

Until then, the following editorial may be food for thought for my colleagues:

[From the Christian Science Monitor,
May 12, 1971]

WEAPONRY, 1971

Every year at about the same season, usually just when the cherry blossoms are opening along the Potomac, a new round is opened in the old argument over how many weapons of what kind the United States needs in view of whatever its arch rival in power, the Soviet Union, is doing or is believed, by some, to be doing.

The 1971 debate is a rerun of the 1970 round, with a difference.

The 1970 round was opened by Secretary of Defense Melvin Laird on April 29 with the assertion that the Soviets were engaged in a massive expansion of their nuclear striking force. He suggested the distressing possibility that they were seriously seeking a "first strike capability" against the United States.

This was based on a presumed continuing deployment of Russian SS-9 intercontinental missiles. These are the world's largest, carrying a nuclear warhead with an estimated power of 20 to 25 megatons. The heaviest megatonnage in the American arsenal is one to two, on a Minuteman 2.

The Russians were then said to be deploying SS-9 missiles at the rate of 50 to 60 per year whereas the United States had at that time stabilized its long range missile force and was deploying nothing new at all.

The 1970 round ended with the admission that instead of continuing SS-9 deployment, there had been none since August of 1969. Thus the 1970 case was built on a false assumption about what the Russians were in fact doing.

The 1971 round was opened by Sen. Henry M. Jackson (D) of Washington on March 7 with the disclosure that the Russians were digging some new holes in the ground which suggested that they were engaging in deploying "an advanced generation" of missiles; i.e., something beyond the huge SS-9.

This was later confirmed from the Pentagon with some details.

The essential published facts are that the Russians have dug 40 new holes of the same size previously used for the SS-9 type missiles, but with different surroundings.

These diggings are detected by aerial photography from orbiting American reconnaissance satellites. These satellites are constantly photographing everything of mili-

tary interest going on in the Soviet Union. (The U.S.S.R. does the same.)

There are conflicting theories about the purpose of these holes in the ground. At one end of the spectrum is Senator Jackson and the theory of an "advanced generation" of Russian missiles. At the other end is the theory that the Russians are trying to protect what they have by getting ready to move 40 of their existing SS-9 missiles from old-style silos into new stronger and harder ones with a better radar detection system.

The Russians do have reason to think about the validity of their own deterrent. While they were not deploying any new SS-9 missiles the United States was fitting new warheads to its Minuteman missiles. These new heads contain three or more independently targetable (MIRV) nuclear devices. Also, the Navy began deploying its new Poseidon missiles, also fitted with MIRV heads.

Thus, while the Russians were deploying nothing, the United States was multiplying their nuclear striking power by a factor of roughly three times.

It would not be surprising, therefore, if the Russians were putting their best effort not into a "new generation," but rather into trying to save what they have.

Personalities are getting involved, as they always do in such matters. It is now disclosed that behind Senator Jackson's opening move this year is John S. Foster Jr., Director of Research and Engineering, Department of Defense. A public counter blow has been aimed at him directly by an organization called the Federation of American Scientists.

According to the federation, Mr. Foster is guilty of "a classic numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language and alarmist non sequitur conclusions." Prof. George W. Rathjens who helped draft this unflattering opinion of Mr. Foster's work adds that the SS-9, instead of being the superweapon Pentagon spokesmen brandish before anxious congressional eyes, is actually an obsolete type which the United States could have had long ago, but rejected in favor of the more efficient, and less costly, Minuteman. The huge megatonnage of the SS-9 is dismissed by the critics of Mr. Foster as "overkill."

At State Department, Treasury, Bureau of the Budget, and the White House are people who prefer not to talk out in public, but are delighted to have the Federation of Scientists speak out on what is a highly con-

troversial subject. The Bureau of the Budget, for example, wants to save all the money it safely can, but is in a poor position to argue in public against Pentagon assertions about the latest form of the "Russian menace." The federation acts, therefore, as the public front for the opposition inside the administration to a new and bigger weapons program.

We who are on the outside and do not possess the top-secret information available to the President and his key advisers cannot be sure which view is correct, the alarms of Senator Jackson and Mr. Foster, or the reassurances of their critics.

But there are helpful opinions from authoritative sources. The Institute of Strategic Studies, in London, is widely regarded as the most responsible public source for defense information and analysis. In its current annual "Strategic Survey" it explores a possible Soviet try at a "first strike capability" and observes:

"Certain aspects of the Soviet program were certainly calculated to generate such fears, but the evidence which they provided was never better than ambiguous and was certainly not stronger than that which the Soviet Union might itself have adduced, oversuspiciously, from American strategic programs and statements in the past."

And as for everyone ever getting a "first strike capability": to have one would mean the ability to knock out every missile in the arsenal of the other side. If even one escaped, the "first strike" would be meaningless because, to quote former presidential adviser McGeorge Bundy: "a decision that would bring even one hydrogen bomb on one city of one's own country would be recognized in advance as a catastrophic blunder."

The most reasonable conclusion is that neither Russia nor the United States has any real chance of getting a "first strike" and it is highly doubtful that either is really trying. Each will inevitably suspect the other and thus keep up the race in technology to the point where there is some cutoff in the nuclear arms race.

As we read the existing and publicly available evidence it seems that the United States is probably holding its technological advantage over Russia, perhaps even widening it.

If true, it would be to Russia's advantage to agree to a cutoff date in the SALT talks. We can only watch with fascination to see what the Russians do agree to. It will be the best possible measure of which side is leading in the nuclear race.

SENATE—Thursday, May 20, 1971

The Senate met at 12 o'clock noon 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:

Eternal God, shepherd of our lives and restorer of our souls, we thank Thee for the gift of life, and for another day in which to serve Thee. We thank Thee for colleagues with whom we are joined in common commitment to seek the highest good for the greatest number.

May we pursue our tasks with a sense of Thy presence. Give us wisdom not to waste time on the wrong things, not to squander energy on things that do not matter, nor to put off until tomorrow that which can be done today. Preserve us from hasty speech or cowardly silence. Give us grace to think right, to speak right, to act right, and at night to lay

ourselves to sleep in fellowship with Thee and as peace with our fellow man.

O God, cleanse, renew, and guide this Nation through these troublesome days toward the brighter days of Thy kingdom.

We pray in the Master's name. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and concurrent resolutions in which it requested the concurrence of the Senate:

H.R. 1795. An act for the relief of Leonard Alfred Brownrigg;

H.R. 1892. An act for the relief of Stephen C. Yednock;

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 2035. An act for the relief of William R. Karsteter;

H.R. 2117. An act for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, XXXX);

H.R. 2246. An act for the relief of Charles C. Smith;

H.R. 3749. An act for the relief of Richard C. Walker; and

H.R. 3753. An act for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired).

The message also announced that it had agreed to the following concurrent resolutions in which it requested the concurrence of the Senate:

H. Con. Res. 103, providing for the printing of the report entitled "Investigation and Hearing of Abuses in Federal Low- and Moderate-Income Housing Programs";

H. Con. Res. 120, to authorize the printing of a veterans' benefits calculator;

H. Con. Res. 206, to reprint brochure entitled "How Our Laws Are Made"; and

H. Con. Res. 242, authorizing certain printing for the Committee on Veterans' Affairs.

The message further announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 15, pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary; and

S. Con. Res. 18, authorizing the printing of additional copies of Senate Report 91-1548, entitled "Economics of Aging: Toward a Full Share in Abundance."

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 5352. An act to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce; and

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1795. An act for the relief of Leonard Alfred Brownrigg;

H.R. 1892. An act for the relief of Stephen C. Yednock;

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 2035. An act for the relief of William R. Karsteter;

H.R. 2117. An act for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, **xxxx**);

H.R. 2246. An act for the relief of Charles C. Smith;

H.R. 3749. An act for the relief of Richard C. Walker;

H.R. 3753. An act for the relief of Sergeant Ernie D. Bethea, U.S. Marine Corps (retired).

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read and severally referred to the Committee on Rules and Administration:

H. Con. Res. 103, providing for the printing of the report entitled "Investigation and Hearing of Abuses in Federal Low- and Moderate-Income Housing Programs";

H. Con. Res. 120, to authorize the printing of a veterans' benefits calculator;

H. Con. Res. 206, to reprint brochure entitled "How Our Laws Are Made"; and

H. Con. Res. 242, authorizing certain printing for the Committee on Veterans' Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 19, 1971, be dispensed with.

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

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

ORDER FOR ADJOURNMENT FROM FRIDAY TO 10 A.M. MONDAY, MAY 24, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until the hour of 10 a.m. on Monday next.

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.

EXTENSION OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 110, H.R. 5765, and that the application of the Pastore rule of germaneness not apply.

The PRESIDENT pro tempore. Without objection, the bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 5765, an act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia.

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

There being no objection, the bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-109), explaining the purposes of the measure.

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

The Committee on the District of Columbia, to which was referred the bill (H.R. 5765) to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 5765 is to extend the life of the Commission on the Organization

of the Government of the District of Columbia 6 months, that is from September 22, 1971, to March 22, 1972.

NEED FOR EXTENSION

H.R. 5765 passed the other body on April 27, 1971. It is identical to S. 1229, a bill introduced in this body by Senators Mathias and Spong, who are two of the Senate-appointed members of the Commission on the Organization of the Government of the District of Columbia.

A public hearing was held on May 11, 1971, on both S. 1229 and H.R. 5765, at which the Commission Chairman, Congressman Nelsen, appeared to justify the requested extension.

The need for this 6-month extension arises because of the fact that, for reasons beyond the control of the Commission, the Senate appointments to the Commission were delayed so that the final two members were not named until the last week of January 1971. The Commission members who had been appointed earlier met on December 16, 1970, and voted to take no permanent and final action toward organization until the final two members had been named.

Shortly after the final two Senate Members had been named, the Commission held its formal organization meeting on February 5 and since that time it has been engaged in the planning and organizational aspects of its work. The Commission has adopted a time schedule for its study which would see its efficiency study completed and a final report filed with the Congress in March of 1972. Chairman Nelsen indicated that the Commission fully expects to meet this deadline if granted the extension.

At the March 8, 1971, meeting of the Commission, the members unanimously voted to request Congress to grant a 6-month extension of the life of the Commission, and requested the appropriate congressional representatives on the Commission to introduce legislation that would amend section 103(b), title I, of Public Law 91-405, so as to effect the extension.

COMMISSION BUDGET

There is some considerable importance attached to this legislation, seeking a 6-month extension for the life of the Commission, at least from the point of view of the Commission, inasmuch as the chairman of the Commission must appear before both the Senate and House District of Columbia Appropriations Subcommittees in support of the Commission's budget for fiscal year 1972. Without some evidence of the intent of Congress to extend the life of the Commission to March 1972, it would be extremely difficult for the Commission to present and justify its budget. On the other hand, the funds currently appropriated for the Commission were not expected to cover the budget for the Commission for the entire term of its study, but only for fiscal year 1971.

Public Law 91-665, an act making supplemental appropriations for fiscal year ending June 30, 1971, enacted into law on January 8, 1971, contained an appropriation in the amount of \$325,000 to fund the Commission in fiscal year 1971.

It is currently contemplated that \$150,000 in funds will be obligated by June 30, 1971 for staff salaries, administrative support, and contractual services. However, the principal part of the work of the Commission, and accordingly the costs incurred, will take place during the period of June 15, 1971 to March 22, 1972 (assuming the extension provided for in this bill).

The budget request for the Commission for fiscal year 1972, is contemplated at this time to amount to \$425,000. The total amount thus requested for the Commission during its life is contemplated not to exceed \$750,000. The projected expenditures for the

life of the Commission would provide salaries of \$381,000, administrative support of \$88,000, and contractual services of \$276,000 for consulting, leases, et cetera.

In the event, as is hoped, some professional assistance in conducting the Commission's study can be obtained through grants, matching funds, or the assignment of professional experts in the fields of management, personnel, et cetera, from the public sector without reimbursement, there will be a balance of unexpended funds available after the termination of the life of the Commission.

EXECUTIVE SESSION

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

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

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

FEDERAL POWER COMMISSION

The assistant legislative clerk read the nomination of Pinkney Calvin Walker, of Missouri, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1972.

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

FARM CREDIT ADMINISTRATION

The assistant legislative clerk read the nominations in the Farm Credit Administration, as follows:

Ernest G. Spivey, of Mississippi, to be a member of the Federal Farm Credit Board for a term expiring March 31, 1977.

Earl S. Smitcamp, of California, to be a member of the Federal Farm Credit Board for a term expiring March 31, 1977.

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

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

U.S. CIRCUIT COURTS

Mr. BUCKLEY. Mr. President, among the judicial appointments which we are being asked to confirm are the names of five New Yorkers, each of whom is well qualified for service on the Federal bench.

Judge Walter R. Mansfield has served as a U.S. district judge for the southern district of New York since 1966. His elevation to the circuit court of appeals for the second circuit has been recommended with enthusiasm by all who have come to know his superb qualities as a trial lawyer and, more recently as a jurist. He can be expected to be an outstanding member of an outstanding court.

Dean William H. Mulligan of the Fordham University Law School has been contributing to the scholarship of the law for more than 25 years. He is well qualified by temperament and knowledge to assume the important duties and responsibilities which will be his as a member of the circuit court of appeals for the second circuit.

Professor Lawrence Pierce will bring to the district court for the southern district of New York an exceptionally broad range of experience which includes extensive trial work as an assistant district attorney of Kings County, as well as the knowledge which has come from his deep involvement in police work and in the problems of narcotic addiction control.

Mr. Murray Gurfein has long been known as one of the most effective trial lawyers in New York City. His quality of mind, his energy and his impeccable reputation all reinforce the opinion of his peers that he will make a most distinguished addition to the district court for the southern district of New York.

Judge Mark Costantino has displayed exemplary judicial qualities in his years of service as a judge in the New York State court system. He has established an outstanding record for fairness and consideration and patience. He may be expected to give years of excellent service as a member of the district court for the eastern district of New York.

I join my colleague, the senior senator from New York, in urging that the appointments of these gentlemen be confirmed.

The assistant legislative clerk read the nomination of James L. Oakes, of Vermont, to be a U.S. circuit judge, second circuit.

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

The assistant legislative clerk read the nomination of Walter R. Mansfield, of New York, to be a U.S. circuit judge, second circuit.

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

The assistant legislative clerk read the nomination of William Hughes Mulligan, of New York, to be a U.S. circuit judge, second circuit.

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

U.S. DISTRICT COURTS

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

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

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

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Jack T. Stuart, of Mississippi, to be a U.S. marshal for the southern district of Mississippi for the term of 4 years.

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

U.S. MINT

The assistant legislative clerk read the nomination of Jack Herbert Keller, of Pennsylvania, to be Assayer of the Mint

of the United States at Philadelphia, Pa.

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

Mr. SCOTT. Mr. President, I am glad to see the confirmation, as Assayer of the Mint of the United States at Philadelphia of Jack Herbert Keller, of Pennsylvania. He is a man for whom we have the highest regard. This honor which comes to him now is well deserved and I am very much pleased that he has been so appointed.

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

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

LEGISLATIVE SESSION

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

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is now recognized. Does he wish to speak?

Mr. MANSFIELD. Mr. President, I have no remarks at this time.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

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, not to exceed 30 minutes, with statements therein limited to 3 minutes.

DISTRICT OF COLUMBIA METRO SYSTEM

Mr. SPONG. Mr. President, the supplemental appropriation bill passed last night by the Senate contains the District of Columbia contribution of \$34 million for construction of the area's metro system. Although the House did not include these funds in its version of the bill, I am hopeful that the House conferees will accept the Senate provision.

Mr. President, a great deal depends upon prompt release of this money. The Metro system is already experiencing difficulties in the bond market where investors quite properly insist upon some assurance that the subway system will be built and will be built according to the original 98-mile plan. The continued delay in releasing the District of Columbia's contribution not only weakens Metro's position in the bond market, but it is unfair to the local jurisdictions of Northern Virginia and Maryland which have scrupulously lived up to their agreement.

Mr. President, I am not unsympathetic to the desire of certain House Members to see progress in the construction of new highways in the Washington area.

These highways will be necessary to help carry the predicted traffic increase of the next decade. Only a balanced transportation system that includes both subway and adequate highways will meet the area's needs. In this connection, it should be noted that the subway system was designed with the highways in mind and unless that construction is undertaken, the subway system would be inadequate from its first day of operation.

Nevertheless, just as we cannot afford to emphasize the subway to the neglect of highways, we cannot insist upon highways at the cost of jeopardizing the subway system. In short, we need balanced transportation and we may need legislation which will assure that balanced transportation will become available.

For that reason, should the conference committee not approve the District of Columbia money in this supplemental, I intend to propose as a rider to either the fiscal year 1972 appropriation bill for the District of Columbia or the District of Columbia revenue bill, an amendment to tie highways and subway funds together. Under this amendment, money would be provided for both developments or there would be no money for either.

Mr. President, I would prefer not to take this course of action and I hope it will not be necessary. I do want the Senate to know, however, that I will not stand by while the subway is allowed to wither from failure of the Federal Government to honor its obligation.

CHANGE OF REFERENCE OF A NOMINATION

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the nomination of Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare, which was referred to that committee on May 13, 1971, and that the nomination be referred to the Committee on Labor and Public Welfare for appropriate consideration and action.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

LEAVE OF ABSENCE

Mr. SAXBE. Mr. President, I ask unanimous consent that the senior Senator from New York (Mr. JAVITS) be granted official leave of the Senate from duty to the close of business Thursday, May 27, 1971.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

BREAKTHROUGH IN STRATEGIC ARMS LIMITATION TALKS

Mr. SCHWEIKER. Mr. President, I rise to commend President Nixon for a truly significant breakthrough in our strategic arms limitation talks. The announcement at 12 noon today may well go down in history as the first real breakthrough in the armament race and the first real breakthrough in our situation in the cold war since World War II.

President Nixon's brief announcement today, coupled with the announcement in the Soviet Union by the leader of the Soviet people, that an understanding had been reached on an antiballistic missile limitation and on offensive weapons limitation is something we have all hoped, worked, and prayed for, for a long time.

I think that President Nixon is to be highly commended for his efforts, his interest, his initiative, and his leadership in this area, because all of us know, and particularly those of us who serve on the Committee on Armed Services, that our civilization is now in a plateau area, where each side has more or less caught up with the other, and is looking to the other to see how far they must leapfrog in this very serious escalation.

Today's announcement by President Nixon tells us there does not have to be another leapfrog, that there may be a permanent plateau, a permanent leveling of armaments, a permanent halt in the cold war, and a permanent modus operandi between the Soviet Union and the United States.

I think this is a historic day and moment. The President is to be highly commended and I hope we can make such an ABM limitation and offensive weapon limitation this year, as the President indicated we would probably be able to do, in view of the joint announcement from Moscow and Washington today.

I commend President Nixon for his leadership and I am proud we have reached this pinnacle of toning down and stopping the arms race.

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

Mr. SCHWEIKER. I yield.

Mr. MANSFIELD. Mr. President, I, too, wish to commend the President for the success which he has so far achieved with the Soviet Union in seeking to bring about a limitation of armaments.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. MANSFIELD. Mr. President, I ask that I be recognized on my own time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. I think that now there is some light at the end of the tunnel, to use a time-worn phrase, in these negotiations which have been going on for so long in both Helsinki and Vienna.

I think much credit should go to the chiefs of state of both nations for their being able to reach an accommodation in this area. I think much credit should go to Gerard C. Smith, chief of the American delegation representing this country in these talks.

I am hopeful that some time this year—and I believe the words "this year" are used in the President's statement—means that in an offensive and defensive capacity it will be possible to reach a further accommodation and bring about a limitation of arms in both categories. I certainly would like to see that achieved; I would like to see terminated the process that provides ever-increasing appropriations with which to build weapons of destruction. I would like to see diverted a great portion of those funds, to matters that concern the needs and the welfare of our respective peoples.

I join the Senator from Pennsylvania and commend the President. I think this is a very, very good sign.

Mr. SCHWEIKER. I thank the distinguished Senator from Montana.

I conclude with the observation that this could well be the most significant breakthrough for world peace in this century. I hope that action will come about this year.

CUBAN INDEPENDENCE DAY

Mr. CHILES. Mr. President, today marks a most important date in Cuban history. On May 20, 1902, the flag of the newborn Republic fluttered over a free Cuba for the first time. The Cuban struggle for independence had been long and bloody, but our relations with the Cuban people were sympathetic throughout their struggle. I want to pay tribute to the many brave men who fought for the freedom of their homeland.

Inspired by the example of the American Revolution and by the movements for independence in the other Spanish colonies in America under the leadership of such great men as Simon Bolivar and Jose de San Martin, the Cuban people began a long struggle for independence early in the 19th century.

It is little known that a close relationship existed between the people of Cuba and those of the Thirteen Colonies during our struggle for independence. Cuban voluntary militia fought against the English forces in places such as Mobile, Pensacola, and St. Augustine. Several documents of the Continental Army show that money donated by the Cuban people and collected by Admiral De Grasse helped to finance the most critical campaign of our War of Independence, the Battle of Yorktown. When the people of Cuba were ready to start their own movement for independence, they counted our Nation as a friend.

The most noteworthy of the first Cuban revolutionary uprisings was known as Soles y Rayos de Bolivar—Suns and Rays of Bolivar—organized in 1823. This revolt

failed, but it marked the beginning of a close relationship between Cuban revolutionaries and the American people. Many of the revolutionaries were sentenced to perpetual exile. Among the exiles that came to the United States was the poet Jose Maria Heredia, who was to become known to Spanish Americans as the "Cantor del Niagara," for a poem he wrote in the United States praising the beauty of the American countryside and Niagara Falls.

As the independence developed, the Spanish colonial government became despotic, and increasingly arbitrary and vindictive toward the Cuban freedom fighters. Between 1848 and 1851, the United States was the scene for the organization of an expeditionary force to liberate the island of Cuba. The Cuban flag was unfurled in the friendly breezes of the United States. In 1850, General Narcisco Lopez sailed with about 600 men including many American sympathizers for Cuba. After holding Cuban ground for some time, they were forced to reembark. The time to free Cuba had not yet arrived. The following year, General Lopez returned to Cuba with about 400 men, including more than 150 American volunteers commanded by retired Colonel Crittenden of Kentucky. At first they were victorious, but victory did not last long, as many died on the battlefield and others like General Lopez and Colonel Crittenden were executed after capture by the Spanish Government.

Again, in 1868, the cry for liberty was heard as the Cuban people took up arms and for 10 years valiantly struggled to free their country from alien rule. More than 250,000 people lost their lives as a result of the war which settled in a deadlock.

