motor Carrier Safety Act is the same as the NARUC proposed Motor Carrier Safety Act of 1969 which was introduced in the Ninety-first Congress as S. 1920 by Senator Magnuson (D.-Wash.), H.R. 12149 by Representative Rooney (D.-Pa.), and H.R. 12266 by Representative Friedel (D.-Md.). Representative Rooney on February 2, 1971, reintroduced this legislation in the Ninety-second Congress as H.R. 3322.

S. 1913

A bill to amend the Interstate Commerce Act to provide assistance to the State in establishing, developing, and administering State motor carrier programs to enforce the economics laws and regulations of the States and the United States concerning highway transportation, 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 "Motor Carrier Economic Law Enforcement Act".

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205b as follows:

"MOTOR CARRIER ECONOMIC LAW ENFORCEMENT

"SEC. 205b(1). POLICY, PURPOSE, AND ASSISTANCE TO THE STATES.—

"(A) The Congress declares that public policy requires additional measures to enforce the economic laws and regulations of the State and the United States concerning highway transportation so as to enhance the strength and vitality of lawful motor carrier operations which are essential not only to meeting the growing transportation needs of the people of the United States, but also to the national economy and defense, and further finds that a program of joint Federal-State cooperation in the enforcement of such economic laws and regulations is needed to achieve this end.

"(B) In furtherance of this policy the Interstate Commerce Commission is authorized to cooperate with appropriate State commissions in establishing, developing, and administering a State motor carrier economic law enforcement program to combat the conduct of illegal motor carrier operations, and in providing for the effective enforcement of such programs.

"SEC. 205b(2). DEFINITIONS.—As used in this section—

"(A) The term 'Commission' means the Interstate Commerce Commission.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (1) a gross weight in excess of ten thousand pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

"(C) The term 'motor carrier program' means a range of activities specifically designed to insure the enforcement of the economic laws and regulations of the United States concerning motor carriers.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department commission, agency, officer, or official authorized by State law to fix rates for transportation by motor carriers or to certificate or permit their operations.

"(F) The term 'national organization of the State commissions' means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Act.

"SEC. 205(3). FEDERAL ASSISTANCE FOR MOTOR CARRIER PROGRAMS.—The Commission is authorized to make grants for the purpose of establishing, increasing, and maintaining motor carrier programs administered by State commissions to combat illegal motor carrier operations by enforcing the economic laws and regulations of the States and United States concerning highway transpor-

tation, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205b(4). MINIMUM PROGRAM.—The Commission shall establish by order a minimum motor carrier program to be used in determining the eligibility of a State to receive grants under this section.

"SEC. 205b(5). MINIMUM MOTOR CARRIER REGULATION AND ENFORCEMENT.—The Commission shall formulate minimum standards for the enforcement of the economic laws and regulations of the United States concerning motor carriers, after consultation and cooperation with the State commissions, the national organization of the State commissions, the National Motor Carrier Enforcement Advisory Committee provided for in subsection 205b(8)(A), which it shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Commission finds for good cause shown, and publishes its reasons for such finding, that a later effective date is in the public interest. The Commission may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such enforcement standards established by it under this section.

"SEC. 205b(6). GRANT AUTHORIZATION.—

"(A) The Commission is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier programs in States requiring such assistance, and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier programs. The Commission shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's council' composed of the Governor or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the council shall be by majority vote. Each grant application shall describe the long-range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Commission may require. The Commission may approve an application for a grant only to State commissions which:

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier program for such State shall be coordinated by and through the Governor's council;

"(2) have on file with the Commission an approved motor carrier program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Commission which shall disclose the total estimated cost of the annual program;

"(4) provide assurance satisfactory to the Commission that Federal funds made available under this section will be so used as to supplement and, to the extent practical, increase the amount of funds that the applicant would make available for motor carrier enforcement in the absence of such Federal funds; and

"(5) provide assurance satisfactory to the Commission that its expenditure of State funds not derived from Federal sources, for its motor carrier program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Commission shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Commission requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30 of any calendar year, the Commission shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as it deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier programs, and to render assistance to such commission in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier programs approved in accordance with such section and shall be apportioned by the Commission among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"One-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States: *Provided*, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Commission shall certify to each State commission the funds which it has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Commission for its approval the State's motor carrier program for the use of the funds apportioned for such fiscal year. The Commission shall act on each State program as soon as practicable after it has been submitted. The Commission may approve any program in whole or in part. Its approval of any program shall be deemed a contractural obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Commission may, in its discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Commission, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier program, to enforce the economic and safety laws of the State concerning highway transportation.

"SEC. 205b(7). TRAINING.—In order to encourage training in the motor carrier enforcement field, the Commission is authorized to conduct training and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, and devices to improve motor carrier enforcement;

"(B) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from special projects authorized by this subsection;

"(C) to carry out a program of collection and dissemination of information obtained by the Commission or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved means to enforce economic laws and regulations concerning highway transportation; and

"(D) to make grants to the national organization of the State commissions, or other national organizations representing State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier programs.

"SEC. 205b(8). NATIONAL MOTOR CARRIER ENFORCEMENT ADVISORY COMMITTEE; COOPERATION.—

"(A) There is established in the Commission a National Motor Carrier Enforcement Advisory Committee, composed of a Commissioner of the Commission appointed by the Commission, who shall be Chairman, and 20 members appointed by the Commission, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests contributing to, affected by, or concerned with the conduct of motor carrier programs. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Commission, but not exceeding $10 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

"The National Motor Carrier Enforcement Advisory Committee shall advise, consult with, and make recommendations to the Commission on matters relating to the activities and functions of the Commission relative to the conduct of motor carrier programs. The Committee is authorized (1) to review training projects or programs submitted to or recommended by it relative to the conduct of motor carrier programs and recommend to the Commission any such projects which it believes show promise of mak-

ing valuable contributions to the strengthening of such motor carrier programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Commission under the provisions of subsection 205b(4) and 205b(5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Commission's determination or order.

"The National Motor Carrier Enforcement Advisory Committee shall meet from time to time as the Commission shall direct, but at least once a year.

"(B) The Commission shall provide such staff and facilities to the National Motor Carrier Enforcement Advisory Committee from among the personnel and facilities of the Commission as are necessary to carry out the functions of the Committee.

"(C) The Commission is authorized and directed to assist, cooperate, and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

SEC. 205b(9). ADMINISTRATION AND REPORTING—

"(A) Nothing in this section shall prohibit the Commission from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted motor carrier programs.

"(B) The Commission shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.—

"(A) For the purpose of carrying out section 205a(6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $—— for the fiscal year ending June 30, 1972, $—— for the fiscal year ending June 30, 1973, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding fiscal year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a(7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $—— for the fiscal year ending June 30, 1972; and $—— for the fiscal year ending June 30, 1973.

MOTOR CARRIER ECONOMIC LAW ENFORCEMENT ACT—JUSTIFICATION

The enactment of the Motor Carrier Economic Law Enforcement Act would provide Federal grants-in-aid directly to the State commissions in enforcing Federal and State economic laws concerning highway transportation. The grants-in-aid would be paid by the Interstate Commerce Commission to the State commissions whose enforcement programs meet minimum Federal standards. This proposed Act is similar in concept to the proposed Motor Carrier Safety Act described above.

Furthermore the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which authorized the ICC to make cooperative agreements with the various States to enforce the economic laws and regulations of the Federal and State governments concerning highway transportation. Pursuant to Public Law 89–170 [49 U.S.C., Sec. 305(f)], the agencies of 47 States have executed cooperative agreements with the ICC.

The proposed Act is the same as the proposed Motor Carrier Economic Law Enforcement Act of 1969 which was introduced in the Ninety-first Congress on S. 1921 by Senator Magnuson (D.-Wash.), H.R. 12147 by Representative Rooney (D.-Pa.), and H.R. 12268 by Representative Friedel (D.-Md.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3321.

S. 1914

A bill to amend the Interstate Commerce Act to require carriers by railroad to exhaust certain State remedies prior to petitioning the Interstate Commerce Commission for relief in intrastate rate cases

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

SECTION 1. This Act may be cited as the "Intrastate Rail Rate Act".

SEC. 2. Paragraph (4) of section 13 of the Interstate Commerce Act, as amended (49 U.S.C. 13(4)), is hereby further amended by striking the parenthetical language in the proviso of paragraph (4) and inserting in lieu thereof the following: "(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)".

INTRASTATE RAIL RATE ACT—JUSTIFICATION

The Transportation Act of 1958, 72 Stat. 570, amended Section 13(4) of the Interstate Commerce Act (49 U.S.C.A., Sec. 13(4)) to provide that a railroad may seek from the Interstate Commerce Commission an increase in intrastate rates by alleging unjust discrimination against, or undue burden upon, interstate commerce, and that the ICC is required to take jurisdiction and to act upon the proposed rate increase "whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority of any proceeding relating thereto."

Although this provision was placed in the law in 1959, the railroads have apparently made no effort to bypass the State commissions until December 24, 1969, when approximately 80 railroads filed a blanket petition with the ICC to increase the intrastate rate level in nine Southern States to the current Ex Parte No. 262 interstate level. The petitioning railroads did not await or even seek intrastate rate relief from the commissions of the nine Southern States. *Intrastate Freight Rates and Charges in Southern States, 1969,* Docket No. 35203.

Accordingly, the NARUC has urged that the Interstate Commerce Act be amended by striking the parenthetical language in the proviso of Section 13(4) and inserting in lieu thereof the following language:

"(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)".[1]

[1] NARUC support for this amendment is evidenced by: the resolution adopted by the Executive Committee on February 25, 1970 (NARUC Bulletin No. 14–1970, p. 12); the testimony on March 18, 1970, before the Subcommittee on Surface Transportation of the Senate Committee on Commerce on S. 2355, a bill to establish an advisory commission to make a study and report with respect to freight rates (NARUC Bulletin No. 18–1970, p. 12); and the resolution adopted by the Eighty-second Annual Convention on November 19, 1970 (NARUC Bulletin No. 48–1970, p. 8).