In the troubled hours of defeat emerged the figure of Jose Marti—poet-patriot-leader of men. When he was only 16 years old, he was already a political prisoner for his ideals of liberty. For most of his adult life he was in exile, wandering through the American Continent carrying with him the story of the Cuban struggle for independence. In the United States from 1880 to 1895, he organized the Cuban insurrection. Cuban exiles that had come by the hundreds to Tampa, Key West, and New York worshipped him. They sacrificed everything but the barest necessities of life for the cause of liberty.

On February 24, 1895, the new cry of freedom was launched. Marti was one of the first men to land in Cuba after 16 years of exile, and one of the first to die in battle as a hero on May 19 of the same year. But, there were other great men to continue the movement.

When news of the cruel repression by the Spanish Government of the Cuban people reached the United States, the American people were horrified. Conditions grew worse in 1898. Spanish-American relations became more strained. On February 15, 1898, the battleship *Maine* blew up in Havana Harbor, and war with Spain became a reality.

On April 16, 1898, the U.S. Senate passed three resolutions calling on Spain to withdraw from Cuba, authorizing the President to use the Armed Forces, and recognizing that the people of Cuba "are,

and of right ought to be, free and independent." Another resolution presented by the late Senator Henry M. Teller of Colorado was passed stating that the United States "disclaims any intention to exercise sovereignty, jurisdiction or control over Cuba, and that the government of the island would be left to its people."

The stories of the accomplishments of the Cuban exiles in the United States are splendid examples of what can be achieved in a free and democratic society through hard work and determined effort.

History has proved that no dictatorship has ever succeeded in holding a people in bondage forever. On this 69th anniversary of the Cuban Republic, I am sure I speak for the Congress and the people of the United States in sending our best wishes to our Cuban friends and citizens.

The United States thus joined the Cuban people in their drive for independence from Spain. When the ravages of the war were over, the United States withdrew, allowing the Cuban people to exercise their independence.

On May 20, 1902, the lone star flag of Cuba fluttered for the first time over a free Cuba. This is a proud date in the pages of the history of both countries.

Today, the Cuban people live under a Communist regime imposed upon them by a large military apparatus, and Cuban exiles, more than 800,000 of them have once again come to our shores in search of freedom.

Over the last few years, the Cuban people have made an almost unbelievable transition. They have gone from a state of almost complete dependence to arrive at a position of notable success and achievement in this country at this time.

More than 83 percent of the Cuban exiles are completely self-supporting. Hundreds of the more than 2,000 medical doctors who fled to this country are successfully practicing medicine after having studied to pass the medical exams. In Miami alone, more than 9,500 businesses are owned by Cubans. Some 49 percent of the Cuban families own their homes and about 22 percent more are in the process of buying one. At the University of Florida, Cuban students have maintained grades generally above the university average.

Mr. President, I ask unanimous consent to have printed in the RECORD an essay which relates to the Cuban contribution to the American independence and a brief essay about José Martí.

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

THE CUBAN CONTRIBUTION TO THE AMERICAN INDEPENDENCE

(By Eduardo J. Tejera)

The War of Independence of the Thirteen Colonies was a popular struggle for the Americas and for Cuba, where it earned the understanding and joy of its people. For the Latin Americans, the independence of their northern neighbor meant the awakening of a new era. For the Cubans, the historic event did not come unexpectedly; the emerging American Republic concurred, more or less, with a hybrid Cuban nationalistic spirit, forged by the guiding minorities. The influ-

ence of the American and French Revolutions are well known, and their spirit has become a model for the Constitutions of the American Republics.

However, little is known about the collaboration and active participation offered by the Cubans to the Continental Army of General George Washington. The participation of the Venezuelan leader, Francisco de Miranda, is well known, and perhaps that of other leading hemispheric figures as well. Little knowledge exists concerning the collaboration of many other personalities. In this short essay, we wish to bring to light an historical incident that, unfortunately, has passed inadvertently by many Cubans and Americans, as well as by the most noted historians of both countries. We refer to the crucial economic aid provided by the *ladies of Havana* (senoras de La Habana) to the French General Rochambeau and to the American General George Washington, thus establishing the economic foundations of the American Independence.

In a very important book of the American historian Stephen Bonsal, entitled *When the French Were Here: A Narrative of the Sojourn of the French Forces in America and Their Contribution to the Yorktown Campaign*, the author points out, with supporting documentation, the importance of the role of the economic aid of the Cuban women to the Continental Army of George Washington. This fact we shall try to elucidate in more detailed form.

While the forces of General George Washington fought against the English Army in different parts of the country and the struggle raged as much in the South as in the North of the emerging Nation, the French Fleet, composed of twenty-three frigates, was entering the Antilles under the command of Admiral De Grasse. King Louis XVI sent his naval squadron to the Americans to protect and aid the Continental Army of the Thirteen Colonies, to neutralize the English naval power on American waters, and to actively collaborate in conjunction with George Washington and the French General Rochambeau. The French Fleet arrived to Cape Haitien (on the northern coast of Haiti) on July 16, 1781. There, three letters from General Rochambeau were awaiting Admiral De Grasse. These three letters are most fundamental in order to understand and perceive the source of the participation of the French Naval Fleet in the American War of Independence. Within their content are military orders from General Rochambeau to De Grasse, and together these two Generals made strategic plans for the Yorktown Campaign. It would not be an overstatement to affirm that these documents were the groundwork upon which plans were made for the participation of De Grasse in the famous battle which proved crucial to the success of the Revolution.

The first letter was a request from Rochambeau to Admiral De Grasse to recruit troops to return with him. The decision, for a landing place in the United States, was left to De Grasse's judgment, although in the letter, Rochambeau showed preference for the Chesapeake Bay site.

The second letter, dated June 6, 1781, is from our viewpoint the most important. In it General Rochambeau expresses to De Grasse the indispensable need for raising the considerable sum of 1,200,000 livres, in order to finance the "Yorktown Campaign" against the English General Cornwallis. The economic situation of the Continental Army was very critical and even the capable financier of the Revolution, Robert Morris, was unable to devise a formula for obtaining new credit. As we shall see, the economic situation was more alarming and pressing than generally estimated.

The third letter from Rochambeau to De Grasse, dated June 11, 1781, informed him of the strategic outline of the War. Likewise,

he informed De Grasse of the critical situation in which the Americans found themselves. In Rochambeau's own words: "I must not conceal from you, Monsieur, that the Americans are at the end of their resources, that Washington will not have half of the troops he is reckoned to have, and that I believe, though he is silent on that, that at present he does not have 6000 men, that M. de LaFayette does not have 1000 regulars with militia to defend Virginia . . ." With-in such a dismal scene, the most decisive battle for the independence of the United States began.

From this correspondence, one may clearly understand the economic and strategic origin of the Yorktown campaign. We can also note the great responsibility placed upon De Grasse. He alone had to decide the place where the French Fleet would disembark in the United States and he was also responsible for the raising of the considerable sum for the military campaign. If his efforts had proved a failure, the final outcome of the War of Independence would have probably taken a path contrary to the aspirations of the rebels. The naval historian Charles Lee Lewis has stated in this respect that ". . . It is no exaggeration to state that, without De Grasse's timely assistance, all the efforts of Washington, Lafayette, and Rochambeau would have been barren of decisive results . . ." 2

Not only did the French military leaders discuss among themselves the critical economic situation of the anti-British forces; but General George Washington sent a most alarming letter to Robert Morris expressing:

"I must entreat you, if possible, to procure one month's pay in specie for the detachment under my command. Part of the troops have not been paid anything for a long time past and have upon several occasions shown marks of great discontent. The service they are going upon is disagreeable to the Northern regiments; but I make no doubt that a douceur of a little hard money would put them in proper temper. If the whole sum cannot be obtained, a part of it will be better than none, as it may be distributed in proportion to the respective wants and claims of the men." 3

The economic problems very much alarmed the leaders of the Revolution. They knew that an army living in miserable conditions, no matter how strong their ideals of freedom were, could not abide the demoralization created by poverty, lack of food supplies and clothing. The truth is that a great number of the troops fought barefoot and without uniforms, using old clothes and whatever rags they could find. It is evident that these men fought under the inspiration of a great ideal and with the tenacity characteristic of liberation armies.

With the passing of time, the financial situation of the rebel army did not improve. Instead, the crisis worsened. Robert Morris replied to Washington's letter, reporting bad news. "I have announced, Your Excellency, of the sad situation in matters of money, and I doubt very much, that it will be possible to pay a month's salary to your detachment, as you wish. Therefore, I believe that it will be better not to raise false expectations in that sense." 4

This was a blow for which General Washington was not prepared, as he believed it would be possible to print more Continental dollars. However, even this was impossible, for there was no "hard money" that is, gold to use as security for the bills.

The critical financial situation profoundly worried the American General for he knew that under such conditions the morale of the troops would diminish. The historian Stephen Bonsal has written in this respect: "When the zero hour of the Revolution came, Washington found himself in great embar-

assment". In reference to the battle spirit of the troops were near mutiny, and none of the men from the Northern states wished to go South." 5

This was the real situation of the Continental Army in the beginning of what would be the most decisive military encounter of the revolutionary campaign. The victory of Yorktown would take the rebels to inevitable triumph resulting in the permanent expulsion of the British from American territory. Apart from the French collaboration, also of great importance, what Washington needed the most was urgent economic support. Only a large amount of money could save the Continental Army from such a critical conjuncture. This was, in fact, the role played by the funds brought by Admiral De Grasse and collected in Cuba, due to the admirable and generous donation of the *ladies of Havana*.

After reading the three letters sent by General Rochambeau, Admiral De Grasse made several decisions of great historical importance for humanity—decisions that would eventually turn the course of history. He chose to keep as many ships as possible within his Fleet, thus maintaining at all times naval superiority over the British. Then, after careful consideration, he chose to disembark at the mouth of the Chesapeake Bay. As we are today aware, due to these momentous decisions made by De Grasse, the course of the War took a turn in favor of the rebels.

In Cape Haitien, De Grasse recruited more than 3000 men. These troops remained under the orders of the French officer M. Claude Henri Saint-Simon (the same man that later founded a philosophical doctrine that carries his name). Numerous black militia, recruited in Cape Haitien and Port-au-Prince, also joined the expedition. However, the task of recruiting troops proved to be less troublesome than the raising of the funds that Rochambeau had requested in his letter of June 6. Even in a prosperous town such as Cape Haitien, the collection of such a big sum—1,200,000 livres—proved to be a most difficult task.

De Grasse's initial intent was to obtain the funds through the influence that the Governor of Cape Haitien, M. De Lillancourt, might have had upon the Public Treasury. However, this effort failed, due to the fact that Lillancourt did not wish to risk such a large sum of money. 6 A second attempt by De Grasse also failed. In this one he pledged his own plantations in Haiti and his Tilly estate in France as collateral for the loan. Captain de Caritte of the frigate *Bourgogne* likewise offered his plantation on the islands. These offers give an idea of the unselfish spirit and patriotism of the two men, for they did not hesitate in risking their vast interests for a cause that in many respects was foreign to them. 7

A third attempt by De Grasse had a better outcome. This time the Admiral made contact with the Director General of Santo Domingo's customs, the Marquis de Salavedra, then residing in Cape Haitien. The Spaniard expressed that although he could not help him personally, due to lack of sufficient money in the Colony of Santo Domingo, he would arrange a contact in Havana that would be of help in extending credit. De Grasse was so enthusiastic about this possibility that he sent three of his best frigates, among them the *Aigrette* under the command of M. de Saint-Simon sailed from Cape Haitien on the last days of July of 1781. Meantime, De Grasse also dispatched the frigate *Concorde* with a letter to Rochambeau. In this letter, dated July 28, De Grasse gave an explicit account of all the events that had occurred within the past weeks. He informed Rochambeau that so far he had recruited an army of 3000 men, plus 100 artillerymen, 10 cannons and other material. Above all, he

stated that: "The Saint-Domingue (Haitie) Colony has no money, but I will send a frigate to Havana in quest of it, and you may depend upon receiving this amount: one million two hundred thousand livres." When this letter reached Rochambeau's hands, it filled him with joy for it was the first good news in months, and it promised the beginning of a new phase in the War.

The frigate *Aigrette*, the fastest in the French Fleet, was chosen to collect the funds in Havana. Although extremely dangerous because of the presence of the British Fleet in the waters of the Caribbean, the French ship and two reinforcements were able to sail to Havana safely.

The contacts in Havana were Lieutenant General and new Governor of Cuba, Juan Manuel de Cagigal and his aide-de-camp, don Francisco de Miranda, the future forerunner of the Spanish American Independence. Cagigal was well known for his adventurous spirit as well as for his commercial ambitions. He had already participated in other Spanish expeditions against the English in American territory.

The history of Miranda, one of the main leaders of the Spanish American independence, is well known. Unfortunately, however, his decisive participation in the collection of the funds needed to finance the Yorktown Campaign is one of the least known aspects of the life of this extraordinary man. The simple truth is that Miranda, together with a few other Cubans (Creoles) were the persons who organized the collection of the funds requested by Saint-Simon. Although collected from several different sources, the main and principal group was the *ladies of Havana*. They offered their jewelry and their diamonds—their wealth—to the American cause. 8

Charles Lee Lewis, historian and biographer of De Grasse, having done research in the Archives of France, and as such, able to examine the original letters and documents of the French Admiral, has said about the Cuban ladies, "The public treasury was assisted by individuals, ladies, even offering their diamonds. Five hours after the arrival of the frigate *Aigrette*, sent by De Grasse, the sum of 1,200,000 livres was delivered on board." 9 The efforts of Miranda were instrumental in this endeavor. Due to the protection of the public authorities, he helped organize the vast collection.

The contributions of the *ladies of Havana* and merchants were decisive in the collection of the funds, for due to these generous contributions, the larger part of the whole sum was raised.

This is the story of how the Cubans helped in a most effective manner the rebels of the Thirteen Colonies. Their contribution was decisive because the immense collected patriotically in Havana financed the historic and crucial Yorktown Campaign.

It would be an error to say that since Cuba at that time was a colony of Spain, all the inhabitants of the island were also Spaniards. Although it may be true from a legalistic point of view, it is not so in the "de facto" reality. This is supportable by the fact that the Creole Cubans had already had a national experience and, in many ways, their habits, customs and especially interest were in opposition and even frank antagonism with those of Spain.

Only thirty years later, two great Cubans openly advocated home rule for the island, and one of them would later become a fervent separatist. We are referring to Father Jose Caballero and Father Felix Varela, two forerunners of the Cuban independence that we are remembering today.

Furthermore, while the Cubans did not hesitate to give their total support to the French and rebel forces, the Spanish crown

Footnotes at end of article.

was slow and insincere in their vague promises of help. This may serve as further evidence of the differences existing between the inhabitants of the island of Cuba and the Iberian Spaniards as far as their feelings toward the independence of the Thirteen Colonies is concerned.

The French Fleet sailed from Cape Haitien on August 5, 1781. On August 14, the convoy found itself only three leagues north of Matanzas (Cuba), where it was joined by the *Aigrette* with its "percious cargo of 1,200,000 livres"¹⁰ De Grasse immediately wrote the good news to Rochambeau. In his letter of August 25, De Grasse related to Rochambeau the generous gesture and solidarity of the Cuban ladies and how they had donated their money and jewelry. He also informed the General that the Fleet would arrive at Chesapeake Bay on August 30, 1781.¹¹

After a long and slow voyage, the French Fleet reached the Chesapeake Bay on August 30. The news of De Grasse's arrival were received by General Washington at Chester, Pennsylvania, on September 5. The good news travelled fast and immediately started a chain reaction of joy and happiness among the townsmen. Rochambeau's aide-de-camp, M. Clozen, wrote in his personal diary: "We saw in the distance General Washington shaking his hat and a white handkerchief, and showing signs of great joy. Rochambeau had scarcely landed when Washington, usually so cool and composed, fell into his arms; the great news had arrived; De Grasse had come!"¹²

With the money the American and French leaders began to defray the vast expenditures of the Southern Campaign. The Continental Army, together with the much-needed French collaboration fought successfully the British forces of General Cornwallis in Yorktown, Virginia. The French Fleet played an important role, perhaps even crucial, in the battle by not permitting the British supplies to reach Cornwallis. After a few days of savage battle, the British troops, surrounded by the rebels, were forced to surrender. The capitulation of Yorktown was signed on October 31, 1781. From this date on the American victory was well secured, although sporadic fighting continued until 1783. The treaty of Paris of 1783 established, finally, the American Independence.¹³

The War of Independence had ended and the world witnessed the birth of the first modern experiment in republican government.

Considering the critical economic and moral situation of the Continental Army in the early months of 1781, it seems that the Cuban contribution to the rebels was fundamental and of the utmost importance. Only a strong dosage of financial assistance seemed to have been able to save the Americans. This was, precisely, the historic importance of the immense resources collected in Cuba thanks, in great part, to the ladies of Havana.

The distinguished historian Stephen Bonsal labelled the Cuban contribution as fundamental. He said that "... the million that was supplied Saint-Simon to pay the troops by the ladies of Havana, may, in truth, be regarded as the BOTTOM DOLLARS UPON WHICH THE EDIFICE OF AMERICAN INDEPENDENCE WAS ERECTED"¹⁴

In conclusion, this is the story of how the Cubans offered imminent services to the American cause. Unfortunately, it is not a well-known story, an historical datum usually absent in most textbooks and volumes of specialists. Posterity tended to ignore this historical fact. However, there is ample and authentic documentation available. It is about time, that even though this historical fact has remained buried for so many years under the heavy dust of the forgotten shelves

of history. It demands an immediate re-evaluation and divulgence. But, above all, we hope that it will place the truth in its rightful place.

FOOTNOTES

The introductory bibliographical traces of this essay were found in an article written by Dr. Rosario Rexach, entitled "Las Mujeres del 68"; *Revista Cubana* (New York; Cocce Press, January-June, 1968), No. I, pp. 123-142. The author acknowledges the traces of this article to Dr. Rexach, Dr. Carlos Ripoll also assisted at the start of the investigation. We wish to express our sincere appreciation to both Cuban researchers.

¹ Charles Lee Lewis, *Admiral De Brasse and the American Independence*, Annapolis: United States Naval Academy, 1945, pp. 123-124.

Also: Henri Doniol, *Histoire de la Participation de la France a L'establissement des Etats-Unis d'Amerique*, Paris: 1840. Vol. 4, pp. 650-652.

² Lewis, op. cit., p. ix.

³ Stephen Bonsal, *When The French Were Here: A Narrative of the Sojourn of the French Forces in America and Their Contribution to the Yorktown Campaign*, New York: Doubleday, Doran and Co., 1945, p. 119.

⁴ Jared Sparks, *Correspondence of the American Revolution*. Boston: Little, Brown and Co., 1853. Vol. III, Letter of August 28, 1781.

⁵ Bonsal, op. cit., p. 118.

⁶ Doniol, op. cit., p. 650. Lewis, op. cit. p. 138.

⁷ *Ibid.* pp. 138-39.

Also: G. Lacour-Gayet, *La Marine Militaire de la France sous le Regne de Louis XVI*, Paris, 1905, p. 398.

⁸ Lewis, op. cit. p. 138. Bonsal, op. cit. pp. 119-120.

⁹ Lewis, p. 138.

¹⁰ *Ibid.* pp. 140-141.

¹¹ Doniol, op. cit. Vol. IV, Also: Bonsal, op. cit. p. 120.

¹² J. J. Jusserand, *With Americans of Past and Present Days*. New York: 1916, pp. 78-79.

¹³ Harold E. Davis, *Los Estados Unidos en la Historia; Desarrollo Historico de su Pueblo y su Significado*. Mexico: U. Tip. Editorial Hispano Americano, 1967, pp. 30-32.

¹⁴ Bonsal, op. cit. pp. 119-120.

JOSÉ MARTÍ AND MAY 20

(By Rafael Fermoselle-López)

On Cuban Independence Day, one must give recognition to a remarkable man who dedicated his life to the cause of Freedom—José Julian Martí. His dedication, his inflexible will-power, and his undimaying faith in the struggle for Cuban Independence made his ideal come true. The major aim in this essay is to bring to the American public this great man's work and thinking, which reflect his love for Cuba and his love for Justice and Freedom. José Martí represents the spirit of a free and independent people.

José Martí was born of Spanish parents on January 28, 1853, in a modest home in Havana. He completed his elementary education in a neighborhood school where he showed great interest for books. His family was too poor to send him to secondary school, but he had gained the affection of the head master of a local high school, Don Rafael Maria Mendive, who began to finance the youth's education.

When Cuban revolutionaries began an armed struggle for independence in 1868, professor Mendive took part in the activities, and was arrested and his school closed down. The imprisonment of Martí and his best friend, Fermin Valdez Dominguez followed shortly, for writing a letter to a fellow student admonishing him for joining the Spanish colonial army. The two friends had also published an underground student newspaper, *La Patria Libre*, which was critical of the Spanish government of the Island. Dur-

ing the trial both boys claimed responsibility for writing the letter in an attempt to protect each other, but Martí's arguments were more convincing. Martí was only sixteen years old when he was sentenced to six years of hard labor in the San Lazaro quarries.

After serving six months of his sentence, Martí was deported to Spain as a result of his parent's efforts to have the sentence reduced. However, the young man's body and soul had already been scarred by prison life. While in Spain, Martí continued to defend the right of Cuba to be free and published a book on the inhumane treatment of political prisoners in Cuba. To continue his education, Martí registered at the Central University in Madrid and supported himself with the meager wages he made as a private tutor. Later he transferred to the University of Zaragoza, where he graduated in 1874 with a Master of Arts degree and licentiate in Law.

Upon the completion of his education Martí traveled to Paris and to Mexico, where his family was now residing. On arrival, he found his family barely making a living by sewing clothes for wealthy families and uniforms for the Mexican army. He began to earn a living by writing for Mexican newspapers and magazines. He also wrote poetry, translated a book by Victor Hugo, and wrote a theatrical sketch, *Amor con amor se paga* (*The Wages of Love is Love*).

The political situation in Mexico was tense. Upon the death of President Juarez, Sebastian Lerdo de Tejada, the President of the Supreme Court, assumed the presidency. Martí made friends among government officials and participated in party politics, urging President Lerdo to run for office in the 1875 elections. General Porfirio Diaz led the opposition, but was defeated. Followers of Diaz revolted against the government and defeated the forces of Lerdo. Diaz was then recognized as President by the Congress. The fear of reprisals by the new government and the fact that after two years his earnings were only moderate made Martí decide to leave the country.

While in Mexico, Martí had read about the progressive ideas and reforms being carried out by President Rufino Barrios in Guatemala, so he decided to move to the Central American Republic, where he arrived in March of 1877. Before long, Martí was appointed professor of History and philosophy at the Normal school. He then returned to Mexico to marry a Cuban girl, Carmen Zayas Bazan, whom he had met there, and returned with her to Guatemala.

In 1878 the war for independence which had begun in Cuba ten years earlier ended in a pact between the two contending forces. Spain granted a general amnesty and promised greater self government and a status similar to that of the provinces in Spain. Some of the Cuban leaders, including generals Maceo and Maximo Gomez, expressed opposition to the terms of the treaty, but the armed struggle was over. So, after years of living in exile, Martí and his wife returned to Cuba.

Upon his return to Cuba, Martí began to work in the Law offices of Nicolás Azcarate and Miguel Viondi, and as a teacher in a high school. His participation in cultural events made him known as a great speaker. His wife bore him a son, and his economic situation became stabilized. When less than a year after the armistice Spain began to break her promises, new conspiracies arose throughout the Island, and Martí joined the movement. Open rebellion broke out on August 28, 1879 and Martí was arrested on September 17th. On the 25th he was once again deported to Spain.

Martí made his way to the United States to join other Cuban revolutionaries who were spreading the idea of a free and independent Cuba. On January 3, 1880, he landed in New York. Martí became impressed by the behavior of the people of this country. Every-

one seemed to work, everyone read, people seemed to be their own master. His own country had seen ten long years of a fruitless struggle in which more than 200,000 people had lost their lives and property damage approached 500 million dollars.

The newly arrived rebel joined the Committee that was trying to further the revolution in progress in Cuba under the leadership of General Calixto Garcia. On January 24 Marti spoke for the first time in the United States to a capacity audience at Steck Hall. The speech established Marti as one of the principal leaders of the revolution. The first line of his speech was "Duty is fulfilled simply and naturally." Marti summoned all Cubans to unite in order to carry out a democratic revolution, in which there was a place for all, regardless of race or social or economic status.

But when the invading revolutionaries arrived in Cuba they were divided in their ranks and the leaders of the uprising were delayed in landing. Gradually hunger and weariness undermined the morale of the troops, and when General Garcia was captured and the rebel troops were bottled up by a large concentration of Spanish soldiers, the revolution seemed to have failed. This, however, was not the end of the hopes of Cuba to become independent; it was merely an experience for the final struggle.

At this time Marti was earning a living as an art critic for two newspapers, *The Hour* and *The Sun*, but his family life was not a happy one. His wife did not understand her husband's dedication to the cause of Cuban independence. Because Marti chose the life of exile rather than to make an act of contrition before the Spanish government, Carmen, who had joined him in New York, returned to Cuba to live with her father, taking their son with her.

After a brief stay in Venezuela, Marti was forced to return to New York. He had worked in the country of Bolivar as a professor of French and Literature and had founded a magazine, *Revista Venezolana*, which was published only twice. His ideas of freedom, democracy and justice had become troublesome to the dictator Guzman Blanco.

Upon his return to New York Marti began his period of greatest literary production. He was a precursor of the new Modernist trends of artistic expression which emphasized esthetic beauty, even though he conceived of Literature as a means of serving humanity and not merely an artistic expression. During these years Marti was at the height of his literary creativity and was recognized as an innovator of trends by such contemporary writers as Ruben Dario and Domingo F. Sarmiento. Among his books are *La Edad de Oro* (1889), a collection of stories for children and *Versos Sencillos* (1891), a collection of poems with a mixture of Neoromanticism, idealism, and the new literary forms of Modernism. He also alternated his literary production with articles in such distinguished newspapers as *The Sun*, *The Hour* and *The Evening Post* in New York, and *The Manufacturer* of Philadelphia. He also published in the best contemporary newspapers of Latin America, *La Nacion*, of Buenos Aires, among them. In both his speech and his writings Marti advanced the struggle for Cuban independence.

Marti's prestige grew in Latin America and as a result was asked by Uruguay to act as its vice-consul in New York. In 1950 he was appointed consul for Argentina and representative of Paraguay. That same year he represented Uruguay at the first International Monetary Conference, held in Washington, D.C. But in 1891 Marti resigned his consular posts and dedicated himself to organizing the Cuban exiles in the United States into an effective mechanism for revolution. His personal magnetism and mastery of oratory fired the patriotic fervor of the Cuban exiles.

That same year, Marti was invited by the

Cuban colony in Tampa to give the main address at a meeting of the Agramonte Club, which was going to organize a fund-raising campaign to help finance the revolution. During the visit he spoke in the cigar factories and exhorted all resident Cubans, of all racial and social groups, to join in the new struggle for their country's independence. The goal of his activities was to unite all Cubans under one organization. To do this he told them: "Form your ranks." Countries are not created by wishful thinking in the depths of the soul. . . ." His formula for the new Republic was simple, "With all, for the good of all". In a few days he was able to unite the Cubans in Tampa.

Marti returned to New York, but soon was back in Florida, this time called by the Cuban colony in Key West. The response he received was like the one he had obtained in Tampa. People who had been drawn apart throughout the years by the setbacks of the revolution, rallied to the cause. Finally, on January 5, 1892, he accomplished the formation of a united front. On that day, Marti wrote the *Bases and Secret Statutes of the Cuban Revolutionary Party*, which contained the ideology of the independence movement. Upon his return to New York, the Party was reorganized and Marti was elected delegate. He refused to be called president. In March the party began to publish *Patria*, the official newspaper of the movement. Money was donated by the exiles, who sacrificed for the cause all but the barest necessities.

Once the movement was organized in the United States, Marti went to Haiti and then to the Dominican Republic to meet with General Maximo Gomez, a veteran of the Ten Years War. Although some friction had existed between the two men, they united once again to fight for Cuba. Gomez was named Supreme Chief of the Military Section of the Party. The following year, 1893, Marti again visited General Gomez, in Montecristi, D. R. From there Marti went to Costa Rica to visit General Maceo, a black leader who had distinguished himself as an outstanding soldier in the Ten Years War. Marti then returned to Florida, where he spoke in both Spanish and English to the Cubans and the Americans at St. Petersburg, St. Augustine, Ocala and Jacksonville, winning them over to the cause.

Although there were many disappointments, such as seizure of ships with military goods by the United States, there were also Americans who donated money to buy more supplies and Cubans willing to make more sacrifices. Finally, on February 24, 1895, the revolution began. Ten days later Marti landed in Cuba after sixteen years away from his homeland. On May 19, 1895, Marti met death in battle, but his death fired his countrymen to greater efforts.

In 1898 the United States entered the War and a few months later the Spanish surrendered. Then followed a period of reconstruction under a United States provisional government. Cuba became an independent Republic on May 20, 1902.

Marti did not live to see his country free, but the bullet that killed him could not stop the momentum that he had created. The following are quotations from José Marti's speeches and writings.

The teaching of virtue is more noble than the useless study to deep social wounds—1875

Conciliation is the people's happiness—1876

Internal hatreds in the end explode. It is necessary to de-fuse hatred—1881

In a people, the only thing that lasts is that which is natural and not that which is foreign—1882

Haters should be declared traitors of the Republic. Hate is not constructive—1882

Liberty is the essence of life—1883

Without air, the earth dies; without liberty, as without air, nothing lives—1883

Political liberty will not be assured while spiritual liberty is not assured—1883

It is sad to see men moved by their passion or promoting them in others—1884

A public official that does not fulfill the program for which he was elected, is a thief of the office he holds—1886

To incite is the job of demagogues, and to be cautious is that of a patriot—1886

This love of country is to be completely pure, without a mixture of personal interest, active to frenzy, to sacrifice, to the flag, but as a priest, without ever staining oneself with the spots of ambition—1886

I cultivate a white rose,
In July as in January,
For the sincere friend
Who gives me his open hand.
And for the cruel one who tears out
The heart that gives me life,
I cultivate neither thistle nor weed,
I cultivate a white rose.

—1886

Those who possess thee, oh Liberty, do not know thee. Those who do not possess thee, should not talk—but conquer thee—1886

Rich people, like thoroughbred horses, should display for everyone to see the pedigree of their fortune—1888

To change of owners is not being free—1889

Cuba must be taken as an altar, to offer our lives on it; and not as pedestal to lift ourselves upon it—1891

Liberty to be viable has to be sincere and complete; if the Republic does not open its arms to all, and grows with all, the Republic will die—1891

Those who espouse their personal authority, or that of their group, above the harmony and unification of the country should be thought of as traitors by History—1892

I wish to leave the world
by its natural door;
In my tomb of green leaves
They are to carry me to die
Do not put me in the dark
to die like a traitor;
I am good, and like a good being
I will die with my face to the sun—1894

Good actions should be performed without calling the universe to see us pass by.

In war, to command is to destroy; in peace it is to construct. No one has seen an edifice built on Bayonets.

Every man of justice and honor fights for liberty whenever he may see it offended, because that is to fight for his integrity as a man; and the one who sees liberty offended and does not fight for it, or helps those who offend it, is not a whole man.

When politics has as its object merely changing its form in a country, without changing the condition of injustice in which the inhabitants suffer; when politics has as its object, under the name of liberty, replacing those in power with even hungrier authorities, the duty of the honest man will never be to stand aside and permit unchained corruption.

PLANNING REQUIREMENTS OF URBAN MASS TRANSPORTATION ACT NOT WORKING WELL

Mr. ALLOTT. Mr. President, as long ago as 1968, I pointed out that, in my view, the planning requirements of the Urban Mass Transportation Act as amended were not working well, and that as a result the loser was the transit rider.

Nothing since that time has changed my mind, and a matter of fact, the situation continues to cause problems for local transit systems which are attempting to serve the public.

What brought this matter to my atten-

tion again was a letter from Mr. George Krambles, planning director for the Chicago Transit Authority. Mr. Krambles is one of the most respected transportation experts in the United States and his practical experiences with the administration of the Urban Transit Act are well worth noting.

Mr. Krambles notes:

A project that provides capital equipment, such as new buses to replace worn-out old ones, is fundamentally different from a project to construct a new rapid transit system that may displace people or change neighborhoods.

His point is well taken. Most transit authorities do not have complete responsibility for transit planning in their areas. Therefore they most often are unable to materially affect the status of planning. These transit authorities need to perform a service for the public. The Congress, in passing the Transit Act, intended to make as much money available as possible to assist local transit operations in meeting their capital requirements.

The application of the law, or perhaps even the law itself, ends up penalizing the transit operator, and therefore the riding public. This is far from what Congress had in mind.

In his letter, Mr. Krambles indicates that the same problems with the UMTA and HUD planning requirements encountered by the CTA—one of the Nation's largest transit operations—have also caused difficulties for smaller cities such as Pueblo, Colo.; Jackson, Mich.; Evansville, Ind.; Peoria, Ill.; Stanton, Va., and Corvallis, Ore.

I am most familiar with the Pueblo case. Pueblo was declared eligible for the full two-thirds funding by HUD and UMTA 1 year, and ineligible the next year, despite the fact that the circumstances in Pueblo had not changed at all. There is little doubt in my mind that the Pueblo case represents an excellent example of our bureaucratic system in operation. While I was able to assist Pueblo in pleading its case, which was eventually reversed, the delay in processing the grant caused the city of Pueblo unnecessary and very disruptive difficulties with respect to the city's appropriations process.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent to proceed for 3 more minutes.

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

Mr. ALLOTT. Mr. President, while Mr. Krambles' letter does not specifically mention it, I believe his remarks raise another point which has disturbed me about the UMTA-HUD planning requirements.

HUD and UMTA make no distinction between large metropolitan areas and small urban communities which are not likely to become metropolitan centers for the next 100 years. Why a community which operates a bus company, consisting of 15 buses running over three routes, should be required to submit to the same planning requirements as a vast transit authority operating thousands of buses and rail cars over dozens of routes is beyond me.

My own research has indicated that of the 183 capital grants approved from the time the program began through the first part of May 1971, only 45 were approved at a full funding level. Some systems which received 50 percent grants later received a one-sixth percent makeup grant to bring the funding level to the full two-thirds. Even counting these instances, only 52 percent of the capital grants approved by UMTA have been funded at the full two-thirds level.

This is not a good record. I believe it is time that we stop penalizing the transit rider on account of the whims of the UMTA and HUD planners. I would hope that the Senate Banking and Currency Committee, to whom I have submitted a copy of Mr. Krambles' letter, would consider remedial legislation to correct the situation if UMTA and HUD do not take proper steps to correct the situation themselves.

Mr. Krambles is to be congratulated for raising a very important matter, and so that all Senators may benefit from his letter, I ask unanimous consent that it be included as a part of the RECORD.

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

CHICAGO TRANSIT AUTHORITY,
Chicago, Ill., May 11, 1971.

HON. GORDON ALLOTT,
Senate Appropriations Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: We would like to bring to your attention a very serious situation which is detrimental to urban mass transportation in cities of all sizes throughout the nation.

The transit legislation of 1964 and subsequent developments reflect Congress' intent to save rapidly deteriorating urban mass transportation systems. Unfortunately, in trying to utilize the programs provided by this legislation, we are frustrated because the intent is hampered by administrative requirements for planning developed by HUD and accepted by the Urban Mass Transportation Administration.

In an effort to force improved comprehensive planning standards on the cities, all types of transit projects are receiving only 50% (instead of $\frac{2}{3}$) grants, unless unusually severe and vaguely defined planning requirements can be met—by the planning agencies in the area, NOT the operators. While good planning is obviously desirable, delaying needed capital replacement is only increasing the hazard of possible collapse of the operating agencies.

A project that provides capital equipment, such as new buses to replace worn-out old ones, is fundamentally different from a project to construct a new rapid transit system that may displace people or change neighborhoods. Yet HUD and UMTA planning requirements recognize no difference. Would it not meet Congressional intent if UMTA were to make full $\frac{2}{3}$ grants to renew transit vehicles or physical plant simply upon confirmation by the local planning agency that the service shall be continued? Perhaps only an administrative decision is needed to establish such a policy under the existing legislation. If not, we would support an amendment to correct the administrative guidelines which have been formulated in this detrimental manner.

One example of the risk inherent in present policy is occurring in northwestern Indiana regarding the South Shore Railroad's project to replace 45-year-old railcars. This railroad can pledge as local funds not more

than $\frac{1}{3}$ of the cost of new cars, but the area's planning has been approved only for 50%. If the cars are not replaced and service is therefore curtailed or stopped, will better planning at some future date be able to restore it?

In Chicago, the Transit Authority has been granted only 50% toward projects to replace fareboxes on buses and electric power units for rapid transit. If $\frac{2}{3}$ grants had instead been made, CTA would be in a position to commit \$1.5 million to such other urgently needed items as replacing 20-year-old worn out buses.

These problems have also been encountered in many other cities throughout the nation, including such smaller ones as: Burlington, Iowa; Evansville, Indiana; Peoria, Illinois; Stanton, Virginia; Corvallis, Oregon; Jackson, Michigan; Pueblo, Colorado.

With local matching funds becoming daily more difficult to obtain, the difference between $\frac{1}{2}$ and $\frac{2}{3}$ federal grants can have extremely bad effects by impeding the rate at which the mass transit programs can reach out to the people who need them most.

Because of your well-known interest in mass transportation problems, we believe you would want to be informed. Anything you can do to relieve this " $\frac{1}{2}$ vs. $\frac{2}{3}$ " bottleneck will be reflected in prompt benefit to the people who depend on transit throughout the country.

Very truly yours,

GEORGE KRAMBLES,
Superintendent, Research/Planning.

The PRESIDING OFFICER. Is there further morning business?

EXTENSION OF PERIOD FOR TRANS- ACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 9 minutes.

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

ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1399.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1399) to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, which was to strike out all after the enacting clause, and insert:

There shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided by law, an additional Assistant Secretary of the Interior who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

Sec. 2. Section 5315, title 5, United States Code, is amended by striking the figure "(5)" at the end of item (18) and by inserting in lieu thereof the figure "(6)".

Sec. 3. Section 4 of Reorganization Plan Numbered 3 of 1950, as amended (64 Stat. 1262), and item (25) of section 5316, title 5, United States Code, are repealed, effective

upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (R.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, and had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. ROONEY of New York, Mr. PASSMAN, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. STEED, Mrs. HANSEN, Mr. MCFALL, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, Mr. RHODES, Mr. MINSHALL, Mr. CONTE, and Mr. DAVIS of Wisconsin were appointed managers on the part of the House at the conference.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for a period not to exceed 30 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the period for the transaction of routine morning business the unfinished business be laid before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

RIDAUGHT BAND OF INDIANS V. UNITED STATES

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination of the case of Horace G. Ridaught, etc., on behalf of the Ridaught Band of Indians, plaintiff, v. the United States of America (with accompanying paper); to the Committee on Appropriations.

REVISION OF DISTRICT OF COLUMBIA TAXING LAWS

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA COMMUNITY DEVELOPMENT ACT

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to authorize the government of the District of Columbia to engage in certain activities designed to effect community development (with accompanying papers); to the Committee on the District of Columbia.

ASSESSMENT OF THE TEACHER CORPS PROGRAM IN CERTAIN SCHOOLS BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, its report on their assessment of the Teacher Corps program at Western Carolina University and participating schools in North Carolina (with accompanying report); to the Committee on Government Operations.

PROPOSED CONTRACT FOR CERTAIN CONCESSIONS WITHIN MOUNT RUSHMORE NATIONAL MEMORIAL

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract under which the Mountain Co., Inc., will be authorized to furnish certain services within Mount Rushmore National Memorial, S. Dak. (with accompanying papers); to the Committee on Interior and Insular Affairs.

ENVIRONMENTAL IMPACT STATEMENT

A letter from the Legislative Counsel of the Department of the Interior transmitting, pursuant to law, the environmental impact statement to accompany certain proposed legislation of the Department of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. PACKWOOD:

S. 1916. A bill for the relief of Garland B. Smith. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 1917. A bill to increase the appropriations for the fiscal year ending June 30, 1971, for certain medical care programs for veterans. Referred to the Committee on Appropriations; and

S. 1918. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself and Mr. HUMPHREY):

S. 1919. A bill to amend the Child Nutrition Act of 1966 to make the school breakfast program permanent, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1920. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San

Bernardino National Forest, Calif. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN:

S. 1917. A bill to increase the appropriations for the fiscal year ending June 30, 1971, for certain medical care programs for veterans. Referred to the Committee on Appropriations.

EMERGENCY FUNDING FOR VA DRUG AND PSYCHIATRIC PROGRAMS

Mr. McGOVERN. Mr. President, it has become something of a hallmark of the present administration to discover the problems too late and then do too little about them once the reality of the situation is realized.

The care and treatment of veterans returning from Vietnam tragically falls into this category and requires immediate emergency action by the Congress.

That drugs were a problem in Vietnam has been known for a long time. That thousands of addicted GI's were returning to this country has also been known for a long time. That thousands of GI's so shattered by the Vietnam experience were returning, as well, in search of psychiatric help has also been known for a long time. And finally, that the Veterans' Administration was so underfunded, so money and doctor-poor it could not cope with the situation has also been known for far too long.

All of that has been known for a long time and the Nixon administration has failed to take any action, beyond promises of future action.

The Veterans' Affairs Committee has been looking at these problems with great care, and we shall no doubt be advised by that committee about more lasting solutions to these problems. But from my own meetings with veterans, I have become aware of the need for emergency action.

Recent reports in the press indicate the scope of the problem.

For example: One hundred and ninety-eight veterans on a VA waiting list in New York for treatment of drug addiction because the VA can afford only 22 beds for such care.

Or, for example: The fears of a VA doctor in Minneapolis that untreated GI's suffering psychiatric problems are more likely to "shoot someone" today than ever before.

Those are the problems going unsolved.

To help end this crisis, I am proposing legislation today calling for an emergency increase in funds for the Veterans' Administration.

We have learned from Veterans' Administration sources that it needs immediately \$10 million for added drug treatment facilities, personnel, and programs. With this added money, the Veterans' Administration says it can at last adequately take care of the problem it now faces.

To guarantee that they are not faced with a similar crisis next year, I will propose in the next fiscal budget an appropriation of \$20 million for the treatment of drug-scarred veterans returning from Vietnam. In addition, I propose emer-

agency allocation of \$45 million for increased psychiatric facilities, personnel, and program.

This would have a threefold effect.

First it would allow the Veterans' Administration to hire additional qualified psychologists and psychiatrists where they are available. In addition, since the Vietnam experience has made many returning veterans fearful of institutions and even to the point of avoiding them, these funds would allow the Veterans' Administration to institute an "outreach program" under which it could hire enough qualified young staff to seek out those needing help and either counsel them in the field or convince them to come in for treatment. Finally, the emergency allocation would supply funds for a much-needed infusion of young personnel who would serve as recreation and other types of therapists who are better able to communicate with and care for the psychiatric floodtide now facing the Veterans' Administration.

A positive side effect of this type of finding is that it would create jobs for many of the hundreds of thousands of Vietnam veterans who are unable to find work.

Failure to act immediately on this emergency legislation will mean that thousands of brave young men, forced to fight an immoral war will be forced now to go without adequate treatment for problems we created in the first place by sending them to the jungles of Indochina. We must not condemn them to this.

Mr. President, Representative HENRY HELSTOSKI of New Jersey, a member of the House Veterans' Affairs Committee, is introducing similar legislation in the other House.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 1917

A bill to increase the appropriations for the fiscal year ending June 30, 1971, for certain medical care programs for veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Independent Offices and Department of Housing and Urban Development Appropriations Act, 1971 (Public Law 91-556) is amended by striking out "\$1,857,200,000" in the material under the subheading "Medical Care" under the heading "Veterans' Administration" and inserting in lieu thereof "\$1,912,200,000."

(b) The increase in the appropriation provided for in subsection (a) of this section shall be available for expenditure only as follows:

(1) The sum of \$10,000,000 shall be available for the purpose of providing care and treatment for veterans with drug problems and for providing facilities and personnel for such purpose.

(2) The sum of \$45,000,000 shall be available for the purpose of providing additional psychiatric care facilities and necessary personnel to staff such facilities.

By Mr. McGOVERN:

S. 1918. A bill to amend chapter 34 of title 38, United States Code, to provide

additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era. Referred to the Committee on Veterans' Affairs.

THE GI BILL FOR VIETNAM VETERANS

Mr. McGOVERN. Mr. President, the war in Vietnam is a national tragedy. The way we are treating the veterans of that immoral war is more than a tragedy. It is a national scandal and a national disgrace.