It is essential to the full protection of the consumer interest that the State commissions retain primary jurisdiction over intrastate rail rates. The intrastate traffic pattern in each State is unique and, therefore, each State should be permitted to continue to seek to maximize the abundance of low cost transportation of certain economically significant commodities within its borders in order to stimulate business and to promote the general welfare and prosperity of its citizens. ICC review in these matters should only be directed to a substantial disparity which operates as a real discrimination against interstate commerce, and Congress should leave appropriate discretion to the State commissions to initially deal with intrastate rates in relation to the general level of rates which the ICC has found to be fair to interstate commerce.

Furthermore, retaining initial State consideration of intrastate rate cases will assure that consumers within the State, and especially small shippers, will have an opportunity to be heard in a local forum and before a State commission who, through its day-to-day contact with local problems, is in the best position to judge local needs within the framework of the overall revenue requirements of the railroads. While it is practical for a small shipper to appear at a public hearing in the State capital and verbally express his views, how many small shippers can afford to employ the attorneys and other experts required for filing intricate pleadings with the ICC in Washington, D.C.?

S. 1915

A bill to strengthen Federal-State cooperation of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes

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

SECTION 1. This Act may be cited as the "Federal-State Electric Power Environmental Protection Act".

SEC. 2. The Congress, in furtherance of the national environmental policy as set forth in the National Environmental Policy Act of 1969 (86 Stat. 852), and the national electric energy policy as set forth in section 202(a) of the Federal Power Act (16 U.S.C., Sec. 824(a)), hereby finds and declares the national public interest in the environment, the interest of interstate commerce, the interest of public and private investors in electric utility facilities, and the interest of consumers of electric energy require:

(a) That bulk power supply facilities adequate to the Nation's need for a reliable electric power supply be constructed upon a timely basis, and in a manner consonant with the preservation of important environmental values and wise comprehensive use of the Nation's air, land, and water resources for all beneficial purposes, public and private;

(b) That in order to avoid undue delays in the construction of needed bulk power supply facilities and to provide for full and timely consideration of environmental consequences well in advance of such construction, all of the Nation's electric entities should be required to engage in adequate long-range planning, and that certifying agencies be established for the preconstruction review of bulk power supply facility sites and all related bulk power supply facilities;

(c) That the siting of bulk power plants and high-voltage transmission lines be treated as a significant aspect of land use planning in which all environmental, economic, and technical issues with respect to a bulk power supply project at the State or regional level should be resolved in an integrated fashion;

(d) That Federal, reigonal, and State governmental authorities be authorized and

empowered to act expeditiously in coordinating reviews to assure protection of environmental values and certifying the construction, operation, or maintenance of bulk power supply facilities, all to the end of assuring for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land, and water resources for all beneficial purposes, public and private;

(e) That long-range planning be carried out through the electric reliability councils voluntarily established on regional and national bases and open to all systems comprising the various component parts of the electric utility industry, investor owned, publicly owned, and cooperatively owned, and by participation of these councils in the work of the Federal Power Commission under section 202(a) of the Federal Power Act (16 U.S.C. 824a(a)); and

(f) That a program be undertaken by the Federal Government to assist in the development of new approaches or methods of locating or grouping bulk power supply facilities within particular geographic areas, at surface or subsurface levels, or in conjunction with the location of physical facilities used in other types of energy, transportation, or communications services which may be available to the general public through public or private suppliers.

SEC. 3. As used in this Act:

(a) "Electric entity" means any individual or corporation which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned, or cooperatively owned, including a "State" or a "municipality" as defined in section 3(6) and 3(7) of the Federal Power Act (16 U.S.C., Sec. 796), but not the United States or an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities;

(b) "Federal electric entity" means the United States, an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities;

(c) "Bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of 300,000 kilowatts or more, or any sizable additions thereto as defined by the appropriate certifying agency, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 230 kilovolts or more, between phase conductors for alternating current or between poles for direct current, or any sizable additions thereto as defined by the appropriate certifying agency, except that any facilities subject to licensing pursuant to part I of the Federal Power Act (16 U.S.C. Secs. 792–823), shall not be subject to the provisions of sections 6 and 8(c) of this Act;

(d) "Federal certifying agency" means the Federal Power Commission or the United States Atomic Energy Commission if designated by the Federal Power Commission with respect to nuclear facilities falling within the definition of bulk power supply facilities;

(e) "State or regional certifying agency" means the State or regional agency, authority or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(f) "Regional" means the governments of two or more States;

(g) "State joint board" means a certifying agency authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(h) "National organization of the State commissions" means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended (49 U.S.C. Secs. 302(b), 305(g));

(i) "State commission" means the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exists, the Governor of the State;

(j) "State commissioner" means a member of the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exists, the Governor of the State or his designee; and

(k) "Commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4. (a) Each electric entity and Federal electric entity shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal Power Commission within ninety days after enactment hereof, upon the advice of interested Federal and State agencies and the national organization of the State commissions. These plans may be part of a single regional plan and shall—

(1) describe the general location, size, and type of all bulk power supply facilities to be owned or operated by such entity and whose construction is projected to commence during the ensuing ten years, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) identify the location of tentative sites for the construction of future powerplants as defined in section 3(c), including an inventory of sites for all plants on which construction is to be commenced in the succeeding five years, and the general location of the routes of transmission lines as defined in section 3(c), and indicate the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized;

(3) reflect and describe such entity's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the electric power needs of the region;

(4) reflect and describe such entity's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(5) supply such additional information as the Federal certifying agency upon the advice of interested Federal and State agencies and the national organization of the State commissions may from time to time prescribe to carry out the purposes of this Act.

(b) Each electric entity and the Federal electric entity, shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans, together with its projections of demand for electricity that the facilities would meet, with the appropriate certifying agency, with the Federal Power Commission and the Environmental Protection Agency, and with such other affected Federal, State, regional, and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans.

SEC. 5. (a) The several States, within twenty-four months from the date of enactment hereof, may designate or establish a decisionmaking agency at the State or regional level, which may be an existing or newly created agency, for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying agencies shall be designated or established and administered in accordance with the requirements of this Act, and shall possess adequate staffs with technical and professional competence. Each State or regional certifying agency shall provide for participation in its decisionmaking processes by environmental protection, natural resource, and planning components of the State government or governments involved, and provide for participation also by components of such governments having responsibility with respect to provision of electric power service. Such agency may also provide for participation by members of the public.

(b) The Governor of each State which designates or establishes such a decisionmaking agency and procedures, either as a State or regional entity, shall notify the Federal certifying agency of that fact, and thereupon the Federal certifying agency, if it finds such authorities and procedures to be in accord with the requirements of this Act, shall issue a certificate of qualification of procedure with respect to each such State, which certificate shall be revoked by the Federal certifying agency if the State or regional certifying agency fails to abide by said requirements, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of section 6 hereof, for such period as the certificate remains effective.

(c) If, within twenty-four months from the date of enactment hereof, a decisionmaking agency and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such certificate of qualification of procedure is later revoked, the State joint board for the power pool area involved, as determined by the Federal Power Commission, shall have exclusive authority to issue a certificate of site and facility with respect to any bulk power supply facility of any electric entity within any said State or States. With respect to each such State the authority of such State joint board shall continue until such State or States have qualified pursuant to subsection (b) hereof. Any proceedings for the certification of sites and bulk power facilities which are pending before such State joint board on the date of issuance of any certificate of qualification of procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of such State joint board and shall require its certificate before construction shall commence, except that the State joint board may in its discretion transfer such proceeding to the appropriate State or regional certifying agency.

(d) The Federal certifying agency, prior to denying or revoking a certificate of qualification of procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying agency's authorities or procedures fail to comply with the requirements of this Act, and shall afford each State

affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a certificate of qualification of procedure as referred to in subsection (b) may appeal to the United States Court of Appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation: *Provided,* That any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Upon the filing of an appeal, the Clerk of the Court of Appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in section 2112 of title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

(f) A State joint board, under the provisions of this Act, shall be composed solely of one State commissioner from each State, within all or part of the region, nominated by the State commission and appointed by the Federal Power Commission. Each State commission shall certify to the Federal Power Commission the name, title, and address of its nominee. A substitution of membership upon a board from any State may be made at any time by the nomination by the State commission of a successor and his appointment by the Federal Power Commission. If a State commission shall fail to nominate a member, in the original constitution of the board or to fill a vacancy therein, the board shall be constituted, or shall continue to function, without a member from such State until such time, if ever, as such a member shall be nominated and appointed as provided above. Each member of the board shall have one vote. The chairman of the board shall be elected by the members of the board and shall serve at their pleasure. All decisions of the board shall be by majority vote. The Federal Power Commission, if requested by the board, shall designate an examiner to advise with and assist the board in the handling of any proceedings before it. The Federal Power Commission, if requested by the board, shall provide the board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the board. In conducting hearings, each board shall be vested with the same rights, duties, powers, and jurisdiction as are vested in a hearing examiner when designated by the Commission to hold a hearing. The members of the joint board when administering the provisions of this Act shall be reimbursed by the Commission for their reasonable travel and subsistence expenses. A board shall meet from time to time as the chairman of the board shall direct by the giving of reasonable advance notice. A majority of the members of a board shall constitute a quorum.