We have sent almost 3 million young men into the jungles in pursuit of an impossible and immoral victory and when those who manage, do come home alive and whole, they are greeted with indifference. These are not heroes coming back from Vietnam. They have not made the world safe for democracy and for them, there are no brass bands and ticker tape.

Worse than that, though, they are greeted by an outmoded and archaic system of veterans' benefits that makes them worse than paupers. It is no wonder that 300,000 of them walk the streets today, unable to get work and unable to afford to do anything else.

For the most part, they have suffered in silence, embarrassed perhaps, to ask for anything in return for what they were forced to do while in Southeast Asia. It was only when the group of Vietnam veterans came to Washington in April that I fully appreciated for the first time how desperate their plight is.

One young man, a former Air Force sergeant in Vietnam told me and other Senators that he tried to borrow money, but could not. This young man did not need much, just an additional \$100 to meet his expenses and feed his family, but when he went to a bank in upstate New York, he was told he was "too poor" to be a good risk.

This young man has put his life on the line for his country and yet when his veterans' benefits were insufficient, he was denied the chance to borrow enough to make up the difference, because he did not have the collateral.

Another of the veterans, a lieutenant, told me that the educational allotment is so small that it is impossible to live on.

So I went back and checked, because I remembered that when I came home from World War II, there was money enough in the GI Bill for both the cost of living and the cost of education. It was not lavish, but it was enough.

I discovered that a returning veteran now receives a total allotment of \$175 a month which is a sum below the poverty line. What the veterans are getting, in other words, is an amount known to be less than the minimum that is needed to feed and house a single person, much less educate him.

That is a crime and a disgrace. It is even a worse disgrace when you take into account the fact that the President and his administration are not doing anything about it.

I am, therefore, introducing legislation today that will end immediately this tragedy and give our veterans returning from Vietnam and Laos and Cambodia a chance to be educated and trained

properly. It seems the least we can do for the sons we sent to Indochina.

My bill would immediately raise the monthly amount paid each veteran desiring education or job training to a sum in line with the minimum determined to be at the poverty line; that is, \$214 if he is single; \$280 per month if he is married but childless; and so on up the scale.

Beyond that, the terms of this bill would reimburse him for all educational expenses—tuition, books, laboratory expenses, and equipment and travel—up to \$3,000 for each normal school year.

In addition, this piece of legislation would do away with any arbitrary distinction between education and job training, because they are equally important. In other words, a veteran who wanted to learn to become a mechanic would be entitled to the same basic benefits as the veteran studying to become a doctor, teacher, or lawyer.

Enactment of this bill would finally give the young man who survived in Vietnam the chance—which he is denied now—to survive at home. Surely, if we could find the money to send all these young men to Vietnam in the first place, we can find the money now to care for them properly once they come home.

Mr. President, I ask unanimous consent that a summary of the GI bill for Vietnam veterans be placed in the RECORD at this point together with the text of the bill.

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

S. 1918

A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theatre of operations during the Vietnam era.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 34 of title 38, United States Code, is amended by adding after section 1683 a new section as follows:

"§ 1683A. Educational assistance for eligible Vietnam veterans

"(a) Notwithstanding any other provision of this chapter, payments for educational assistance shall be made to eligible Vietnam veterans under this section rather than under the preceding provisions of this subchapter.

"(b) The Administrator shall reimburse any eligible Vietnam veteran enrolled in a full-time or part-time course of education or training under this chapter (including a cooperative program) for costs incurred by such veteran for tuition, for laboratory, library, health, infirmary, and other similar fees, and for expenses incurred for books, supplies, equipment, and other necessary expenses, exclusive of board, lodging, other living expenses, and travel, as are generally required for the successful pursuit and completion of the course of education or training in which such veteran is enrolled. In no event shall payment made to an eligible Vietnam veteran under this section for any expense incurred by such veteran exceed the customary amount paid by other students in the same institution for the same service, privilege, material, or equipment; and in no event shall the total payments made to or on behalf of any veteran under this subsection exceed \$3,000 for an ordinary school year, unless the veteran elects to have such customary charges paid in excess of such limitation, in

which event there shall be charged against his period of eligibility the proportion of an ordinary school year which such excess bears to \$3,000. No payments for tuition or enrollment shall be paid to any veteran for apprentice training on the job. Payments for tuition and other expenses incurred by any eligible Vietnam veteran may be made by the Administrator to such veteran under this subsection on the basis of such reasonable evidence as the Administrator may require.

"(c) Except as provided in subsection (d) of this section, while pursuing a program of education under this chapter of half-time or more, an eligible Vietnam veteran shall be paid the monthly subsistence allowance set forth in Column II, III, IV, V or VI (whichever is applicable as determined by the veteran's dependency status) opposite the extent of program participation shown in column I:

Col. I, extent of participation in program	Col. II, no dependents	Col. III, 1 dependent	Col. IV, 2 dependents	Col. V, 3 dependents	Col. VI, more than 3 dependents ¹
Full time.....	\$214	\$380	\$347	\$414	\$61
$\frac{3}{4}$ time.....	157	207	272	315	47
$\frac{1}{2}$ time.....	99	137	172	206	33

¹ The amount in col. V, plus the following for each dependent in excess of 3.

"(d) An eligible Vietnam veteran receiving compensation for productive labor whether performed as part of his apprentice or other training on the job at institutions, business or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances as may be determined by the Administrator. In no event, however, shall the rate of such allowance plus the compensation received exceed \$600 per month for a veteran without a dependent, or a \$720 per month for a veteran with one dependent, or \$850 for a veteran with two or more dependents. Only so much of the compensation as is derived from productive labor based on the standard workweek for the particular trade or industry, executive of overtime, shall be considered in computing the rate of allowances payable under this subsection.

"(e) The Administrator shall prescribe such regulations as he deems necessary or appropriate to implement the provisions of this section.

"(f) For purposes of this section—

"(1) The term 'eligible Vietnam veteran' means any veteran who (A) served on active duty for 180 days or more in the Indochina theatre of operations, any part of which occurred during the Vietnam era, and was discharged or released therefrom under conditions other than dishonorable, or (B) served on active duty for any period of time in the Indochina theatre of operations during the Vietnam era if his tour of duty in such theatre of operations was terminated as a result of an injury suffered or disease contracted in line of duty while serving in such theatre of operations, and was discharged or related from such active duty under conditions other than dishonorable, or (C) was discharged or released from active duty for a service-connected disability incurred as the result of service performed in the Indochina theatre of operations during the Vietnam era.

"(2) The term 'Indochina theatre of operations' means North or South Vietnam, Cambodia, or Laos."

Sec. 2. Section 1691 (a) of title 38, United States Code, is amended by striking out the semicolon after the word "title" and inserting in lieu thereof a comma and the following: "and shall pay to an eligible Vietnam veteran (as defined in section 1683A (f) of this title) pursuing a course or courses

pursuant to such subsection, educational assistance as provided in section 1683A of this title;".

Sec. 3. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding below "1683. Apprentice or other on-job training."

the following:
"1683A. Educational assistance for eligible Vietnam veterans."

Sec. 4. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted. No benefits shall be paid to any person for any period prior to such effective date.

By Mr. MCGOVERN (for himself and Mr. HUMPHREY):

S. 1919. A bill to amend the Child Nutrition Act of 1966 to make the school breakfast program permanent, and for other purposes. Referred to the Committee on Agriculture and Forestry.

THE SCHOOL BREAKFAST BILL

Mr. MCGOVERN. Mr. President, I rise today to introduce a bill to amend the Child Nutrition Act of 1966. The principal purpose of the bill is to make permanent the school breakfast program, which is due to expire on June 30 of this year, and to provide \$75 million in the next fiscal year for the operation of that program.

The importance of this program, Mr. President, cannot be understated. The issue before us is more than just poverty, more than just hunger and malnutrition. The issue before us is the involuntary hunger and malnutrition of innocent children. A child can do nothing to guarantee that there is food on his table, but when that food is absent we know that the physical and social after-effects are both immeasurable and irreparable.

A team of doctors in Denver has documented the fact that malnutrition as it is found in the United States can lead to irreparable mental damage. And, there can be no doubt but that malnutrition of this intensity still plagues the lives and futures of millions of our children.

We have come a long way in the battle against hunger—we are feeding more than half of the Nation's hungry schoolchildren a free or reduced price lunch—but still we have a long way yet to go. Recently the Senate Select Committee on Nutrition and Human Needs heard testimony to the effect that migrant children in Colorado and Texas are being diagnosed today with cases of kwashiorkor and marasmus, the most serious forms of protein-calorie malnutrition. The significance of this tragic situation is the logical conclusion that for every case of kwashiorkor and marasmus there are scores of other children who are malnourished, who are hungry to a lesser degree.

Mr. President, the simple but hard fact is that hungry children cannot learn. I believe as do many others that it is this link in the vicious cycle of poverty which we can and must attack with all our energy so that poor children may learn and may grow into happy productive members of society. We must concern ourselves with those little children whose one chance for a healthy, dignified existence is at stake. We must work on

many levels and through many different channels to see that those children are provided with the adequate diet which life requires. I have seen their bright eyes and innocent faces, but I have seen at the same time their swollen bellies and their despair for a better life than that of their parents.

Mr. President, this bill will help us fight that despair on one level. This bill is designed to provide a minimal amount of money to support school breakfast programs. This bill will help to turn the hungry and consequently inattentive schoolchild into a healthy, happy child who will then be able to more equally participate in the learning experience. I am particularly concerned that we begin to meet the needs of the millions of schoolchildren who are poor and who live in rural areas and often must travel great distances to school. The Office of Education says there are at least 3 million children who are in this position. Those children must rise early in the morning at a time when they have no appetite. By the time they get to the schoolroom, they are hungry and consequently the morning hours may be wasted as far as their education is concerned. This situation also applies to children who must travel great distances because of school busing. Of course, most importantly, the bill is designed to meet the needs of those children who live in homes which have no food at all.

Mr. President, the school breakfast program is one of several fronts in our struggle to end hunger in America. It is a front which deserves our special attention because it is aimed specifically at the children for whom we can do a great deal to make what is presently a bleak future a far brighter one. I strongly urge my colleagues to join with me in seeing that prompt action is taken on this measure—not only for the sake of our hungry children, but for the sake of all America.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1920. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif. Referred to the Committee on Interior and Insular Affairs.

GARNER VALLEY, CALIF.

Mr. TUNNEY. Mr. President, I am today introducing for myself and Senator CRANSTON legislation to help save a choice valley in California from environmental disaster. The bill is similar to H.R. 18280, which I introduced last year in the House of Representatives.

In California, both the benign and the malevolent aspects of man and nature come into sharp focus. It is here that we find some of our greatest concentrations of population, prosperity, and pollution—as well as some of our most critical conflicts in land use.

As a California Senator, I am naturally concerned about these conflicts. The Garner Valley controversy in Riverside County epitomizes the complex nature of conflicts that grow out of competing uses for land. In this case it is the developers

and subdividers pitted against those who would like to save a scenic valley to help maintain a quality environment.

GARNER VALLEY

The battle to save Garner Valley is being fought over the open spaces along Highway 74 which winds through the San Jacinto Mountains between Palm Springs and Hemet. It involves more than 2,000 acres of private land within the San Bernardino National Forest, which lies within 100 miles of 12 million recreation-seeking Americans.

The conflict began about 3 years ago when the Greatamerican Land Co. and the Riverside County planning director clashed over the company's plan to chop up 2,200 virgin acres into 3,700 small homesites. Riverside County officials felt that there should be a master plan for the valley and surrounding mountains before letting developers add to the population buildup and the already annoying smog problem. Master plans were slow in coming. In the interim, the subdividers were making their own plans for the proposed development.

Citizen groups and conservation organizations soon entered the fray, demanding that the valley land be rezoned or publicly acquired. Among their ranks were the San Jacinto Mountain Conservation League, the California Roadside Council, Federation of Western Outdoor Clubs, County Natural Assets Committee, U.S. Forest Service, Izaak Walton League, Sierra Club, and even units of the Boy Scouts and Girl Scouts.

SMOG

Additional population in Garner Valley will add to an already serious air pollution problem in the San Jacinto Mountains, according to the research report by the U.S. Forest Service and the Statewide Air Pollution Research Center at the University of California. Their report shows that the severity of smog in the valley is almost as great as in Riverside. Byproducts of an increased population in the valley—automobile exhaust and furnace emissions—would add to the degree of pollutant oxidants now present in Garner Valley.

Exposed mountain slopes surrounding the valley lose heat faster than the sheltered valley floor. Cooler air from the slopes flows down into the valley, forcing warmer air up and creating the temperature inversion layer that traps the cooler air and oxidants in the air is evident as early as 5:30 a.m. The same process begins in Riverside about 2 hours later.

Jeffrey pine stands in the area are diseased and dying because of air pollution. This is a danger signal that environmental insults cannot be continually compounded without producing disastrous effects.

X-DISEASE

I have been informed that since 1950, many pathologists, entomologists, and foresters have been studying the afflicted stands of ponderosa pine on the San Bernardino Mountains east of Los Angeles. At first they could not determine the cause of decline and death, hence they labeled the pathologic condition as X-disease. But by careful research and

a process of elimination, the scientists finally diagnosed the disease as a result of photochemical smog drifting over the forests from the Los Angeles basin more than 60 miles away.

Today the smog damage has spread to an estimated 100,000 acres, and more than a million ponderosa pine trees are being slowly killed. Many have already succumbed to the ozone-laden smog.

This, the conservationists say, is an example of what will happen to the pines in Garner Valley if immediate measures are not taken to curb air pollution and environmental degradation. On the other hand, an overflow population is clamoring for new homes in the proposed resort-type subdivision. As suitable land becomes more limited everywhere in America, the need for better planning becomes increasingly more critical.

LESSONS FROM JAPAN

As a portent of what could happen in California, I should like to cite an alarming report published in the San Francisco Chronicle on July 15, 1970. It vividly portrays the havoc being wrought by air pollution in Tokyo:

Tokyo traffic policemen do not stay at a busy cross-road longer than 30 minutes and 40 junctions have oxygen machines available. One in every 100 children in Osaka suffers from asthma, and children in the Yokkaichi petro-chemical industrial town wear masks to school. Air purifying machines stand in the classrooms of schools in the Kita-Kyushu industrial complex.

PROPOSED CONGRESSIONAL ACTION

When local and regional efforts to settle the Garner Valley dispute bogged down, the citizens called on Congress to take action. One of the proposals was that the San Bernardino National Forest be authorized to purchase the lands in question and thus protect the environmental quality of the site. My bill would authorize the appropriation of \$3,500,000 for the purchase of parts of 14 sections of land to be added to the adjacent national forest. In part, the bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to maintain the water quality, the outstanding natural beauty, the forest ecosystem and other environmental values of the watershed area of the San Jacinto River known as the Garner Valley, within the San Bernardino National Forest, Riverside County, California, and to protect the area (including a wildlife refuge) and adjacent national forest lands from soil erosion, flooding, additional air pollution damage, overuse of forest ecological resources, and degradation of scenic values, the Secretary of Agriculture is authorized and directed to acquire such lands and interests therein within the following described areas as he deems necessary to accomplish the purposes of this Act: . . .

If land-use planning were adequate at the local and State level, perhaps this bill might not have been necessary.

NATIONAL LAND USE POLICY ACT

Last year and again this year Senator JACKSON introduced bills that would give impetus to land-use planning at the national level. In brief, this legislation would enable the States and the Federal agencies involved in land-use activities to establish machinery for comprehen-

sive land-use planning which would incorporate environmental as well as economic considerations. It would provide for grant-in-aid to States to develop and implement statewide land-use plans. It would also direct the President to reduce Federal grants-in-aid to States which do not develop, implement, or maintain statewide land-use plans. The National Land Use Policy Act would expand the present Water Resources Council into a Land and Water Resources Council to administer the Federal program.

PUBLIC LAND LAW REVIEWING COMMISSION

On June 23, 1970, the Public Land Law Review Commission presented its report to the President and the Congress. The report entitled "One-Third of the Nation's Land" represents 5 years of intensive study at a cost of more than \$7 million.

The first of a series of 137 specific recommendations contained in the report deals with land-use planning for Federal lands. As stated on page 42 of the Commission report, recommendation No. 1 is:

Goals should be established by statute for a continuing, dynamic program of land-use planning. These should include:

Use of all public lands in a manner that will result in the maximum net public benefit.

Disposal of those lands identified in land use plans as being able to maximize net public benefit only if they are transferred to private or state or local government ownership, as specified in other Commission recommendations.

Management of primary use lands for secondary uses where they are compatible with the primary purpose for which the lands were designated.

Management of all lands not having a statutory primary use for such uses as they are capable of sustaining.

Disposition or retention and management of public lands in a manner that complements uses and patterns of use on other ownership in the locality and the region.

Fourteen other recommendations related to planning the use of public lands are also contained in the report. Many of these recommendations will require action by Congress if they are to be implemented and become the law of the land.

If laws alone could save the land, we should be well protected, for the Public Land Law Review Commission in making its monumental study found that it was necessary to examine some 6,000 land laws already on the books. It would appear that the United States is plagued with a plethora of legislation, not a lack of it. But in the areas of land use and the improvement of environmental quality, more legislation is urgently needed to cope with ever-soaring demands for basic resources such as land, air, water, and energy.

The world today is on a collision course between population and resources. Garner Valley represents, in microcosm, the conflict or collision that inevitably occurs when a rapidly proliferating population overwhelms the basic resource, whether it be land, air, water, timber, food, energy, or the esthetics of a livable environment. In most of our large cities, we have already collided with the environ-

ment. As a result, pollution in its most pernicious forms is blighting our lives and killing our people.

Mr. President, in California, it is later than we think. I urge that this bill be enacted without delay.

I ask unanimous consent that a statement by District Forest Ranger Karl Tameler be printed at this point in the RECORD.

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

**PUBLIC HEARING ON GARNER VALLEY
ZONING DISTRICT**

My name is Karl L. Tameler. I am District Forest Ranger in charge of the protection and management of the San Jacinto District of the San Bernardino National Forest. I am here in response to your notice of Public Hearing of February 23 and at the request of your Planning Department to comment on the adoption of the Garner Valley Zoning District as it may effect the publicly owned National Forest. The Garner Valley Zoning District lies totally within the boundaries of the San Bernardino National Forest and includes approximately 19,000 acres of National Forest land.

We on the San Bernardino National Forest have recently completed a "Forest Land-ownership Adjustment Plan". This plan indicates that many of the private lands in Garner Valley area by their character, vegetation and location are suitable for National Forest purposes and would be a desirable addition to the multiple use management potential of the San Bernardino National Forest. Implementation of this plan would be conditioned on your review and the necessary Congressional action. Last year the Board of Supervisors requested that such a purchase program be undertaken. We believe that the addition of the Garner Valley lands to the National Forest for protection and management under law is in keeping with the Act of June 12, 1897 which authorized the establishment of the National Forest for the purpose of securing favorable conditions of waterflows and to provide for the sustained productivity of the forest resources for the use of all the people.

In a statement presented to the Riverside County Board of Supervisors on January 25th of this year, Forest Supervisor Don Bauer, expressed our concern over the accelerating rate of subdivision being proposed within the National Forests. The National Environmental Policy Act enacted January 1, 1970, directs federal agencies to incorporate the objectives and procedures of the Act in all actions significantly affecting the quality of the human environment. This Act bears directly on the protection and management of the National Forest. We are deeply concerned about the effects that new subdivisions in the mountains and within the National Forests will have on the surrounding public lands.

The change from historic land use patterns to intensive subdivision will have lasting and often irreversible impacts upon the adjacent or surrounding National Forest resources, and open space which belongs to all the public. Such private land subdivisions generate requests use National Forest lands for such uses as water diversions, power lines, driveways, major high speed road system, sewage treatment areas, water tanks, pipe lines, TV cable sites, refuse dumps, etc. Each such use has an impact on National Forest land and to a greater or lesser degree affects the ecology and environment of the forest. These uses frequently conflict with the Multiple Use Sustained Yield Act of 1960 which established that it is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, wildlife and fish

purposes. We are deeply concerned with the need to harmonize these legally established purposes, with the impacts being made on the National Forest by uses on adjacent and intermingled private lands.

We, therefore, feel it is desirable that local citizens working with local government establish effective control over future developments thru careful planning and the adoption and enforcement of local ordinances which will insure proper protection of the Forest environment. The enactment of Zoning or other measures governing private land development is obviously a matter for local government. However, we do wish your commission to be appraised that the Forest Service favors Zoning classifications, within and adjacent to the National Forest, that will limit the expansion and proliferation of high density communities in the mountain watersheds in order to assure protection of the Forest environment and compatibility with the multiple use goals of the surrounding National Forest as established by law. We sincerely hope that this will be accomplished in the Garner Valley Zoning District.

**ADDITIONAL COSPONSORS
OF BILLS**

S. 592

At the request of Mr. INOUE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 592, a bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950).

S. 1261

At the request of Mr. KENNEDY, the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. McGOVERN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1261, the Economic Conversion Loan Authorization Act of 1971.

S. 1373

At the request of Mr. KENNEDY, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 1373, to revise the Immigration and Nationality Act.

S. 1631

At the request of Mr. BYRD of West Virginia, for Mr. McGOVERN, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1631, a bill to provide assistance to defense workers whose employment has been adversely affected by the transition to a peacetime company.

S. 1697

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that, at its next printing, the name of the distinguished Senator from New Hampshire (Mr. CORTON) be added as a cosponsor of S. 1697, a bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968.

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

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.

**THE MILITARY SELECTIVE SERVICE
ACT**

AMENDMENT NO. 103

Mr. SCHWEIKER submitted an amendment (No. 103) intended to be proposed by him to the bill (H.R. 6531), to amend the Military Selective Service Act of 1967; to increase military pay; to authorize active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 104

Mr. KENNEDY submitted an amendment (No. 104) intended to be proposed by him to amendment No. 76, intended to be proposed by Mr. SCHWEIKER, to the same bill (H.R. 6531), which was ordered to be printed and to lie on the table.

**ADDITIONAL COSPONSOR OF AN
AMENDMENT**

AMENDMENT NO. 75

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of amendment No. 75, intended to be proposed to the bill (H.R. 6531), to amend the Military Selective Service Act of 1967, and for other purposes.

NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on the following bills:

S. 1567, to provide capital contributions for corporations organized and operated to guarantee loans to and provide technical assistance to business concerns in areas of high unemployment.

S. 1641, to provide federally guaranteed loans to necessitous firms which are affected with the public interest.

S. 1891, to authorize emergency loan guarantees to major business enterprises.

S. 1892, to provide federally guaranteed loans to corporations vital to the national defense which are in involuntary bankruptcy or are being organized under chapter 10 of the Bankruptcy Act, and to maintain and expand employment in the United States.

S. 580, to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments, to help achieve a full employment economy both in urban and rural America by providing loans for the establishment of new businesses and industries and the expansion and improvement of existing businesses and industries, for the construction of low- and moderate-income housing projects, and to provide job training for unskilled and semiskilled unemployed and underemployed workers.

During these hearings the committee will also consider other legislation on this subject matter which may be introduced prior to or during the hearings.

The hearings will commence at 10 a.m. on Monday, June 7, 1971, and will be held in room 5302 New Senate Office Building.

Persons desiring to testify or submit statements for the record in connection with these hearings should contact Mr. Dudley L. O'Neal, Jr. or Miss Henrietta S. Chase, Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

Requests to testify must be received by the committee prior to the close of business on Thursday, June 3, 1971.

NOTICE OF HEARINGS ON THE JUVENILE DELINQUENCY AMENDMENTS OF 1971

Mr. HART. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent to have printed in the RECORD an announcement of hearings.

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

NOTICE OF HEARINGS ON THE JUVENILE DELINQUENCY AMENDMENTS OF 1971

(Announcement by Senator BAYH)

Mr. President, as Chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on S. 1732, the "Juvenile Delinquency Amendments of 1971," scheduled for May 26, 1971 at 10:00 AM, in Room 6226 of the New Senate Office Building.

The focus of these hearings will be on Section 3 of the bill which would extend the Juvenile Delinquency Prevention and Control Act of 1968 until June 30, 1972.

I welcome those who wish to file statements regarding all of the bill or just the portion dealing with the extension of the Juvenile Delinquency Prevention and Control Act of 1968. Statements should be submitted to Mr. Lawrence Speiser, Staff Director and Chief Counsel of the Subcommittee, Room 241 Old Senate Office Building.

Naturally, the major reason in holding hearings so expeditiously is the forthcoming expiration of the Juvenile Delinquency Prevention and Control Act of 1968 on June 30, 1971.

I plan to hold hearings at a later date on Section 2 of this bill which would amend the provisions of the Juvenile Delinquency Act contained in Title 18 in providing procedural protections for juveniles tried in U.S. District Courts because I believe there is a strong feeling that those provisions warrant more study and consideration.

Those invited to testify regarding the extension of the 1968 Act are Secretary of Health, Education and Welfare Elliot Richardson; Attorney General John Mitchell; and Director of the Office of Management and Budget George Shultz.

ADDITIONAL STATEMENTS

EXECUTIVE REORGANIZATION AND THE CREATION OF A NEW DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. SAXBE. Mr. President, I am pleased that the distinguished chairman

of the Government Operations Committee, the senior Senator from Arkansas, has called for opening hearings, May 25 and 26, on the President's four major bills to create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. In these beginning hearings, witnesses will lay the broad base for the more detailed work to come on the four departmental proposals.

We are already aware that present Government administrative structures and methods of conducting business make a mockery of congressional intent to serve the people. Our constituents are now taxed to the limits of their willing compliance to pay for services not readily available. By reorganizing the present Government, we can bring its programs closer to the people who pay the bills.

Rural residents, feeling too much attention has been focused on urban needs, claim that they need more assistance to forestall the exodus from farms and small towns, to combat the economic crisis which accompanies that exodus. These residents believe that more governmental assistance would keep rural populations rooted and would help rural areas become a dynamic force in the Nation.

On the other hand, our cities lie suffering in blight and decay abandoned by the middle-class move to suburbia. Caught in the wake are the elderly, the infirm, and the ethnic populations. These people lack the economic resources and the special skills necessary to revitalize their communities. Thus, Federal assistance must be made available to them in a way that effectively promotes local development or redevelopment programs.

Over the years Congress has endeavored in several ways to remedy the burdens which population shifts have placed on both rural and urban centers, by appropriating necessary funds and designing creative programs. But, in great measure, we have failed to achieve our goals because the moneys have been administered by a multiplicity of Federal departments and agencies whose conflicting policies befuddled the taxpayer and virtually obstructed the desired results.

For example, Monroe, Ohio, wanting to build sewer facilities in some annexed territories, found they were eligible for financial grants from four different Federal agencies with branch offices in four different midwestern cities. Such duplication of effort costs the taxpayers valuable dollars which could be allocated to solving other pressing problems.

Creation of a Department of Community Development, as spelled out in S. 1430, would be a major, bold step toward structuring one department to encompass all Federal efforts in the areas of housing, community planning, mass transit, and innercity highways. In this new department three administrators would be responsible for programs in three main areas: urban and rural development, community transportation, housing. The department would be structured so as to delegate significant powers to 10 regional administrators for the

actual implementation of the programs in the field. This decentralization of decisionmaking power away from Washington, will result in more responsive administration of programs; leaving the departmental staff in Washington free to make decisions about policy, planning, and evaluation.

Congress has been appropriating funds, at an accelerating pace, for specific purposes without examining the Federal conduits through which they must flow to accomplish the desired ends. I am convinced that the Federal bureaucracy has developed so many twists and bends in these conduits that very little actual assistance is trickling out the local end of the pipe.

During the past 20 years a number of special commissions have studied this Federal phenomenon, and while some tinkering has produced progress, what we really need is a thorough overhaul of the executive branch systems. President Nixon has offered, in his reorganization proposals, another opportunity to tackle the reorganization of this bureaucracy, to make it more efficient and more responsive to the people.

Congress must pause long enough in debating the pressing problems confronting this country to examine the machinery of government, and to establish an effective administrative structure which will be flexible enough in the years ahead to adjust to changing demands and goals.

A COLLOQUIUM ON INTERNATIONAL SCIENCE

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent to have printed in the RECORD an announcement on a Joint House-Senate Colloquium on International Science.

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

ANNOUNCEMENT BY SENATOR MAGNUSON

Mr. President, today I am pleased to announce plans for a Joint House-Senate Colloquium on International Science, to be held on May 25-26, 1971, in the Old Supreme Court Chamber of the Capitol. This Colloquium will be held under the auspices of the House Committee on Science and Astronautics and the Senate Committee on Commerce.

The purpose of this two-day meeting is to discuss the status of scientific information as a basis for pending decisions on environmental problems which are worldwide in scope. The meeting will be open to all Members of the Congress and will provide a critical opportunity for them to meet with a number of leaders from governmental and scientific organizations working in environmental matters.

Key participants who will take part include: Mr. Maurice Strong, Secretary General of the United Nations Conference on the Human Environment; Mr. Peter Walker, the United Kingdom's Minister of the Environment; Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs; Mr. Russell E. Train, Chairman of the Council on Environmental Quality; Dr. Francesco di Castri, Vice President of the Special Committee for the International Biological Program; Mr. Kwan Sai Kheong, Permanent Secretary of the Ministry of Education, Republic of Singapore; Dr. Bengt Lundholm from the Swedish Natural

Science Research Council and Dr. W. Frank Blair, Chairman of the U.S. National Committee for the IBP, Dr. Thomas F. Malone, Vice President of the International Council of Scientific Unions and Deputy Foreign Secretary for the U.S. National Academy of Sciences, will serve as rapporteur for the proceedings.

The format for the Colloquium will consist of morning sessions, from 10 a.m. to 12:30 p.m., on each of the two days, with invited participants presenting brief remarks and engaging in general discussion with the members. More extensive prepared papers and supporting material will also be provided by the key participants.

Mr. President, the problems of environmental management and quality are increasingly global in scope. We have long since passed the time when any one nation can solve alone the problems that confront it. Recognition of this fact has been manifested in the present plans to hold a United Nations Conference on the Human Environment in 1972. It is also manifested in the very nature of the problems with which Congress must deal—problems of ocean dumping, air pollution, pesticides in water, and a host of others. That pollutants know no national boundaries is a fact we have come to realize only too clearly in recent years.

We in Congress are increasingly bearing the burden for difficult and complex decisions relating to the environment. At the same time, our own organizational structure tends to fragment many of the programs as well as issues that confront us. Both houses of Congress are involved in environmental affairs in virtually every one of its committees. In the operations of executive agencies, in appropriations approval, and in agreement on foreign treaties and arrangements, the Congress affects the role of our nation in contributing to the resolution of national as well as international environmental problems.

Thus, the adequacy of the scientific information base which undergirds such decisions is of critical importance to all members. The device of a Joint House-Senate Colloquium offers a timely and efficient means of acquainting a broad sector of the Congress and the general public with the status, needs, and opportunities of international and environmental science.

The rationale for the Colloquium is that environmental pollution, resource management, and environmental quality are recognized as parts of a major public policy issue which is the proper relationship of man to his natural surroundings. Society is re-examining its attitudes, values and activities, and changed programs and alternative life styles are being suggested.

Many of these problems are global in character while others are ubiquitous—sharing common causes and solutions. Environmental issues transcend arbitrary political boundaries. The working out of solutions to these complex problems in an optimum manner is one of the most difficult tasks to confront civilization. The decision-making process, in order to arrive at the best course of future action for all nations, must have the maximum possible information bases.

Both the House Science and Astronautics Committee and the Senate Commerce Committee have sought to develop these bases in their own way over many years.

The House Science and Astronautics Committee has actively sought to expand this information base in broad scientific areas from space exploration to environmental science. This Committee has sought to further the aims and impetus behind our own International Biological Program (IBP) in an effort to provide the base-line data for future environmental decision-making. It has encouraged and supported increased activity in international environmental surveillance through our space program. It has also provided support to expanding scientific

attache programs of the State Department, to the basic and applied research programs of the National Science Foundation, and to the multiplicity of programs of the National Bureau of Standards. In addition, it has fostered improved international understanding and opened new channels of information concerning national and international science policy through its annual meetings with its Panel on Science and Technology.

In 1967, it co-sponsored the first House-Senate Colloquium on the Environment with the Senate Interior and Insular Affairs Committee, which resulted in the influential Congressional White Paper on the Environment. That Colloquium dealt with domestic environmental problems. Now we are expanding our concern to the international arena.

As you are aware, Mr. President, promotion of international science is a matter of personal commitment to me. Last year I authored Senate Resolution 399, in support of a World Environmental Institute, which passed unanimously. I am pleased that that Resolution, couched in general concepts not rigid structure, is gaining support.

Similarly, the Senate Commerce Committee has played an active role in furthering international environmental science. Its mandate is not only interstate commerce, but also foreign commerce of the United States. That mandate has not been viewed narrowly as mere commerce, or mere navigation. We have broadly interpreted it to include all aspects that have an impact on the foreign commerce of the United States.

Through its advocacy of oceanic and atmospheric programs, the Committee has fostered stronger Federal organization for national and international participation in those areas. It has direct concern and responsibility for ocean pollution, by oil and other forms of ocean dumping. It actively pursues a broad range of environmental legislation concerning pesticides, mercury and other toxic heavy metals, low pollution vehicles, air pollution from aircraft, power plant siting, urban and other international environmental problems.

The coming Joint Colloquium represents a continuing effort on the part of some of us to bring to the Congress an integrated, multidisciplinary approach to problems of complex nature. I welcome all of my colleagues in the Senate to attend, and know you will find the Colloquium stimulating and highly informative.

THE NITROGEN PROBLEM IN THE COLUMBIA RIVER SYSTEM

Mr. PACKWOOD. Mr. President, the nitrogen problem in the Columbia River system has reached staggering proportions. It is no wonder so many from the conservation and fishing groups are contacting me now to discuss the "killer dams." We are only beginning to awaken to the tragic environmental effects of the once much sought after and unquestioned dams. I do not question or doubt the motives of those who in the past sought so diligently to have a dam constructed in their area. For the most part they were earnest in their pursuit of the benefits dams were reported to offer—cheaper power, economic development, flood control, and so forth. At that time and to those individuals the dangers to our spring fish runs seemed remote, and the pleasures of a splendid free flowing stream seemed scant. Free flowing rivers and streams were all around us, and anyone could go angling with great expectations. But the history of our tech-

nological development has changed all that, and America finds itself looking back wistfully as it hears about the killer dams that are silting up, causing nitrogen problems, and not really meeting our power demands. The rose-colored glasses are gone.

Mr. President, we must start directing some of our public works efforts to solving the problems we have already created. We must turn our attentions to restoration of our waterways, and preservation of what is left of our free-flowing streams. The sands of time have long since run out on us.

Mr. President, in the May 16, 1971, Sunday Oregonian, Steve Lowell paints a pretty clear picture of what has happened; and I ask that his article, entitled "Majestic Columbia River Shifts from Salmon Producer to Killer," be printed in the RECORD.

Mr. President, I also ask unanimous consent that the May 14, 1971 news release from the Oregon Fish Commission on this subject be printed in the RECORD.

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

MAJESTIC COLUMBIA RIVER SHIFTS FROM SALMON PRODUCER TO KILLER

(By Steve Lowell)

SEATTLE.—Fisheries experts say dams and a rash of politician sources have changed the Columbia River in a few decades from a pure and prime salmon producer into a series of comparatively stagnant, fish-killing pools.

The situation has become so acute that late in April the fisheries agencies of Oregon and Washington closed both the commercial and sport salmon fishing-seasons on the river.

The reason: The spring chinook run was about half the average count for that time of year at Bonneville Dam, the first one the fish have to surmount on their spawning runs upriver.

Agency experts said they figured the drop in numbers was because of unusually high, muddy water from the spring runoff and because of nitrogen supersaturation of the water.

Fisheries experts say the nitrogen problem is increasing. A salmon has trouble, they say, finding its way into a narrow fish ladder in a dam across the tremendous river, but on top of that he suffers something like the "bends" that afflict divers when too much nitrogen is forced into their blood.

From what these experts indicate, trouble for the river began in the '30s with what one state official calls "the general activities of mankind that make a river into an artificial thing." It was then that Bonneville Dam was built about 35 miles east of Portland.

That was the start of a string of 11 on the main stem of the gigantic River of the West. A few years later, during World II, Grand Coulee Dam was built in north-central Washington 596 miles upstream, blocking salmon migration runs at that point because the Reclamation Bureau failed to install a fish passageway.

Then, in 1955, the runs were blocked 51 miles farther down-stream when Chief Joseph Dam was completed by the Corps of Army Engineers. It also lacks a fishway.

Those barriers shut off at least two magnificent runs of salmon. One, a race of giants called June Hogs, began the battle upriver in the first hot month of summer. The other was a sockeye run that may have gone clear to the headwaters to spawn—1,200 miles upstream to Lake Columbia in southeastern British Columbia.

Now there are 50 dams on the Columbia and its myriad tributaries, and more are

planned. There's good reason, in the minds of power interests. Stanford Research Institute says that "in terms of power potential, the Columbia stands alone, surpassing even the Amazon, the largest river in the world."

In recent years, the Canadians have completed Keenleyside Dam near Castlegar, B.C. They are building Mica Dam near the northernmost bend in the river, and they plan more.

On this side of the international border, Dworshak Dam is rising on the Clearwater, a tributary of the Snake; and Libby Dam will be completed on the Kootenai River in northwestern Montana in 1973. Lower Granite Dam is going up on the lower reaches of the Snake amidst suits filed by sportsmen's groups to block further construction. They contend the dam will damage steelhead runs.

For many years argument has raged over whether another huge dam, Mountain Sheep, should be built on the Snake and whether it should be built above or below the point where the Salmon River flows into it. The Salmon is considered the prime salmon producer of all the Snake's tributaries.

But dams are only part of the problem as far as Al Lasater, deputy director of the Washington Fisheries Department, is concerned.

"Loss of natural environment is the basic problem," he says, "things that man does that change our country."

Dams, pollution of various sorts, the withdrawal of irrigation water, the taking of gravel from the river to build roads and make concrete, channelization. Pesticides are a special pollution problem, of course. Deforestation, changes of flow pattern of the water and the texture of it."

A double score of years or so ago, there were many memorably impressive things about the great river. It was so much cleaner—there were fewer people, fewer and smaller towns and almost no large industrial plants.

Sternwheel and sidewheel riverboats carried cargo and passengers on daylong or nightlong trips the 90 miles between Portland and Astoria.

Upstream from Portland, trains used to slow so passengers could watch Indians standing precariously above the tremendous rapids called Cello Falls. There they speared and netted salmon so strong it often seemed a contest to see whether the fish became the victim or the Indian took a bath.

Close to the mouth of the river, on the Washington side across from Astoria, was the McGowan cannery from which a mass of little double-ender commercial trollers moved out daily and returned each night loaded to the gunwales with big, fat salmon. Lots of those, in the depression days, were sold to friends for as little as two or four bits. They'd cost a small fortune now.

Cello Falls is no more, flooded by the reservoir behind The Dalles Dam in the 1950s. Kettle Falls, a similar spectacle, disappeared when the reservoir formed behind Grand Coulee Dam. The storybook riverboats are only a memory, along with the cannery at Ilwaco and the fleet that often used to return to port under small, triangular sails to save fuel.

Indications are that more salmon runs may be headed toward oblivion, along with the giant virgin timber cut along the Columbia system during World War I and a few years afterward.

The nitrogen problem, judging from the attention fisheries men are giving it recently, seems to be a matter of growing concern.

Hank Wendler, a senior fisheries biologist for the Washington State Fisheries Department, says release of water at dams the way it must be done at present forces nitrogen into solution in depth.

"Unless the fish have sounded below the level where this can be critical to them," he

says, "they're going to end up with this nitrogen bubble disease and die."

Another problem they face is heated water. Wendler says there are times when "you're practically cooking them."

"It's a result," he says, "of these forebays behind the dams and solar radiation on the surface waters."

Temperatures of 88 degrees have been recorded at the mouth of the Columbia's main tributary, the Snake, 50 miles below the site of the nuclear reactors at Hanford Atomic Works in southeastern Washington, Wendler says.

He and Lasater say cooling nuclear reactors and then turning the heated water back into the river adds to the problem. Their department considered 68 degrees the maximum acceptable heat level, and Lasater says adding reactor-cooling heat is "darned near the last straw."

The Washington State Thermal Power Plant Site Evaluation Council recently approved the proposed location for another nuclear power plant at Hanford, and Chairman B. A. McPhillips of the Oregon Environmental Quality Commission said recently at least 20 nuclear plants along the Columbia are proposed.

Dow Chemical Co. is building a magnesium chloride plant at Dallesport, Wash. American Metal Climax, Inc., plans to build an aluminum reduction plant just inside the mouth of the Columbia at Warrenton, Ore. site of one of the few remaining whaling stations.

Long-established pulp mills have been adding chemicals to the river, and insecticides and other chemicals drain from the farms and forests of the basin's 259,000 square miles in British Columbia, Montana, Idaho, Oregon and Washington.

Mud is washed in from construction sites, logging areas and farmland and is stirred up by projects like one the Port of Portland plans—dredging and filling in the Columbia to extend an airport runway.

Experts have considered the Columbia and its main tributary, the Snake, the main supplier of Pacific salmon, and Lasater avows the Snake "is in trouble."

"The Salmon River is what's holding the Snake River production up now," he says. "The main Snake is very minimal, and if they do ever dam the Salmon River, well, then it'll just take another cut out of it, no question."

A far cry from the days long ago when Washington Irving wrote about "the Adventures of Captain Bonneville, U.S.A., in the Rocky Mountains and the Far West."

"The Salmon River," the famous chronicler related, "owes its name to the immense shoals of salmon which ascend it in the months of September and October. The Salmon on the west side of the Rocky Mountains are, like the buffalo on the eastern plains, vast migratory supplies for the wants of man, that come and go with the seasons."

"As the buffalo in countless throngs find their certain way in the transient pasturage of the prairies . . . so the salmon, at their allotted seasons, regulated by a sublime and all-seeing Providence, swarm in myriads up the great rivers, and find their ways up their main branches, and into the minutest tributary streams; so as to pervade the great arid plains, and to penetrate even among barren mountains."

[News Release]

COLUMBIA RIVER SPRING CHINOOK RUN CLOSELY WATCHED

FISH COMMISSION OF OREGON,
Portland, Oreg., May 14, 1971.

The spring chinook run on the Columbia River is being carefully monitored by all of the state fish and game agencies in Oregon, Washington, and Idaho on a continuous basis, said Oregon Fish Commission Chairman J. I. Eoff.

A number of unusual conditions make it difficult to compare this year's upstream fish passage with that in other years. The flows are abnormally high, the river is muddy and full of debris, and nitrogen levels are critical in some areas. Passage, particularly at up-river dams, has been poor. However, the cumulative Bonneville Dam total through May 13 is 91,240, with 1,614 fish counted on the 13th. If the present trend continues the count at Bonneville by May 31, the end of the spring run at that structure, should provide enough fish to meet escapement goals. It then becomes a matter of getting sufficient passage at The Dalles, John Day, McNary, Ice Harbor, Little Goose, and Lower Monumental dams. The present counts at these dams are lower than desired, but many fish are above Bonneville seeking suitable passage conditions to move closer to the spawning grounds.

Preliminary estimates indicate that about 15,000 spring chinook were caught by the main Columbia sport fishery through mid-April, 11,400 fish by the below-Bonneville gill net fishery to date, and 8,300 fish by the above-Bonneville Indian commercial fishery to date. These are below average for this time. On the other hand, the Willamette River spring chinook catch this season is about 18,000 fish, well above the 12,600 average.

The commercial seasons closed today for the weekend and are scheduled to open Sunday night and continue into next week. The above-Bonneville fishery will close on Tuesday and the below-Bonneville fishery on Friday. If no change is made, both fisheries will have been open for ten fishing days. Only the 8-day season in 1968 was shorter.

The Oregon Fish Commission, by virtue of House Bill 1271, signed by Governor McCall today, now has authority to change commercial fishing regulations without a public hearing in an emergency. The season could be closed in a matter of a few hours if action is immediately necessary for conservation and failure to act will result in serious damage to the resource. Washington Department of Fisheries must concur. Hence, if the spring run appears to be in jeopardy, immediate action can be taken to terminate fishing.

The dam counts, river conditions, and catches will be monitored continuously throughout the remainder of the season. At the present time, it appears sufficient escapement above the upper limits of the commercial fisheries will be obtained. Consequently, the Washington Department of Fisheries and the Oregon Fish Commission have decided to make no change in the commercial fishery seasons as presently established.

For additional information contact: Lanny Swerdlow, Information-Education, 229-5687 or 229-5688.