SEC. 6. (a) Effective twenty-four months from the date of the enactment hereof, no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States, unless it has obtained from each such State or States a certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying agency and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a certificate of site and facility with respect to those facilities. If after twenty-four months from date of enactment hereof, there is no qualified State or regional certifying agency in one or more of the several States, no electric entity shall commence to construct or begin operation of bulk power supply facilities within said State or States unless there shall have been obtained from the appropriate State joint board such a certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the certificate. Applications for certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying agency, and certificates shall be granted for any application showing a sizable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying agency, solely on a showing that all permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject to any reasonable actions or conditions that may be later required by the appropriate certifying body. No certificate is required for bulk power facilities already in operation on said effective date, but such certificates are required for sizable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a certificate of site and facility from a State or regional certifying agency or State joint board or by a Federal electric entity from a Federal certifying agency shall be filed with the certifying agency not less than one year prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans may be subject to reasonable modification during the period of review. As a prerequisite to such filing, the electric entity or Federal electric entity shall have complied with the provisions of section 4 hereof; and with respect to powerplants and transmission line routes, except for good cause shown, shall have complied with the requirement that the site selected is from among those sites in the electric entity's or Federal electric entity's five-year inventory of sites approved by the relevant agency pursuant to section 8(c) hereof and that it will utilize the general transmission line routes identified in the electric entity's or Federal electric entity's long-range plans.

(c) It is the intent of Congress that any certifying agency shall complete action on each application filed pursuant to the authority of this Act within the one-year period prior to construction as provided under the procedures of subsection (b). For a period of forty-eight months from the date of enactment hereof, any of the provisions of section 6 may be waived by the certifying agency in respect to filed applications of electric entities and Federal electric entities for good cause shown. Compliance with the procedures of Section 4 hereof in respect to planning and filing requirements shall constitute prima facie evidence of timely disclosure of construction plans in support of petitions for expeditious proceedings involving the bulk power supply facilities in all courts and administrative agencies of the United States and of the several States.

(d) The provisions of section 5 and subsection (a) of this section notwithstanding, any electric entity may petition the Federal certifying agency for a certificate of site and facility based upon the entity's showing to that agency of a failure of a State or regional certifying agency or agencies or a State joint board to act upon a timely or conclusive basis with respect to any application of such electric entity for a State or regional certification which has been on file for a period in excess of one year; and that as a result thereof the public interest in an adequate and reliable regional bulk power supply imperatively and unavoidably requires a decision with respect to such certification. The Federal Power Commission shall prescribe by regulation the facts necessary to constitute the basis of such showing, giving due consideration to the effect upon adequacy and reliability of electric supply of the lack of timely, or of inconclusive, action by the State or States concerned. Such applications shall be referred to the Federal Power Commission, and if it makes a finding, upon the advice of the interested Federal agencies, that adequate and reliable regional bulk power supply will be materially impaired by reason of the fact that a State or States have failed to act upon a timely or conclusive basis after the expiration of a period of one year from the date the application is filed, the Federal certifying agency shall, effective upon the date of such finding, have jurisdiction to act in these circumstances, removing from the State or States concerned any basis upon which to proceed further in respect of State, regional, or State joint board certification of the affected bulk power supply facilities. The Federal certifying agency shall accord priority to all petitions for certificates of site and facility filed under this subsection and shall resolve them in accordance with the provisions of section 7.

SEC. 7. (a) The certifying agencies are hereby empowered and authorized, pursuant to section 6 hereof, to issue certificates of site and facility for bulk power supply facilities, if such agencies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such certificates if the applicant fails to conform with the requirements of this Act. The judgment of the certifying agency shall be conclusive on all questions of siting, land-use, State air and water quality standards, public convenience and necessity, esthetics, and any other State or local requirements but the certificates shall be granted only after the appropriate certifying agency has ascertained that all applicable Federal standards, permits, or licenses have been satisfied or obtained. The certificates shall show acceptance thereof by the applicant and agreement to comply with the requirements of this Act including a showing of the applicant's action to meet the objectives of section 202(a) of the Federal Power Act (16 U.S.C., 824a(a)), regarding reliability and adequacy of electric service.

(b) In the consideration of applications for certificates of site and facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the certificate. In the issuance of such certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such certificates, when issued, shall be final and subject only to judicial review.

SEC. 8. Each certifying agency is hereby empowered, authorized, and directed—

(a) To review and comment on the long-range plans prepared and filed pursuant to section 4 hereof and make the information contained therein readily available to the general public and interested governmental agencies.

(b) To compile and publish each year a description of the proposed powerplant sites and general locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the electric entities and Federal electric entities pursuant to section 4(a)(2), identifying the location of such sites and the approximate year when construction is expected to commence and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies.

(c) To conduct public hearings with respect to any proposed power plant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the electric entity's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified.

(d) Upon the receipt of an application for a certificate of site and facility pursuant to section 6 hereof, to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (power plant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the certificate of site and facility applied for.

(e) To require such information from electric entities and Federal electric entities as it deems necessary to accompany applications for Certificates of Site and Facility and to assist in the conduct of hearings and any investigations or studies it may undertake.

(f) To conduct any studies or investigations which it deems necessary or appropriate to carry out the purposes of this Act.

(g) To issue such rules and regulations, after public notice and opportunity for comment, as may be required to carry out the provisions of this Act.

SEC. 9. An electric entity holding a Certificate of Site and Facility as referred to in Section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate, and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said section which are applicable to the United States when it files a declaration of taking hereunder.

SEC. 10. (a) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereon, and for the establishment of such authorities or agencies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional certifying agencies in the planning of bulk power facilities and in their review of applications for certificates of site and facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which affect bulk power supply facilities.