RECOGNITION OF WORK OF AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

Mr. PROXMIRE. Mr. President, the Ad Hoc Committee on the Human Rights and Genocide Treaties, a committee of 52 national organizations whose membership numbers in the millions, is performing an excellent service to this country and to the world. According to its chairman, Arthur Goldberg:

Its purpose is to strengthen international law in the field of human rights by encouraging U.S. ratification of appropriate United Nations conventions, including in particular the Genocide Convention.

The outstanding effort and dedication of this group should be recognized. Mr. President, I ask unanimous consent that

a list of the officers and member organizations of the committee be printed in the RECORD.

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

AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

Chairman: Arthur J. Goldberg.
Executive Secretary: Betty Kaye Taylor.
Washington Chairman: Hyman Bookbinder.
Legislative Representative: Esther Peterson.

MEMBER ORGANIZATIONS

- American Baptist Convention.
- American Civil Liberties Union.
- American Ethical Union.
- National Women's Conference, American Ethical Union.
- American Federation of State, County and Municipal Employees, AFL-CIO.
- American Federation of Teachers, AFL-CIO.
- American Friends Service Committee.
- American Humanist Association.
- American Jewish Committee.
- American Jewish Congress.
- American Roumanian National Committee.
- American Veterans Committee.
- Americans for Democratic Action.
- Baha'i National Spiritual Assembly of the US.
- B'nai B'rith.
- B'nai B'rith Women.
- Brotherhood of Sleeping Car Porters, AFL-CIO.
- Episcopal Church.
- Farband Labor Zionist Order.
- Friends Committee on National Legislation.
- Hadassah, The Woman's Zionist Organization of America.
- Industrial Union Department, AFL-CIO.
- International Ladies' Garment Workers' Union, AFL-CIO.
- International Rescue Committee.
- International Union of Electrical Workers, AFL-CIO.
- Jewish Labor Committee.
- Jewish War Veterans.
- League for Industrial Democracy.
- National Association of Negro Business and Professional Women's Clubs.
- National Association for the Advancement of Colored People.
- National Board, YMCA.
- National Catholic Conference for Interracial Justice.
- National Jewish Community Relations Advisory Council.
- National Conference of Christians and Jews.
- National Council of Jewish Women.
- Methodist Church, General Board of Christian Social Concerns.
- Poale Zion, United Labor Zionist Organization of America.
- Quakers UN Office.
- Retail, Wholesale and Department Store Union, AFL-CIO.
- Textile Workers Union of America, AFL-CIO.
- Ukrainian Congress Committee of America.
- Ukrainian National Association.
- Union of American Hebrew Congregations.
- Unitarian-Universalist Association.
- United Automobile Workers of America.
- United Church of Christ.
- Women United for the United Nations.
- Women's International League for Peace and Freedom.
- Workers Defense League.
- Workmen's Circle.
- World Federalists, USA.
- World Jewish Congress, American Section.

ADVISORY MEMBERS

Conference of UN Representatives, UN-USA.
National Council of the Churches of Christ in the U.S.A.

NATIONAL ADVISORY COMMITTEE

Roger Baldwin, Bruno V. Biker, Edward J. Ennis, Richard N. Gardner, David Hunter, Philip M. Klutznick, Benjamin F. McLaurin, John A. Morsell, Louis Stulberg, Telford Taylor, and Leonard Woodcock.

THE OREGON COAST

Mr. PACKWOOD. Mr. President, before leaving the State of Oregon to come to the Nation's Capitol as a U.S. Senator, I took the cool, green, sun-washed atmosphere for granted. Surely, I thought, this must be the divine right of every American. How shocked I was to see the East. Wall-to-wall cement, hot, noisy, crowded cities, stacked on top of each other. The shock has had a direct effect upon my actions as a Senator. Many of my legislative proposals have been a result of this shock.

One of the most pleasant surprises I have had, though, as an Oregon Senator is receiving mail from so many Americans around this Nation who have visited Oregon, and apparently think of it as a paradise. When I receive one of those letters, my heart swells with pride and sympathy at the same time. Pride for those of us who claim Oregon as our own, and sympathy for those who have never known the thrills of an Oregon coast, an Oregon wilderness, or an Oregon landscape.

But those who have thrilled to these Oregon treasures seem never to forget them. Such is evidenced by a poem which appeared in the Thursday, April 8, 1971, edition of the Christian Science Monitor. Mr. President, I ask unanimous consent that this poem by Peter J. Henniker-Heaton be printed in the RECORD.

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

OREGON COAST

The Oregon coast is cape and bay
fogbanks riding on sun-washed air,
the high domed cave where the sea lions play,
the beaches gold in the noonday glare;
and the myrtle groves behind Humberg Mountain.

The Oregon coast is dune and sand
with driftwood tangled above the tide,
carried down by floods from far inland,
huge tree trunks salted and silvered and dried;
and the myrtle groves behind Humberg Mountain.

The Oregon coast is the Rogue River,
the pelican's sail and the osprey's dive,
salmon and otters with noses aquiver,
the jetboats that over the shingle drive;
and the myrtle groves behind Humberg Mountain.

The Oregon coast is rocks offshore,
like ancient ships that have turned to stone,
thrusting up through the sea from its shell-strewn floor,
some stations in line, some riding alone;
and the myrtle groves behind Humberg Mountain.

The Oregon coast is treasure uncounted
of agates awaiting the polisher's skill
with the evening sun for a moment mounted
red on the ocean's farthest sill,
and the myrtle groves behind Humberg Mountain.

(By Peter J. Henniker-Heaton)

VIETNAM DEADLINE

Mr. MCGOVERN. Mr. President, the junior Senator from Oregon (Mr. HATFIELD) and I were privileged to testify on April 20 at the opening session of the Foreign Relations Committee's hearings on U.S. Indochina policy. As we have on many occasions over the past year, we urged early, favorable action on our proposal to set a December 31, 1971, deadline for withdrawal of all U.S. forces from that tragic conflict.

Senator HATFIELD's statement was an especially thorough description of the need for such action. In the belief that it deserves the attention of every Member of Congress, I ask unanimous consent that it be printed at this point in the RECORD, along with the text of the legislation we have proposed.

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

TESTIMONY OF SENATOR HATFIELD BEFORE THE FOREIGN RELATIONS COMMITTEE ON THE VIETNAM DISENGAGEMENT ACT, S. 376

Mr. Chairman and members of the committee.

The Central question throughout the country and before this Committee is whether we should follow the direction set forth by the President, trusting him and his policy where specifics have not been revealed, or whether we should adopt a legislative initiative designed to end the war, as the American people clearly want Congress to do.

I should first like to clarify the differences, in intention and likely consequences, between the policy of the Administration and the legislative proposal I am co-sponsoring with 25 other Senators, which is pending before your Committee.

The thrust of the Administration's policy has increasingly placed less emphasis on the probability that negotiations will end the conflict. It has turned instead to "Vietnamization" as the solution.

Lack of clarity and ambiguity characterize the Administration's explanation of policy. In his address to the Nation April 7, 1971, the President said:

"... our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary."

So we seem to be committed to continuing gradual troop reductions until, given the right conditions, American involvement can be brought to a close.

However, it is not clear whether this means the withdrawal of all our troops from Indochina.

It seems to me that this may not include all of our air power—especially that based in Thailand and at sea, but used in Indochina.

We do not know if the flow of military equipment and supplies to South Vietnam would continue after "American involvement" is ended.

Further, the President said last Friday, April 16th, that we will keep a residual force as well as our air power in Vietnam until the North Vietnamese release our prisoners of war.

And finally, during that same interview, the President stated that our military involvement will continue as long as:

"The South Vietnamese have not yet developed the capacity to defend themselves to take over from us the defense of their own country."

This pattern of calculated ambiguity, this reluctance to be candid with the American people, has seriously eroded confidence in the Administration's ability to lead us out of this war.

It is all the more unfortunate because the President has acknowledged the need for Americans to be fully informed about the policy they are asked to support. On November 3, 1969, the President said:

"The American people cannot and should not be asked to support a policy which involved the overriding issues of war and peace unless they know the truth about that policy."

The bill I am proposing (S. 376) presents an unequivocal determination to withdraw all United States forces. But more than that, it is designed as an initiative to end the war through a political settlement.

By making certain that we will remove all our forces by the end of this year, we would create a new political environment for the negotiations and could expect the following:

(1) A cease fire might be established. This has been suggested by the North Vietnamese and the People's Revolutionary Government (NLF) if we set a reasonable, public date for withdrawal.

(2) Authentic negotiations among the various Vietnamese factions on future political power in South Vietnam, and the means for its establishment, could take place. These negotiations would begin in earnest when the Thieu-Ky government realizes it can no longer rely on continual American military support to make up for the political strength that it lacks from its own people.

(3) Serious negotiations leading to the release of our prisoners of war could begin.

The point is that we must put our opponents to the test. We never have, and we never will bomb them into submission.

The threat and the use of our devastating air power will not obtain for us a cease-fire, a political settlement among the Vietnamese or the release of our prisoners. The way to "put pressure" on the other side, to negotiate on these issues is to set a date for our withdrawal.

Thus, this bill would decisively and expeditiously conclude our military role in Vietnam. But more important, it is the most likely alternative to promote a political settlement and bring a true end to the war, stopping the fighting and killing there.

Why do I advocate this alternative?

The first and most compelling reason is moral. I have come to believe that fundamental to all else, we must see our war policy and its consequences in moral terms. And from this perspective, the most distressing aspect of the policy we seem committed to pursue is that American life is valued far more than Asian life.

The announced intention of the President is to reduce American casualties, and this has been substantially accomplished. But, there seems to be little regard for Asian casualties.

While reducing the direct involvement of American soldiers in ground combat, we still provide the policy, the strategy, the money, the equipment, and the intensive, direct combat support to sustain the South Vietnamese regime and continue the fighting.

The Laotian operation well illustrates this. While in the technical sense, there was no direct American "ground combat" involvement in Laos, yet U.S. helicopters and planes flew an incredible 151,837 sorties in "support" of this venture.

American casualties were light. According to the Pentagon, of those troops giving air support to the operation, about 45 were killed, 89 wounded, and 28 missing-in-action. In addition, more than 90 U.S. troops were killed on the ground in South Vietnam in conjunction with Lam Son 719, the Laotian operation. But, Vietnamese casualties on both sides were astronomical. Official estimates claimed about 1,445 ARVN troops died (some press reports stated ARVN deaths were far greater than official figures) and an estimated 13,842 enemy troops died.

The assumption is that if we can support

the Thieu-Ky regime's continuing the war, but have fewer Americans die, while Asian blood continued to be spilled, then this war is somehow less wrong, and more tolerable.

I believe such policy is morally impoverished. If this war is wrong—if it should not be continued, if it is not worth the cost, and if the human suffering it is causing cannot be justified by any goals—then it must be brought to an end.

It will not be made any more right simply because we have devised the strategy for fewer Americans to die each month. That after all, makes very little difference to the six million refugees who continue to suffer in Indochina as the war goes on, or to the families of the thousands of Vietnamese soldiers and innocent civilians throughout Indochina who will die in the months ahead.

We must take a hard look at what the human costs of the policy we are pursuing will be. During the first three months of this year 5,258 South Vietnamese soldiers died, according to the estimates of the Defense Department, and 41,407 North Vietnamese and National Liberation Front soldiers were killed.

There may be reason, of course, to doubt the accuracy of these figures, but let us assume that they are relatively valid. During the first three months of this year, fighting and casualties were light in January, moderate in February, and heavy in March due to the Laotian operation.

If we project from the level of casualties last year and during the first quarter of this year, and assume that Vietnamese casualties will remain about the same average level as the war goes on, then from now until the end of the year, over 100,000 Vietnamese soldiers are likely to die. From now until the end of 1972, as many as a quarter of a million soldiers could die as the result of policies that continue the war.

According to such projected estimates, the preponderance of these deaths are, of course, from the enemy ranks. Some of those still obsessed with the body count mentality may think this is encouraging for the success of our policy. I think it is immoral.

These probable costs in terms of human life do not include civilian casualties, which are even more difficult to calculate. The Defense Department has said that it makes no estimates of civilian casualties—a fact that I cannot comprehend, for it shows such a callous disregard for the human consequences of our policy.

The Senate Subcommittee on Refugees estimated that there were 25,000 civilians killed in South Vietnam last year, which would be over 3,000 more than the total number of South Vietnamese soldiers that died.

In Laos, more sparsely populated than Vietnam but intensively bombed, the Committee reported that 10,000 have died in the past year and a half. And, untold hundreds of thousands have been wounded and made homeless throughout all of Indochina.

Because our fire-power, compared to our opponent's, is so overwhelming, the majority of the civilian casualties come as the consequence of our military action.

Since the beginning of the war, we have dropped about 5.6 million tons of bombs in Indochina. About 2.5 million of these have fallen during the present Administration's time in office. The President has reiterated his intention to continue to rely on air power in the future. On February 17 he said he would place no limits on the use of air power.

As such bombing continues, along with artillery, helicopter gunships and other fire power, thousands more civilians will be killed, wounded and made homeless as we pursue "Vietnamization."

These human costs, in my judgment, cannot be justified. The Vietnamese people do not want their war "Vietnamized". They want it ended.

There are those who suggest that we have no role in determining whether the South

Vietnamese continue to fight the North Vietnamese. I completely disagree.

Our refusal to set a date for withdrawal, and our unyielding support of the Thieu-Ky regime, make a negotiated settlement to the conflict impossible. Fighting will continue as long as our forces are committed in that country and our policy is to support that regime.

In order to end the fighting, we must set the withdrawal date and seek the establishment of a cease-fire. At the same time, future political power in South Vietnam would have to be determined. The People's Revolutionary Government has offered an interim coalition government that would conduct elections. We and the South Vietnamese have suggested internationally supervised elections. These differences can be negotiated, in my judgment, among the Vietnamese.

It is not our responsibility to dictate or impose the terms of that settlement. But, we must remove our arbitrary support of the Thieu-Ky regime, forcing it to rely only on its own internal strength. In that atmosphere, a genuine settlement reflecting the indigenous balance of forces in Vietnam could be obtained.

The point is that we do have control over whether the fighting continues or ends in Indochina, and if we persist in our policy the war will go on.

If we adopt the approach of the Vietnam Disengagement Act, we will initiate the most realistic opportunity for a negotiated end to the fighting.

If we believe that all life—Asian and American—is equally valuable, then I cannot see how the human costs yet to come from our policy can be morally justified. I advocate an alternative to that policy in order to avoid those costs—in order to save human life.

The second consideration arguing for a decisive change in policy is constitutional.

These considerations have taken on an entirely new relevance and sense of urgency with the repeal of the Gulf of Tonkin Resolution last December. I do not understand what Constitutional basis there is for our involvement in Indochina since that time.

Your Committee has already had hearings on the question of War Powers, and the responsibilities delegated to the Congress by the Constitution for authorizing military action.

Furthermore, with the leadership of your Committee, Congress passed the National Commitments Resolution June 25, 1969. As you will recall, the final version of that resolution drafted largely by Senator William Fulbright and Senator John Sherman Cooper, stated:

"Resolved, that (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States, on foreign territory . . . and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment."

There is, of course, no treaty, no statute, and no concurrent resolution committing us to military involvement in Vietnam.

What legal, Constitutional basis does the President have for our involvement?

Howard K. Smith asked the President that question during their interview on July 1 last year. The President replied:

"The President of the United States has the Constitutional right—not only the right but the responsibility—to protect American forces when they are engaged in military actions."

When Mr. Smith pursued this question, asking the legal basis of our involvement

once the Gulf of Tonkin Resolution was repealed, the President stated again:

"The legal justification is the one I have given and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification."

Now, I agree wholeheartedly that the President has the legal Constitutional authority for protecting our troops. And, he certainly has the Constitutional authority to withdraw them.

But, the issue is that the President's policy includes far more than that. He is pursuing "Vietnamization" and wants to give the South Vietnamese "a fair chance to defend themselves."

His policy, then, is committed to the military support of the Thieu-Ky government. What might this entail?

It will include the continued use of heavy bombing throughout Vietnam, Laos, and Cambodia.

It might include future incursions into Laos, hinted at recently by General Creighton Abrams.

It could include the renewed bombing of North Vietnam.

And, it will mean continued U.S. military operations and combat support and fire-power for ARVN operations throughout South Vietnam.

Now we may agree or disagree with the policy of Vietnamization. But regardless of our preferences, I do not believe the President has the legal, Constitutional authority for pursuing the objectives and goals of that policy.

There is a decisive difference between protecting our troops and withdrawing them from Vietnam, and pursuing Vietnamization.

If withdrawal is our only objective, that can be accomplished in a matter of months. And, our troops can best be protected by setting a date for completing our withdrawal and seeking a cease-fire. There is no question about the President's Constitutional authority to take these steps.

But, the President has made clear that we are committed for at least some time into the future to supporting the South Vietnamese government by our military involvement. His authority to do so surely does not come from his Constitutional power as Commander-in-Chief to protect our troops in battle. He has cited no other legal justification for those policy goals. In my judgment there is none.

If we set aside all other considerations, I believe that the Constitutional aspects of this problem alone compel the adoption of the Vietnam Disengagement Act.

Even if we were to win some victory in Vietnam, if the cost is the integrity of Constitutional government then that price alone is far too high.

The responsibility to redeem the viability of the Constitution rests at this point solely with the Congress. In that respect, this bill is far more a challenge to the Congress than to the President.

For Constitutional reasons alone, it is imperative that Congress adopt some legislative measure regarding our involvement in Indochina. The proposal I am supporting corresponds most closely with the wishes of Americans, and offers the best hope for an enduring settlement to this war. It would resolve the Constitutional dilemma that faces us and end the conflict that is eroding the foundations of our Government.

The clear intent of the Constitution, in Article I, Section 8, is to keep the powers of war decisively in the hands of the Congress, and thereby, the people.

It was for this reason that appropriations for armies are the only appropriations specifically limited to two years by the Constitution.

The framers of the Constitution did this to insure a continued review (and votes) by

the Congress over any military appropriations.

As you know, the Founding Fathers consistently stressed the Congressional responsibility for war-making powers.

James Madison saw the dangers of excessive executive power in foreign affairs when he said:

"The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps it is a universal truth that the loss of liberty at home is to be charged against danger real or pretended, from abroad." (Letter to Jefferson, May 13, 1789.)

Under Article I, Section 8, Congress is empowered to: "Provide for the Common Defense," "to declare war" and "raise and support armies."

The President's powers as Commander-in-Chief, outlined in Article 2, Section 2 are to be Commander over those armies raised by Congress and sent into wars which are declared by Congress.

As Alexander Hamilton said, the Commander-in-Chief's power: "amounted to nothing more than the Supreme Command and direction of the military force, as the first General and Admiral . . ."

The power and authority for determining the purposes for which he exercises this control over the troops clearly rests with the Congress, the representatives of the people.

There is one final consideration that must weigh heavily on all Members of Congress and should, I believe, compel us to adopt the legislative initiatives outlined in this bill. That is the ability of this Government to maintain the faith of those whom it governs.

We would all agree, I believe, that this war, like no other event in our recent past, has undermined the belief of Americans in the viability of their political system.

Confidence and trust in the process of representative government, and in the Office of the Presidency, are all suffering as the casualties of this war.

As I talk with constituents and people throughout the country, I am constantly asked what basis there is for continued faith in our system.

People say to me "Three quarters of our people want the war over by the end of this year. But, the President doesn't listen and Congress does not act."

Particularly in the past year, since the operations into Cambodia and its aftermath, the disillusionment of people from all walks of life has grown. And, I fear for a country whose people are losing faith in the words of its leaders and the dreams of its founders.

It is hard to know what this will all mean for the destiny of our nation. But of this we can be certain—our Republic's most severe challenge is to restore its integrity in the eyes of the American people.

That will take much effort. But, it can begin if Congress takes the initiative in ending this war.

People want to believe in America's ideals. They want to have faith in our system. They want to have hope in our Government's ability to govern and lead. Let us not disappoint them. Let us preserve their dreams and renew our own.

S. 376

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 Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States

the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620. (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

- (1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;
- (2) To insure the release of prisoners of war;
- (3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and
- (4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

THE "UTAH STARS"

Mr. BENNETT. Mr. President, I would like to take just a moment and bring to the attention of my sports-minded colleagues the recent triumphs of the Utah Stars. On May 18, 1971, the Utah Stars defeated the Kentucky Colonels for the championship of the American Basketball Association.

The season-long triumphs of the Stars have been a continuing tribute to the tremendous athletic abilities of these young men and the loyalty of the fans in Utah. The Stars are the first major league basketball team in Utah, and they have been treated like members of the family since their arrival. In fact, they were received so well in Utah that the franchise set an all-time attendance record for a first-year team in professional basketball.

I would like to add my congratulations to those of thousands of other Utahans that are being sent to Coach Bill Sharman—the Stars, Bill Daniels, owner of the Stars, and Vince Boryla, general manager—for their outstanding victory. At this point, all I can add is to second the enthusiastic response of one of my secretaries when she learned of the Stars' victory: "Right On, Stars, Right On."

Mr. President, I also ask unanimous consent that an editorial from the Deseret News praising the efforts of both

Utah and the Stars be printed in the RECORD.

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

[From the Deseret News, May 19, 1971]

THE STARS HAVE COME

Utah Stars: American Basketball Association Champions:

A fitting climax to a success story which could only be colored red, white and blue.

What began as an unlikely partnership between a so-called "poor" professional sports state and a struggling basketball club has blossomed into a genuine love affair.

Critics generally scoffed when Bill Daniels and Vince Boryla left Los Angeles, where the fans had been staying home en masse, to set up shop in Utah. Few thought the Utahans, who had virtually ignored baseball, could or would support both the Stars and the popular Golden Eagles.

However, the Stars found the formula to success based on good public relations and, most of all, a good product.

While the song "Here Come the Stars" was catching everyone's ears, the likes of Zelmo Beaty and Bill Sharman were catching the imagination of Utah's knowledgeable basketball fans. The team's deportment was professional caliber on and off the court.

Utahans showed their appreciation by establishing a new all-time attendance record for a first-year team in professional basketball.

Now that the Stars have become the first major league team in any sport to win a professional championship in its first year in a city, what will they do for an encore? With the same kind of fan support next year, they could become the only ABA team ever to win two consecutive league titles—despite the formidable teams some ABA rivals are putting together.

After that? Bring on Lew Alcindor and the Bucks!