SEC. 11. Each State or regional certifying body qualified pursuant to a certificate of qualification of procedure, each State joint board, and the Federal certifying agency are hereby authorized to assess and collect fees, including filing fees, in a just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said agency, such assessment and collection to be in an amount not in excess of the cost of administration of the qualified agency's certification program, including the cost of all necessary studies and the cost of personnel.

SEC. 12. The Federal certifying agency, in cooperation with other interested Federal agencies and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional, and local governmental authorities, the national organization of the State commissions and the electric entities. The Federal agencies shall make public the results of their studies.

SEC. 13. All departments and agencies of the Federal Government are authorized to cooperate with the certifying agencies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make available to the various certifying agencies, staff experts, information and technical assistance upon request. Upon request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal department or agency, said department or agency is authorized to undertake such study in cooperation with other interested Federal, State, and local agencies and make its findings available to all concerned.

SEC. 14. The orders or decisions of the Federal certifying agency and of each State joint board pursuant to this Act shall be subject to review pursuant to the provisions of sections 701–706 of title 5, United States Code. The orders and decisions of the State or regional certifying agencies pursuant to this Act shall be subject to review pursuant to applicable State law.

SEC. 16. (a) The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality or the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852), except that the detailed statements required by section 102(2)(c) thereof, where the certifying agency has followed a substantially comparable procedure, shall not be required for any Federal actions with respect to bulk power supply facilities which require a certificate of site and facility pursuant to section 6 of this Act.

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, or the Federal Power Commission under the Federal Power Act of 1935, as amended.

SEC. 17. (a) Whoever—

(1) without first obtaining a certificate of site and facility, commences to construct a bulk power supply facility after twenty-four months after the date of enactment of this Act; or

(2) having first obtained a certificate of site and facility, constructs, operates, or maintains a bulk power facility other than in compliance with the certificate; or

(3) causes any of the aforementioned acts to occur; shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation or for each day of a continuing violation, or imprisoned for not more than one year, or both.

(c) In addition to any penalty provided in subsection (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisions of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

FEDERAL-STATE ELECTRIC POWER ENVIRONMENTAL PROTECTION ACT—JUSTIFICATION

Our country is continuing to experience an exponential growth in the demand for energy. For the power demands expected in 1990, the electric industry alone faces installation of nearly one billion kilowatts of new generating capacity during the next two decades.

This expansion of generating capacity is roughly equal to quadrupling the Nation's present electric generating facilities. The 1990 plan will be three times that of the 1971 plant, producing nearly six trillion kilowatt hours.

The demand for electric power has been doubling about every 10 years.[1] Per capita consumption has recently been increasing about five times as fast as population,[2] while in the past 100 years the population has tripled but energy consumption has increased 15 times." [3]

By 1990, electric utilities must add 200,000 circuit miles of new bulk transmission facilities, with about half expected to be extra-high-voltage lines requiring rights-of-way of 200 feet or more. The land requirements for these facilities is impressive—more than 3 million acres, or 4,850 square miles, equal to a right-of-way two miles wide spanning the Nation from New York to Los Angeles.

It is not difficult to foresee how painful will be the reconciliation between utility transmission needs and the public desire for a visually pleasant and uncluttered environment.

The planning decisions relating to power plant siting and transmission line routing and right-of-way acquisitions are inextricably involved in the future reliability of bulk power supply. Reliability suffers when environmental factors cause indecision on the part of utility planners and, as a consequence, delay the start of construction of

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Footnotes at end of article.

generating capacity and the completion of transmission facilities.

A particularly troublesome aspect of utility system planning is the present structure of environmental safeguards which require utility systems to obtain a whole array of licenses, permits, and approvals on the local and State levels, sometimes as many as 30 or more, before all legal restraints to plant construction can be removed. If environmental problems are to be cleared expeditiously and fairly to all concerned, a new procedure must be established to centralize and to simplify the acts of licensing and appeal through which the public exercises its rights to a visually pleasant and a healthy environment and to do this without frustrating utility expansion programs.

In an effort to resolve these growing difficulties, a majority of the Federal Power Commission under the leadership of Chairman John N. Nassikas prepared legislation which was introduced on October 1, 1970, in the Ninety-first Congress as S. 4421, a bill proposing the Electric Power Environmental Policy Act of 1970. The Administration on February 10, 1971, forwarded to the Congress for introduction a similar bill entitled the "Power Plant Siting Act of 1971" which was intended to implement a part of the President's Environmental Program Message of February 8, 1971. NARUC Bulletin No. 7–1971, p. 17.

The letter of transmittal for the Administration's legislation stated that it "will provide the nation with a coordinated system of state, regional and federal certifying agencies to assure that all substantive environmental protection requirements are met before power plants and transmission lines can be built. It would also assure that if these environmental concerns are satisfied construction could proceed in a timely fashion to meet the nation's growing needs for electric power."

The Administration's letter further stated that the legislation included the following provisions:

"Requires the nation's electric utilities to engage in long-range planning and to prepare and publish general plans for their system expansions at least ten years in advance of construction.