PROJECT ON CORPORATE RESPONSIBILITY

Mr. MOSS. Mr. President, the Project on Corporate Responsibility, also known as Campaign GM, is continuing its struggle for a consumer voice in the corporate structure of America. Much of what the project has to say is relevant to the way in which our country is run, and to some degree may account for the dissatisfaction and disappointment that young people feel. I recently read that outstanding law graduates are searching hard for public service work rather than lucrative positions with the corporate law firms which control much of American business and influence our everyday life.

Basically, the project is an attempt to explore new ways of making American corporations more responsive to society's needs.

Currently, large corporations are virtually private governments whose decisions affect millions of people through product safety, employment discrimination, pollution emission, and fiscal status. Yet these decisions are made by a relatively few individuals, far removed from the public, a group of self-chosen men. The project seeks to subject corporate decisions to public scrutiny and to make accountability to the public a basic part of the corporate decision process, through use of existing channels such as lawsuits, shareholder resolutions, proxy contests, and annual meetings.

I commend the Project on Corporate Responsibility for its forethought, its integrity, and for the important public attention it is focusing on this basic part of American life, the corporate decision-making process. I urge you to review the methods of the project and its message. I am sure you will agree that it upholds the highest principles of democracy in action.

As I have previously indicated in my remarks introducing S. 1753, the National Institute of Advertising, Marketing, and Society Act, we have often sought to regulate marketing practices through regulation, but we have never thought of developing a systematic accounting of the social costs of operating various industries. We are beset with profound and unsettling questions concerning this critical force in American life.

Mr. President, I ask unanimous consent that following my remarks, additional materials concerning the Project on Corporate Responsibility appear in the RECORD.

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

EXPLANATIONS OF THE PROPOSALS

PROPOSAL I: EXPLANATION OF PROPOSAL ON SHAREHOLDER DEMOCRACY

This proposal would, for the first time, give General Motors' shareholders a real choice in the selection of their company's directors. Under the present system, General Motors sends out a proxy statement listing only management's nominees for director and asking each shareholder to vote by proxy for them. Theoretically, others may send out proxies asking shareholders to vote for their nominees, but the cost of doing this effectively in a company the size of GM makes it a virtual impossibility. And although any shareholder may make nominations at the annual meeting, this is an empty gesture because only a handful of GM's 1.3 million shareholders can attend the meeting and practically all the voting for director is done on GM's proxy prior to the meeting. In effect, the only nominees that shareholders ever have an opportunity to consider are those listed on GM's proxy. It is like a Russian election; there is only one slate of candidates—management's—and the only choice shareholders have is to vote for or against it.

This proposal would transform the selection of GM's directors into a real election by requiring GM to list on its proxy both management's nominees and candidates nominated by non-management shareholders. GM's proxy would thus become a real ballot, offering all shareholders the chance to make nominations and then choose among opposing candidates. Non-management candidates would be nominated by shareholder petitions. All candidates would be entitled to have supporting statements printed in the proxy statement. Only returned ballots indicating specific choices for director would count in the final vote.

PROPOSAL II: EXPLANATION OF PROPOSAL ON CONSTITUENT DEMOCRACY

A giant corporation like General Motors has many constituencies, many groups who are deeply affected by its decisions. These groups must be given a more meaningful role in the corporation's decision-making process. This proposal would be a first step in that direction. It would permit three of General Motors' most important constituencies to participate in the selection of three of the company's directors. The constituencies are all GM employees, GM dealers, and GM consumers (that is, all new GM car, bus, and truck owners whose ownership is on record with the corporation).

Each constituency would hold a special election in which it would choose, subject to shareholder ratification, one director. The election would work this way: candidates would be nominated, by petition, by members of the constituency. The nominees would be listed in a ballot that GM would distribute for voting to the constituency members. The winners of the three constituent elections would then be placed on GM's proxy and the shareholders would be asked to approve or reject them.

PROPOSAL III: EXPLANATION OF PROPOSAL FOR DISCLOSURES ON MINORITY-HIRING, AIR-POLLUTION AND AUTO-SAFETY POLICIES

This proposal would require General Motors to publish in its annual report hard statistics in three areas of immense concern to shareholders and the public: air-pollution control, automobile safety, and minority hiring. The principal disclosures would be:

The amounts of money and numbers of employees General Motors assigns to programs in each of these three areas.

The details of all GM vehicle-recall campaigns resulting from safety or pollution-control defects.

Descriptions of any new safety or pollution-control techniques that GM has developed and proposed to the government for adoption as federal standards. The government has asked GM for such proposals; the shareholders are entitled to know whether the corporation is meeting this challenge.

Figures showing the proportion of minority-group employees in each of the nine job categories, ranging from professionals to unskilled laborers. These figures are compiled for the EEO-1 Report that GM must file with the federal government, but GM has refused to make them public.

General Motors would be permitted to omit specific items of information if disclosure would put the company at a competitive disadvantage. However, General Motors would be required to specify in the annual report which items it was omitting and the reasons for each omission.

CAMPAIGN GM, ROUND II, PROXY STATEMENT, Nov. 19, 1970

PROXY STATEMENT

This proxy statement is furnished in connection with the solicitation of proxies by the Campaign to Make General Motors Responsible ("Campaign GM") for use at the annual meeting of shareholders of General Motors Corporation (the "Corporation") to be held on May 21, 1971, at Cobo Hall, Detroit, Michigan.

Campaign GM is a committee of the Project on Corporate Responsibility, Inc. ("Project") a non-profit corporation organized under the laws of the District of Columbia. The Directors of the Project are Philip C. Sorensen (chairman), Geoffrey Cowan, Marian Wright Edelman, John C. Esposito, Susan W. Gross, Harry Hoge, Philip W. Moore, Joseph N. Onek and Donald E. Schwartz.

Campaign GM solicited proxies for the last GM shareholder meeting on behalf of (1) a proposal to enlarge the Board of Directors for the purpose of adding public representatives to the Board, and (2) a proposal to create a special shareholder committee on corporate responsibility to submit a report to the shareholders. Among the areas the committee would have reported on were the role of the Corporation in modern society and the manner in which the Corporation had discharged its responsibilities with respect to pollution, safety, customer warranties, employee safety and minority opportunities. These proposals were presented at the 1970 annual meeting and were defeated by substantial margins.

This proxy statement solicits support for proposals that are expected to be presented at the annual meeting. These proposals have been submitted to the management of the Corporation by the Project, which owns 12

shares of the Corporation's stock, with the request that they be included in the proxy statement furnished by the Corporation to each shareholder. The Project has been advised by its counsel, Professor Donald E. Schwartz, that in his opinion management will be required to include these proposals in the proxy statement pursuant to the proxy rules under the Securities Exchange Act of 1934. If such proposals are so included each shareholder may vote for these proposals on the Corporation's proxy, which will be sent to shareholders sometime in late March or early April, 1971. No separate form of proxy is furnished by Campaign GM at this time.

PURPOSES OF SOLICITATION

Campaign GM believes that only those companies that conduct their business in a manner more responsive to public needs will be able to profitably survive. This is because of increasing public concern, mounting into public demand, that corporations produce safer, healthier, and more durable products, at reasonable prices, and that corporations take account of the large social impact of their decisions even if it would result in a reduction of profits. While General Motors has not ignored these concerns, Campaign GM believes its efforts have been inadequate. Moreover, Campaign GM is convinced that these efforts will remain inadequate unless the decision-making structure within the Corporation is significantly changed; the present Board of Directors suffers from too narrow a viewpoint. The decision-making process of the Corporation must be opened up to new people and new ideas, if the Corporation is to meet its broader public responsibilities.

As more fully described in this proxy statement, the Project's proposals, if adopted, would produce a significantly different decision-making structure within the Corporation by broadening the base of decision-makers and by increasing the obligation of disclosure.

Proposal Number One reflects Campaign GM's belief that the adverse social consequences of corporate conduct should no longer be given legitimacy under the false rubric of shareholder democracy. Proposal Number Two is rooted in Campaign GM's conviction that democracy in large corporations must embrace persons substantially affected by corporation action as well as shareholders. And Proposal Number Three reflects the belief that shareholders must be furnished with all appropriate information necessary to make meaningful decisions. To be adopted, the proposals require a favorable vote by a majority of those voting at the meeting. The costs involved, if these proposals are adopted, would consist of adding printing and mailing, administrative and clerical expenses.

Corporate directors, of course, are required to observe the legal standards applicable to the discharge of their duty. But that duty does not justify inadequate attention to the public impact of corporate conduct. Indeed, many state and federal laws make it clear that corporate conduct must take account of the public interest in such areas as public health, employment practices, fair trade and business practices, financial reporting, corporate activities, criminal conduct, auto safety, warranties and contractual liabilities, and others.

PROPOSAL NO. 1: PROPOSAL ON SHAREHOLDER DEMOCRACY

Proxies are solicited in support of an amendment to the by-laws that will provide a process for shareholder nomination and election of Directors. The text of the proposal is set forth in the Appendix.

Under the current practices, the only candidates listed on the Corporation's proxy statement, which is furnished to all shareholders, are those intended to be nominated by management at the annual meeting.

Shareholders may make nominations only at the annual meeting, after virtually all of the votes for Director have been cast on the Corporation's proxy. This proposal would permit candidates nominated by shareholders to be listed together with management's nominees on the Corporation's proxy, thus permitting all shareholders to consider candidates in addition to those proposed by management. Shareholders would still be permitted to nominate candidates at the annual meeting.

Campaign GM believes that the present method of nominating and electing Directors belies the claims made for shareholder democracy. The shareholders do not effectively participate in the nomination process and they confer their power of attorney to vote with respect to candidates when the only prospective nominees of whom they have knowledge are the persons whom the Board of Directors intends to nominate at the meeting. In effect, the shareholders vote before the candidates are nominated. Moreover, there is no choice presented in the proxy statement, and it is the proxy statement that is the only method whereby shareholders can actually vote, since it is physically impossible for anything other than the smallest fraction of shareholders to be present at the annual meeting. Finally, while shareholders can nominate candidates and solicit support on their own proxy, the cost would be prohibitive, thus effectively denying shareholders meaningful access to the democratic process.

The need for broadening the nomination process is plainly demonstrated by past General Motors practices. In 1969, two Board vacancies were filled, and Chairman James Roche explained the process at the 1970 shareholder meeting as follows:

SHAREHOLDER. "When Mr. Bechtel and Mr. Sivage were nominated by the Board this year, what other people were you considering for nomination? I think the shareholders are entitled to know that."

Chairman ROCHE. "We considered no others."

SHAREHOLDER. "Who suggested those two men?"

Chairman ROCHE. "By common consent of the Board."

SHAREHOLDER. "Who first brought it up to the Board?"

Chairman Roche. "I do not remember."

SHAREHOLDER. "Do you think that we are entitled to know that?"

Chairman ROCHE. "You are entitled to nominate anybody that you want, as has been done here this afternoon."

SHAREHOLDER. "Are we entitled to know how you decide which man to nominate?"

Chairman ROCHE. "Different members of the Board get together and agree on the proposed candidates submitted to the entire Board for their approval."

SHAREHOLDER. "In those conversations, what other people were you considering?"

Chairman ROCHE. "We did not consider any other people to become Directors."

The proposal would also change the method of voting: it would not allow proxies solicited by management to confer discretionary authority to vote with respect to any candidates for Director, which is presently permitted, under some circumstances, under the proxy rules of the Securities Exchange Act of 1934. Voting for Directors, in person or by such proxies, would be required to be on an individual basis. The purpose of this change in the method of voting is to require an individual choice to be made for Directors and to require, in effect, that Directors individually seek election to office. Proxies solicited by persons other than management may confer discretionary authority to vote for directors, to the extent permitted by law, since it is not considered feasible or desirable to regulate solicitations except those which utilize the facilities and funds of the

Corporation. Moreover, such solicitations are rare in this company.

It is possible that the Securities and Exchange Commission's proxy rules might be interpreted to apply to the process of nominating candidates by petition. In some instances, this could mean complying with the filing and other provisions of proxy regulations in order to nominate a candidate. However, since the nomination of a candidate is only a prelude to an election, which is subject to proxy rules, and since it does not directly involve the solicitation of a vote, the proxy rules might be interpreted as inapplicable to the petition process.

In the event a candidate nominated by petition dies before the meeting, or changes his mind about running, votes on his behalf will not be counted and the agent to whom authority has been conferred will not be authorized to substitute another choice.

Vacancies on the Board, including those with respect to Directors nominated by petition, may be filled in accordance with the by-laws, which at present permit the remaining Directors to fill vacancies. It should be noted that some shareholders may be eligible to sign a petition and yet not be eligible to vote by reason of the company's record date provisions in the by-laws. A shareholder, for example, may sign a petition before March 15, but sell his shares before the record date set by the Board of Directors, and thus not be entitled to vote.

The proposed by-law also states that the by-laws may contain other methods for the nomination of Directors. This is to make clear that the proposal that appears here as Proposal Number Two, whereby some Directors would be nominated by constituent groups, would be consistent with this by-law.

PROPOSAL NO. 2: PROPOSAL ON CONSTITUENT DEMOCRACY

Proxies are solicited in support of an amendment to the Corporation's by-laws that would allow for constituent participation in the selection of Directors. The text is set forth in the Appendix. This by-law amendment is independent from, though complementary to, Proposal Number One on Shareholder Democracy and should be given separate consideration by shareholders. Shareholders may want to vote for one without voting for the other.

The proposal on Constituent Democracy would provide that regardless of the size of the Board of Directors, three of the Directors would be nominated by constituent groups of employees (including non-union employees), consumers, and dealers. One Director would be nominated by each constituency. It is contemplated that this number would be a small minority on the Board of Directors. Thus if there were 23 Directors, this proposal would mean that 20 would be persons who had been nominated either by the Directors or the shareholders while three would be nominated by constituencies.

Campaign GM believes that persons who are substantially affected by General Motors' decisions must have a greater role in shaping those decisions.

The purpose of this resolution is to move in that direction by providing a way to permit General Motors employees, General Motors dealers and General Motors consumers to select representatives on the Board of Directors. The particular constituencies represented are by no means the only constituencies that have an interest in the conduct of the Corporation or that are deeply affected by it. These groups were chosen because of their importance and because they consist of persons whom the Corporation's records can identify.

These constituent Directors would, in Campaign GM's opinion, add viewpoints different from other Directors since they would

be chosen initially by persons who have different expectations for the Corporation; they would add a new dimension to the Board's thinking. As a minority they could not compel corporate decisions, but they presumably would improve the quality of those decisions by forcing them to be made in the light of an additional viewpoint. For example, General Motors, along with other automotive manufacturers, equips its cars with bumpers that cannot withstand a 2.8 miles per hour collision without losing their shape and requiring repair, thus increasing the cost of repairs and insurance to the consumers. Indeed, at least one major auto insurance company, Allstate has advertised an offer to reduce the cost of collision insurance by 20% if auto manufacturers can certify that their bumpers can withstand a 5 miles per hour collision. Despite the availability of prototypes that could meet the 5 miles per hour impact, no manufacturer is able to provide such a certificate. While General Motors has said that it is working on shock-absorbing bumpers that will be effective in 5 miles per hour crashes, it is reported that such bumpers will not be ready until 1973. Campaign GM believes that a more broadly representative Board would make the Corporation more responsive to these and other consumer needs.

All Directors, including those who would be elected pursuant to this proposal, owe a duty of loyalty to the Corporation and its shareholders. As Directors they could inspect the Corporation's records and obtain information. However, the fiduciary duty compels all Directors to act in the best interests of the Corporation and shareholders and not use the information obtained contrary to those interests. Campaign GM believes that the best interests of the Corporation, in the long run, are served by having due regard for those constituencies affected by the Corporation. The Corporation's best interests are not met by seeking the largest possible short term profit if consumers, employees, or the general public are adversely affected and develop an antipathy to the Corporation, or to corporations generally. Campaign GM considers it improbable that the Directors chosen to broaden the Board's viewpoint would overlook their duty to the Corporation and favor the interest of a particular group. The Board is a policy-making body and does not directly engage in negotiations with employees and dealers and consequently the opportunity to favor a special group would rarely arise.

Some members of the constituent groups such as union employees or some dealers may have contractual or other legal restrictions that might prevent them from serving on General Motors' Board. However, constituent groups are under no obligation to nominate members of their own groups, and Campaign GM knows of no restrictions that would prevent an employee or a dealer from being a Board member. The Board has always included employees among its members.

Any vacancy in a constituent seat could be filled only pursuant to the same process by which the constituent Director was elected. The term of office of Directors lasts until their successors are chosen and the election of a new Board would conclude the old term of all Directors. Even if the shareholders failed to elect any constituency Directors for a new term, that would not extend the term of any constituency Directors who were previously elected, as the election of a new Board, it is believed, would constitute the selection of successors to all the old Directors. In the event a candidate nominated by petition dies before the meeting, or changes his mind about running, votes on his behalf will not be counted and the agent to whom authority has been conferred will not be authorized to substitute another choice.

PROPOSAL NO. 3: PROPOSAL FOR DISCLOSURE ON MINORITY-HIRING, AIR-POLLUTION AND AUTO-SAFETY POLICIES

Proxies are solicited in support of a proposal to require the Corporation to disclose in its annual report data in three areas of immense concern to shareholders and the public: air-pollution control, auto-safety, and minority-hiring and franchising practices. The text is set forth in the Appendix.

The purpose of this proposal is to provide information that is currently not available to shareholders in order that they may accurately evaluate the performance of management in meeting public responsibilities in these areas.

The proposal allows the Board of Directors to omit any data upon a reasonable determination that disclosure of the information could place the Corporation at a competitive disadvantage. In such event the annual report would have to disclose which items of information had been omitted and the reasons therefor.

While management often publicizes its general progress in these areas, it has not made a complete disclosure of the specific programs, money and resources directed towards these areas to its shareholders. General Motors proudly announced in its 1970 Annual Report to shareholders that minorities make up 15.3 per cent of its work force, but it has not made public figures showing percentages of minority-group members in specific job categories, such as management positions. Unless these figures are disclosed, stockholders cannot judge whether a disproportionate number of General Motors minority employees are in the job categories lowest on the Corporation's economic ladder. The Employer Information Report (EEO-1) referred to in the proposal requires the Corporation to disclose figures indicating such distribution of minority employees. The Corporation must file this report annually with the Equal Employment Opportunity Commission but has the option of releasing the report or keeping it secret. General Motors has never publicly released it and at least one group—the Council on Economic Priorities—specifically asked General Motors for permission to inspect the report, only to be turned down.

For the last several years, General Motors management has been boasting of its efforts to develop a non-polluting automobile. And yet, during the Senate debate on the Clean Air Bill in August, 1970, management said it could not possibly meet the bill's proposed 1975 emission standard deadline and might not be able to meet the extended deadline of 1976. Subsequent to that debate, the bill was enacted by Congress.

Without specific factual disclosures, shareholders cannot possibly make evaluations of General Motors' progress in these areas. Management's claims and disclaimers can be assessed only against the background of the facts and figures that would be disclosed under the requirements of this proposal.

The purpose of the annual report is to inform shareholders of all information relevant to the Corporation's business that the shareholder needs in order to evaluate management's performance in the overall conduct of its business. In Campaign GM's opinion, the scope of the present annual report is inadequate for that purpose.

MISCELLANEOUS

Campaign GM will not make a dissemination of its proxy statement to all of the shareholders of the Corporation since it does not have sufficient funds to do so. Campaign GM intends to communicate with all shareholders by submitting its proposals to management for inclusion in the proxy statement along with short statements in support. It does intend to communicate with institutions or holders of the Corporation's stock in advance of any solicitation of proxies

through the Corporation's proxy statement, and for those purposes it will deliver its proxy statement.

Shareholders may attend the meeting and vote their shares in person. Any person giving a proxy may revoke it any time prior to its exercise by giving notice of revocation to the Secretary of the Corporation or by executing and returning a letter dated proxy. Each share is entitled to one vote.

Information as to the number of shares entitled to vote and the record date for shareholders is not known to Campaign GM and will be found in management's proxy statement.

The cost of the solicitation will be borne by Campaign GM, and the Project on Corporate Responsibility which expects to obtain the necessary funds from contributions by shareholders and other persons interested in the questions presented. Campaign GM intends to contact various institutions that own stock in General Motors. Campaign GM will seek the support of citizens and shareholders to assist in its efforts. There are no contracts with any solicitors or soliciting organizations.

APPENDIX, TEXTS OF THE PROPOSALS, PROPOSAL NO. 1

Proposal on shareholder democracy

Be it resolved: That a new by-law under the title "Board of Directors" be adopted as follows:

A. Nomination

1. Directors shall be elected from among those candidates nominated for the Board in accordance with these by-laws.

2. Nomination for members of the Board may be made by the Board of Directors of any shareholder, either by notice to the Secretary of the Corporation no later than March 1, or at the annual meeting. These by-laws may contain provisions for other methods of nominating candidates for the Board. All candidates nominated by notice to the Secretary shall be included in the Corporation's proxy statement as set forth in paragraph B below.

B. Inclusion in proxy statement

1. All candidates entitled to be included in the proxy statement and proxy furnished by the Corporation to the shareholders shall appear in one list in alphabetical order in both such documents.

2. Nomination by management: All candidates, not in excess of the number of Directors to be elected, and subject to any other provisions in these by-laws, nominated by the Board of Directors, or by the Directors or Officers of the Corporation, directly or indirectly, shall be listed on the proxy statement and on the proxy.

3. Nomination by shareholders: Candidates nominated by a petition signed whether by (1) 100 shareholders of record or beneficial owners as of the date of such petition, or by (2) the holders of record, or the beneficial owners, as of the date of such a petition, of 1,500 shares of the Corporation's stock entitled to vote at the meeting shall be listed on the proxy statement and on the proxy, subject to the limitations set forth in this paragraph. No petition may propose the candidacy of more than three persons, and no person may sign more than one such petition with respect to any election. Upon receipt of the nominating petition, the Secretary of the Corporation shall seek to obtain from each such nominee a document indicating his consent to be a candidate and the information required under law to be included in a proxy statement. If the nominee fails to furnish such consent or information within 14 days after receipt of the Secretary's request, he shall not be listed in the proxy statement. In the discretion of the candidate, a 100 word statement in support of such candidacy shall be included in the proxy statement with respect to each

candidate whose name is included. If the number of persons nominated by petition exceeds 30, the Secretary, having due regard for the purpose of this by-law and for the number of individual shareholders or number of shares represented in each petition, may limit the number of such candidates whose names are included in the Corporation's proxy statement to 30, by any reasonable method, such as timeliness, mutual consent of nominators or candidates, lot, or other such reasonable method. No Officer or Director of the Corporation may sign a petition or participate in the circulation of any petition.