"Provides that each state or region may establish a decision-making body that will review alternatives in order to assure that optimum sites for power plants and large transmission lines are selected, and will assure, prior to construction, that adequate environmental protection for features will be employed.

"Provides that if a state or region fails to establish such a decision-making body in accordance with federal guidelines, then the federal government would exercise the review and approval responsibility until such time as a decision-making body is established on a state or regional level.

"Requires that proposed power plant sites and general locations of transmission line routes be disclosed at least five years prior to construction and that public hearings on the plant sites be held at that time. Detailed applications for construction of power plants and transmission lines must be filed at least two years in advance and a public hearing held in which all interested persons can participate.

"Provides that the decision of the state or regional power plant siting body shall be conclusive on all matters of state or local law and thus consolidates the various approvals now required at the state and local level.

"Applies the foregoing requirements to all bulk power facilities regardless of ownership except that small plants and lower voltage transmission lines would be exempt."

A basic difference between the two proposals is that the FPC would be the primary "Federal certifying agency" under the FPC bill, and the President would designate the "Federal certifying agency" under the Administration's bill. The President has stated his intention to designate the proposed Department of Natural Resources. If this Department is not created, the President would probably designate the Department of the Interior or the Environmental Protection Agency as the certifying agency.

Although this legislation provides a role for State agencies, it nevertheless is not as meaningful as the role which would be afforded by the employment of the State joint board concept as reflected in the NARUC proposed Federal-State Electric Power Reliability and Scenic Conservation Act of 1969 which was introduced in the Ninety-first Congress [S. 1916 by Magnuson (D.-Wash.); H.R. 9429 by Friedel (D.-Md.)]. *81st NARUC Annual Convention Proceedings*, pp. 162–171 (1969).

The joint board concept is also reflected in the draft bill proposing new electric power reliability legislation which was transmitted by Commissioner John Carver of the Federal Power Commission on June 15, 1970, to Chairman Warren G. Magnuson of the Senate Commerce Committee and Chairman Torbert H. Macdonald of the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce.

Commissioner Carver, in his transmittal letter, said he was acting as an individual member of the FPC and not for the Commission.

He said the purpose of the bill is "to put a premium on the resolution of bottlenecks to construction." The main features of the bill are:

(1) Jurisdiction would be granted to the FPC to issue certificates of public convenience and necessity for EHV lines and fossil-fired power plants, but jurisdiction would have to be asked for by a regional reliability council; and

(2) The traditional process of an FPC examiner's decision and review by the Commission would not be used in reviewing applications for these facilities. Instead, review would be by a joint board made up of FPC and State representatives. NARUC Bulletin No. 28–1970, p. 2.

The Carver proposal has not been introduced in Congress.

The proposed legislation set forth below is similar to the Administration's bill. The chief distinctions between the two are that:

(1) Under the proposed NARUC bill a State joint board for the power pool region involved would act as the "certifying agency" in the absence of a qualified "state or regional certifying agency", whereas under the Administration's bill a Federal agency would act as the "certifying agency" in such circumstances;

(2) Under the proposed NARUC bill the FPC would be the primary "Federal certifying agency" while under the Administration's bill this function would be performed by some other Federal agency; and

(3) Under the proposed NARUC bill the certifying agencies would not be bound by Federal guidelines of the nature proposed by section 9 of the Administration's bill.

The enactment of the proposed NARUC bill would afford immediate protection to the public in the preservation of environmental values with the decisions being made by officials close to the problems. The joint board concept would not override State authority, but would stimulate the exercise of that authority by inducing the legislatures, which have not yet done so, to enact appropriate enabling legislation.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers. 49 U.S.C., Sec. 305. The joint board procedure has worked successfully in motor carrier regulation since 1935 and has significantly strengthened Federal-State relations. Accordingly, the joint board concept should be applied to the regulation of the electric industry under the terms of the following bill.

FOOTNOTES

[1] *Report Draft, Interagency Power Plant Siting Study Group,* Office of Science and Technology, I–5.

[2] *Ibid.*

[3] *U.S. Energy Policies—The End Of An Era,* an address by S. David Freeman, Director, Energy Policy Staff, Office of Science and Technology, before the Northwest Public Power Association Nuclear Symposium, Seattle, Washington, November 13, 1970, page 5.

ADDITIONAL COSPONSORS OF BILLS

S. 1113

At the request of Mr. BAKER, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1113, concerning technological problems associated with air pollution, and other related problems.

S. 1316

At the request of Mr. CURTIS, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1316, to increase from 50 to 80 per centum the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section.

S. 1782

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 1782, to exempt certain farm vehicles and farm vehicle drivers from the provisions of the Interstate Commerce Act.

S. 1699

At the request of Mr. MAGNUSON, the Senator from Oregon (Mr. HATFIELD), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 1699, the Environmental Financing Act of 1971.

NOTICE OF HEARING ON NOMINATIONS BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 26, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Solomon Blatt, Jr., of South Carolina, to be U.S. district judge for the district of South Carolina, vice Donald Stuart Russell, elevated.

Robert F. Chapman, of South Carolina, to be U.S. district judge for the district of South Carolina, vice a new position created by Public Law 91–272, approved June 2, 1970.

Warren H. Young, of the Virgin Islands, to be a judge of the district court of the Virgin Islands for a term of 8 years, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated place and time persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

THE RIGHTS OF NEW ENGLAND LOBSTERMEN

Mr. PELL. Mr. President, I have learned through press accounts that a meeting today between United States and Soviet fishermen off Nantucket was described as "reasonably successful" by Donald McKernan of the State Department.

The State Department should be commended for pressing forward with this session and for vigorously informing the Soviets of our position on the question of the rights of fixed gear lobstermen.

It appears the session opened up new and important avenues of communication between our fishermen and the Soviets.

It is my hope that the State Department and the Coast Guard will continue to maintain a most vigilant watch over this situation and be vigorous in protecting the rights of all American fishermen.

The owner of one fleet of American lobster boats claims more than $100,000 damage in recent days from Soviet harrassment. It is imperative that the accuracy of these claims be verified speedily and, if they are accurate, that our Government press the Soviet Government for full compensation to our fishermen for the damages they have suffered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow the unfinished business be laid before the Senate.

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

THE PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), as modified.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 12 o'clock noon. Immediately following recognition of the two leaders under the standing order, 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. The pending question is the amendment offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), amendment No. 76, as modified.

Mr. STENNIS. The manager of the bill will be ready to vote tomorrow.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 11 o'clock and 29 minutes p.m.), the Senate adjourned until tomorrow, Thursday, May 20, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 19 (legislative day of May 18), 1971:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for the terms indicated, new positions.

For a term expiring July 19, 1971:
Andrew A. Aines, of Virginia.
Catherine D. Scott, of the District of Columbia.

For a term expiring July 19, 1972:
Martin Goland, of Texas.
Louis A. Lerner, of Illinois.
Charles A. Perlik, Jr., of Virginia.

For a term expiring July 19, 1973:
John G. Kemeny, of New Hampshire.
Bessie B. Moore, of Arkansas.
Alfred R. Zipf, of California.

For a term expiring July 19, 1974:
Joseph Becker, of Maryland.
Carlos A. Cuadra, of California.
John E. Velde, Jr., of Illinois.

For a term expiring July 19, 1975:
W. O. Baker, of New Jersey.
Frederick Burkhardt, of New York.
Leslie W. Dunlap, of Iowa.

EXTENSIONS OF REMARKS

THEIR SHIRTS ARE NOT BROWN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1971

Mr. MIZELL. Mr. Speaker, at this time I would like to include in the RECORD of today an article written by Maj. Gen. Ferd L. Davis, adjustant general of the National Guard in North Carolina, published in the March 12, 1971, edition of the New York Times.

The article deals with the sacrifice, the devotion to duty and the courage displayed by National Guardsmen under the most difficult of circumstances.

At this time of almost routine civil disturbances and in this age of constant protest, the National Guardsman has been placed in a stereotype that is quite unfair and not at all accurate.

General Davis' article is an excellent portrait of the National Guard as it actually functions, as a proud, honorable, effective company of men dedicated to keeping the national peace in times of disorder.

I highly recommend the piece for review by my colleagues.

The article follows:

[From the New York Times, Mar. 12, 1971]

THEIR SHIRTS ARE NOT BROWN

(By Ferd L. Davis)

In America we National Guardmen have a twofold mission. First we provide immediate back-up support for the regular Army and Air Force our secondary but more highly publicized mission is that of providing military support for civilian authorities.

Military support of civil authority includes such duty as search for missing persons, service during hurricanes and other natural disasters, and restoration of order in civil disturbances. Normally our civil disorder duty is state duty, and it has resulted in some elements of our society regarding us as storm troopers.

National Guardmen are neither *Sturmabteilung* nor *Schutzstaffel*; we have no desire to be regarded as either. In North Carolina we have avoided such characterization by having responsible commanders and capable troops carry out plans embodying both firmness and restraint during civil disturbance duty.

These commanders, upon my order as Adjutant General, leave their civilian pursuits and move into the troubled communities with armed troops and a variety of special forces including infrared sniper teams, gas and shotgun squads, and air-support groups.

Using the same rules of engagement as the regular Army, the guardsmen usually complete the task of restoring order with dispatch. For the North Carolina commander, however, restoration of order is but the first step of a threefold mission.

The commander then moves into what I am pleased to call a mission of mercy, because that is exactly what it is. After the breakdown of normal municipal operations and control, there are always people who are cold and hungry, in need of medical attention; we stand to their needs, get them back on their jobs, and get their children back in school. This phase usually requires about twice as long as the mere restoration of order.

The third aspect of the guard mission involves restoration—sometimes even the beginning—of communication between divergent groups in the community. By executive order of Governor Robert W. Scott, the North Carolina National Guard task-force commander is charged with coordination of all state forces in the disorder-ridden community, and we are diligent in using all our