C. Election

1. Shareholders shall vote for candidates individually, whether they vote in person or by proxy. No proxy furnished or solicited by management may confer discretionary authority in any agent to vote with respect to candidates. Votes, whether cast in person or by proxy, shall be counted only with respect to those candidates specifically indicated by the shareholder.

PROPOSED NO. 2: PROPOSAL ON CONSTITUENT DEMOCRACY

Be it resolved: that a new by-law be adopted to permit employees, consumers, and dealers, to participate in the nomination and election of Directors as follows:

A. Constituency Participation

1. Regardless of the number of Directors authorized by these by-laws, three of such Directors shall be nominated and elected as set forth in this Article.

2. The nomination of a candidate for election to the Board shall be made exclusively by members of each of the following GM constituencies: (a) GM employees; (b) GM dealers; and (c) GM consumers.

3. As used herein, the following definitions shall apply:

a. "Constituency" means members of the following groups defined below.

b. "GM employees" means all individuals appearing on the Corporation's records, or those of its majority owned subsidiaries, as wage or salaried employees, as of December 31, who have been employed for any three months period during the preceding year.

c. "GM dealers" means all persons who hold a franchise for the sale of any automobile, truck, or bus manufactured by the Corporation.

d. "GM consumers" means all persons who are firsthand owners of any automobile, truck, or bus manufactured by the Corporation, whose ownership is recorded by the Corporation.

e. "Persons" means individuals, corporations, partnerships or other forms of joint ownership.

B. Nomination

1. Nominations shall be made by petition submitted to the Secretary of the Corporation no later than January 15. A petition nominating a candidate of GM employees or GM consumers must be signed by at least 100 persons who are members of such constituency; a petition nominating a candidate of GM dealers must be signed by 10 members of such constituency. The candidate need not be a member of any constituency. No person may sign more than one such petition for each election. Upon receipt of the nominating petitions, the Secretary of the Corporation shall obtain from each candidate his written consent to be a candidate and the information required under law to be included in a proxy statement and, in the discretion of the candidate, a 100 word statement in support of his candidacy. If the nominee fails to furnish such consent or required information within 14 days after the receipt of the Secretary's request, he shall not be listed on the ballot.

2. No later than February 15, the Corporation shall commence to poll separately each constituency, in a manner reasonably

calculated to reach each member of the constituency, by means of a ballot containing the names of the candidates nominated by the constituency who have furnished their consent to be candidates, together with any statement in support, if submitted. With respect to GM consumers, it shall be reasonable to distribute an appropriate number of ballots to each GM dealer with adequate public notice of the availability of such ballots. The ballot shall contain a list of the candidates in alphabetical order and shall include the same information about the candidate as is required or permitted by these by-laws with respect to candidates nominated by shareholders, and any other information necessary to determine the membership in the constituency group of the person casting the ballot. If the number of candidates for a constituency exceeds 20, the Secretary, having due regard for the purpose of this by-law and for the number of individuals who have signed each petition, may limit the number of such candidates to 20 by any reasonable method, such as timeliness, mutual consent of the nominators or candidates, lot, or other such reasonable method. Each GM employee, GM dealer, and GM consumer shall be entitled to one vote.

3. Ballots returned by March 15 shall be tabulated and the candidate for each constituency receiving the largest number of votes shall be considered nominated for election to the Board. The names of such candidates, and the accompanying statements, shall be included in a separate section of the proxy statement and on the proxy furnished by the Corporation to the shareholders.

C. Ratification by shareholders

1. Shareholders shall ratify or reject each nominee by voting "Yes" or "No" with respect to each such candidate nominated pursuant to this Article. A candidate shall be elected if he receives a plurality of "Yes" votes, provided that the number of such "Yes" votes is equal to a majority of a quorum of shares entitled to vote for election of Directors. If said candidate, or any of them, receives less than sufficient "Yes" votes to elect him to the Board, said seat on the Board of Directors shall remain vacant until it is filled in the manner described in this Article. If a vacancy occurs, by reason of death, resignation, or removal of a Director elected pursuant to this by-law, said vacancy shall be filled only in the manner prescribed by this by-law.

2. Shareholders may vote in person or by proxy with respect to the ratification of candidates nominated pursuant to this Article. No proxy furnished or solicited by management may confer discretionary authority in any agent to vote with respect to ratification or rejection of candidates nominated pursuant to this Article, but votes, whether cast in person or by proxy, shall be counted only with respect to such candidates for whom a specific vote is indicated.

PROPOSAL NO. 3: PROPOSAL FOR DISCLOSURES ON MINORITY-HIRING, AIR-POLLUTION, AND AUTO-SAFETY POLICIES

Be it resolved: that a new paragraph be added to by-law 64 to read as follows:

The Corporation shall publish in its annual report each year:

1. Reasonably detailed descriptions of specific new techniques in automotive air-pollution control and motor-vehicle safety, developed by the Corporation, that have been proposed to the appropriate federal agency for adoption as federal motor vehicle emission standards or federal motor vehicle safety standards during the previous fiscal year.

2. The employment data contained in the Corporation's most recent consolidated Employer Information Report EEO-I on file with the federal Equal Employment Opportunity Commission. This data shows the propor-

tions of Blacks, Orientals, American Indians, Spanish-surnamed Americans, and Women employed by the Corporation in each of the following job categories: officials and managers; professionals; technicians; sales workers; office and clerical; skilled craftsmen; semi-skilled operatives; unskilled laborers; and service workers.

3. A reasonably detailed accounting of the amounts of money the Corporation has spent during the previous fiscal year on programs specifically aimed at: (a) developing mass producible low- or non-polluting motor vehicle engines; (b) developing mass producible vehicle safety devices or systems; and (c) training and recruiting minority-group members for employment by the Corporation and increasing the number of minority-owned General Motors dealerships.

4. The number of employees engaged in programs specifically aimed at (a) developing mass producible low- or non-polluting motor vehicle engines; (b) developing mass producible vehicle safety devices or systems; and (c) training and recruiting minority-group members for employment by the Corporation and increasing the number of minority-owned General Motors dealerships.

5. The details of vehicle recall campaigns announced by the Corporation during the previous fiscal year, including for each campaign, (a) the nature and cause of the defect, (b) the model and year of affected vehicles; (c) the number of deaths and injuries alleged to have resulted from the defect, (d) the number of vehicles involved, (e) the date of notification to the appropriate federal agency, (f) the date(s) of notification to owners, (g) the number of owners successfully notified, (h) the number of vehicles inspected for defects, (i) the number found to need correction, (j) the number actually corrected, (k) the total cost of the campaign, (l) the cost, if any, of insurance premiums and the proportion of claims paid on any insurance against the cost of recall campaigns, and (m) the proportion of actual or anticipated costs of recall campaigns which is included in the price of General Motors vehicles.

6. Notwithstanding the foreign, specific items of information required by this by-law may be omitted from the annual report if (a) the Board of Directors makes a reasonable determination that the disclosure of such information would result in a competitive disadvantage to the Corporation and (b) the annual report recites the categories of information which were omitted, and the reasons therefor. In determining whether the information should be disclosed, the Board should presume that disclosure is required unless clear and compelling reasons for secrecy are demonstrated.

CAMPAIGN GM

Who, when, where: The Campaign to Make General Motors Responsible is sponsored by the Project on Corporate Responsibility, a public interest center in Washington, D.C. The Project was founded in early 1970 by a group of young lawyers to explore new ways of making American corporations more responsive to society's needs.

Why: Giant corporations, epitomized by General Motors, are virtually private governments; their decisions fundamentally affect the lives of millions of people, in areas ranging from product safety to employment discrimination to environmental pollution. Yet those decisions are made, far removed from public view, by a narrow group of self-chosen men—isolated from the people their decisions affect and insulated from the public pressures that shape the decisions of society's other important policy-makers. The Project, through Campaign GM and its other activities, seeks to subject corporate decisions to public scrutiny and to make corporate decision-makers directly accountable to the people affected by corporate action.

How: The Project is attempting to effect far-reaching corporate reforms through new uses of existing channels, such as lawsuits, shareholder resolutions, annual meetings, and proxy fights. The Project's focus is on action projects in which pressures are exerted directly on corporations; such projects will complement and create a climate more favorable to legislated reforms. Campaign GM is on the Project's first direct action effort.

Round I: The first round of Campaign GM began in early 1970 when the Project bought 12 shares of GM stock and then proposed shareholder resolutions to be voted on at GM's 1970 annual meeting. However, most shareholders do not attend the meeting but vote instead via a proxy that GM sends out to each shareholder. The Project therefore asked GM to include its resolutions in the proxy, so all shareholders would have a chance to consider them. GM refused, but the Securities and Exchange Commission ruled that two of the resolutions had to be included: a proposal to add three public interest directors to the GM Board, and a proposal to establish a Shareholder Committee on Corporate Responsibility to review GM's public policies.

The Project then campaigned for these proposals among GM shareholders, who for the first time began to consider the social as well as financial stake they have in corporate conduct. The campaign precipitated intensive debates within shareholding institutions, leading many to reevaluate their investment criteria. And it attracted considerable public and shareholder support.

Since the close of Round I, GM has (1) appointed to its Board Dr. Leon Sullivan, a black clergyman committed to making GM "more sensitive to human needs" and (2) established a permanent Public Policy Committee to inquire "into all phases of GM's operations that relate to matters of public policy." These steps are clearly related to Campaign GM and show that the pressures created by direct action projects can produce corporate change.

Round II: But the drive for corporate responsibility is a long-term proposition, requiring the persistent application of intensifying pressure. Thus, the Project launched a second round of Campaign GM in mid-November, 1970. It submitted three new proposals to GM for consideration at the 1971 annual meeting that would profoundly change the way in which GM's decision-makers are chosen. For where Round I focused on the social impact of corporate decisions, Round II is focusing on who makes the decisions and how they are made.

The first proposal would transform the now closed selection of directors into a real election simply by requiring GM to list on its proxy candidates nominated by shareholder petitions; only candidates nominated by management are listed there now. All shareholders would thus have the opportunity to make meaningful nominations and to choose among opposing nominees. The second proposal would give three of GM's most important constituencies—consumers, dealers, and employees—a voice in GM's decision-making process by permitting them to participate in the selection of three GM directors. The third proposal would require GM to publish in its annual report hard statistics on its progress on auto-pollution control, auto-safety, and minority hiring, thereby providing shareholders, constituents, and the public with the minimum information needed to effectively evaluate whether GM is meeting its public responsibilities.

In campaigning for these proposals, the Project will concentrate on institutions, such as universities, foundations, union pension funds, banks, mutual funds, churches, and insurance companies (who together own over 40% of GM's stock), urging them to make use of their power as major shareholders in GM to make GM more responsive to public needs.

The Project will also campaign among the constituents of these institutions—church members, university students, teachers and alumni, bank depositors, mutual fund investors, insurance policy holders, union members—urging them to insist on their institution's support. A major goal of Round II is to crack the unspoken alliance between corporate management and institutional leadership that has for too long permitted management the luxury of making decisions without challenge and policies without review.

What you can do: Shareholders should write to Campaign GM for instructions on how to vote for the Round II proposals. Concerned Citizens should form campaign committees or simply write letters of support to institutions with which they are connected. Students should organize their campuses, hold referendums, and make sure that the university's vote on Campaign GM is responsive to the wishes of the entire university community.

THE RECENT CRISIS IN PAKISTAN

Mr. SAXBE. Mr. President, I, along with some of my colleagues, have attempted to call attention to the recent crisis in Pakistan. Today's Wall Street Journal indicates that the State Department has responded with a supply of rancid biscuits, "to the delight of the Pakistanis." However, the New York Times reports that efforts are underway to shore up the economy of Pakistan which has been virtually destroyed by their recent military misadventure. I hope that any such effort does not lend support to West Pakistan, and that our taxpayers are not forced to pick up the tab for the ruthless suppression of East Pakistan.

Mr. President, I ask unanimous consent that both these articles be printed in the RECORD.

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

RANCID SURVIVAL BISCUITS MAKE A BIG HIT IN PAKISTAN

The Office of Civil Defense spent \$147 million in 1962 to stock fallout shelters with medical and sanitation kits, water drums and 315 million pounds of food, including graham cracker-like "survival ration biscuits." The agency specified that the food have a shelf life of five years (although the manufacturers said it would last twice as long).

In some warmer climates, the water drums are starting to leak and the biscuits are turning rancid. This didn't stop the perhaps-unknowing State Department not too long ago from offering a supply of the biscuits to the Pakistani government as part of a disaster relief shipment.

The Pakistanis discovered the biscuits were rancid—and were delighted. It seems a national habit is dipping rancid yak butter in tea, and the biscuits were a perfect substitute, or so swears a high civil defense official.

[From the New York Times, May 20, 1971]
UNITED STATES AND BRITAIN SAID TO AGREE ON AID PROGRAM FOR PAKISTAN
(By Benjamin Welles)

WASHINGTON.—The United States and Britain are reported to have agreed to head an international effort to shore up the precarious financial position of Pakistan.

The United States' decision was reported to have been made last month in discussions between Henry A. Kissinger, White House assistant for national security affairs, Secretary of the Treasury John B. Connally and Robert S. McNamara, president of the World Bank.

Mr. McNamara is understood to have won a British pledge of cooperation during discussions in London April 22 and 23 with Prime Minister Heath and the Foreign Secretary, Sir Alec Douglas-Home.

As a result, the World Bank and the International Monetary Fund will send survey teams to Pakistan next month as the first step in a four-stage program aimed at restoring vitally needed international economic assistance.

ASSURANCES SOUGHT

The foreign aid, however, will be contingent on moves by Pakistan's central Government to seek a political accommodation with the Bengalis in East Pakistan and to permit an international relief effort to assist destitute civilians there.

Muzaffar M. Ahmad, senior economic adviser to the Pakistani Government, is understood to have given assurances that Pakistan would comply in talks here during the last ten days with President Nixon, Mr. Kissinger, Secretary of State William P. Rogers and Joseph J. Sisco, Assistant Secretary of State for near eastern and South Asian Affairs.

Before leaving for Pakistan yesterday, Mr. Ahmad also conferred in New York with Secretary General U Thant of the United Nations.

Qualified informants in the State Department said that delegates of the 11-nation Aid to Pakistan Consortium would meet in Paris in mid-June to study a standby loan to Pakistan reported to range between \$85-million and \$125-million.

Mr. Ahmad is known to have suggested during his discussions here that Pakistan urgently needs a standby loan of \$100-million before July 1 and another of \$300-million to \$1-billion during the fiscal year ending June 30, 1972.

REPATRIATION SOUGHT

On March 25 Pakistani troops were ordered to suppress a movement for political autonomy backed by the predominantly Bengali population of East Pakistan. Since then Sheikh Mujibur Rahman, head of the Awami League and leader of the autonomy movement, has reportedly been arrested, and the economy of East Pakistan has been disrupted and an estimated 3 million refugees have crossed into neighboring India.

The State Department said today that it had impressed on Pakistani officials here the need for early voluntary repatriation of these refugees to East Pakistan. It also said that it was supporting the appeal issued today by Secretary General Thant for international aid to the refugees.

Charles W. Bray, 3d, the State Department spokesman, said that the United States for Refugees, Prince Sadruddin Aga Khan in Iran, to help feed the refugees in India. This sum, he said, had been taken from \$5-million previously earmarked for refugee relief by United States voluntary agencies already working in India.

Pakistan has now indicated to the United Nations and to United States officials that she intends to admit United Nations and other international relief experts next month. The United States had warned Pakistan that its protracted resistance to doing so had harmed her international reputation and delayed the resumption of foreign aid.

All aid to Pakistan by the Aid to Pakistan Consortium—including United States loans, food and military equipment—has been suspended since March 25.

WARNING BY INDIA

Besides insisting that a political accommodation be sought with East Pakistanis, the United States has also quietly told Pakistani diplomats that, before substantive aid can be resumed, the central Government must develop a realistic economic program covering both West and East Pakistan, and must work to halt the flow of refugees into India.

Prime Minister Indira Gandhi of India has

warned that the continuing influx is posing grave social, economic and political problems.

FOUR-STAGE PROGRAM

After the talks with Mr. Ahmad, State Department officials made it clear that the United States would not resume economic or military aid to Pakistan until completion of the program.

The first stage, they said, would involve the surveys to be made by teams from the World Bank and the International Monetary Fund next month.

Secondly, they went on, Pakistan would be expected to prepare a "realistic" development plan covering both West and East Pakistan.

TESTIMONY OF GEORGE MEANY BEFORE THE SUBCOMMITTEE ON INTERNATIONAL TRADE, SENATE FINANCE COMMITTEE

Mr. TALMADGE, Mr. President, on Tuesday, May 18, the Subcommittee on International Trade received the testimony of Mr. George Meany, president of the AFL-CIO.

Mr. Meany's statement touches on practically every aspect of the U.S. position in world trade and international investment, and expresses his deep concern with the impact which our "open door" trade policy has had on the job security of American workers.

I commend Mr. Meany's remarks to the attention of the Senate, and, Mr. President, I ask unanimous consent that his statement be printed in the RECORD at this point.

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

STATEMENT BY GEORGE MEANY, PRESIDENT,
AFL-CIO

Mr. Chairman, my name is George Meany. I am President of the AFL-CIO.

The AFL-CIO welcomes these hearings because world trade and international investment are of direct importance to American workers.

Specifically, the current deterioration of the United States' position in world trade is having a major adverse impact on America's steelworkers, machinists, electrical workers, on clothing, garment, textile and shoe workers, on glass and pottery workers, on shipyard and maritime workers and many others. Almost no segment of America's work force has escaped some adverse effect. The American worker is today the major victim of the fall-off in exports or the flood of imports or both.

The American workers have come to their unions for help. And their unions, in concert, seek redress and remedies to this very great threat. Tens of thousands of American workers are suffering loss of jobs, underemployment, a lowered standard of living, and loss of their dignity and their role in our work-oriented society. These workers' grievances are with the government of the United States because it is the government's foreign trade and investment policies that have been responsible in most part for this situation.

The AFL-CIO intends to pursue this issue and intends to fight for international trade and investment policies that will end these hardships.

The AFL-CIO seeks a national policy of healthy expansion of international trade on a reciprocal basis. We seek a trade policy that enhances the well-being of the American people in place of one that enhances private greed.

This is not a problem of the unions alone. It is a problem of all Americans because the loss of our productive base and the loss of our

industrial employment will most certainly be followed by job losses in all segments of the economy. And with those losses will go much of the American standard of living.

Since 1934, the trade union movement has provided consistent support to government policies for the expansion of world trade. We have based our support on the trade union goal of increasing employment and improving living standards both at home and abroad. We are not interested in trade for trade's sake alone.

For many years, as world trade expanded, the majority of Americans and, for that matter, the majority of the people of the world benefited. But during the 1950's, changes in world economic conditions occurred and they accelerated in the 1960's. The benefits to Americans of expanded world trade decreased. The problems grew. And the American workers suffered.

By the late 1960's, imports were taking over large and growing portions of U.S. domestic markets of manufactured goods and components.

The U.S. has become a net importer of steel, autos, trucks and parts, as well as such products as clothing, footwear and glass. In consumer electrical goods, imports have taken over major parts of the U.S. domestic market. Even in electrical and non-electrical machinery, during the 1960's, imports increased more rapidly than exports—posing serious potential problems for the days ahead.

These events are the result of changes in world economic conditions, they require that changes be made in the United States' trade policies. The hard facts of life dictate that the government's foreign trade policies be swiftly modernized in light of these rapidly-moving events.

Our insistence on change is not a new concept for us. Since 1965, the AFL-CIO has sought a shift in government policy. To date, our proposals have not been met and the situation has grown more urgent.

The causes are rooted in the many changes in the world economic scene:

MANAGED ECONOMIES

Since World War II, most countries have moved to manage their economies. As part of such national economic management, governments have established direct and indirect subsidies for exports and barriers to imports.

All countries, including the United States, have every right to protect and advance their interests as they see them. But certainly subsidies for exports and barriers to imports are not free trade.

These policies are one reason for the flood of imports into the United States—the market that is most open to imports of all major industrial nations. At the same time, expansion of U.S. exports is held down by direct and indirect barriers erected against American-made goods by other governments.

FOREIGN INVESTMENT

Another major change, which gained momentum in the sixties, is the soaring rate of investment by American companies in foreign operations. These investments—combined with patent and license agreements with foreign companies—have transferred American technology to plants throughout the world. Many of these plants, operating with American machinery and American know-how, pay workers as little as 15 cents an hour.

In 1960, for example, United States firms invested about \$3.8 billion in plants and machinery in foreign subsidiaries. In 1971, the Commerce Department says U.S. firms plan to invest over \$15 billion. These estimates for 1971 show that more than \$8 billion will be invested abroad in manufacturing. This is about one fourth of the \$32 billion planned investment in manufacturing, in the United States this year.

This large investment of United States corporate funds abroad has now changed the

meaning of trade, investment and production world-wide. For example, in 1969, Ford was reported to be England's biggest exporter and IBM was the leading French exporter of computer equipment.

In the past 25 years, according to estimates by Harvard Professor Raymond Vernon, about 8,000 subsidiaries of U.S. companies have been established abroad, mostly in manufacturing. Their impact on the U.S. market and U.S. exports to other nations is obvious. It is estimated that the annual sales of foreign branches of U.S. firms are approximately \$200 billion—about five times U.S. exports.

Let me cite an example of what all this means in terms of U.S. foreign investment, U.S. technology and U.S. jobs. During last year's trade hearings before the House Ways and Means Committee, William Sheskey told how he purchased a modern U.S. shoe plant and immediately shut it down.

He told the committee: "I shipped the lasts, dies, and patterns and the management and much of the leather to Europe, and I am making the same shoes under the same brand name, selling them to the same customers, with the same management, with the same equipment, for one reason. The labor where I am now making the shoes is 50 cents an hour as compared to the \$3 that I was paying. Here is a perfect example of where I took everything American except the labor and that is exactly why I bought it."

Another example is an advertisement in the Wall Street Journal of July 15, 1970, which said, "If you have a patented product or a product that has a market in the U.S., we can help you find a responsible licensor in Mexico."

Mexico, incidentally, is a managed economy. It won't let imports into Mexico unless it wants them in. But the advertisement seeks U.S. firms to produce their ideas behind the Mexican trade barrier to sell in the U.S. market at U.S. prices—while taking advantage of low Mexican wages.

In March, 1970, the Wall Street Journal reported that Zenith Radio Corporation, in the process of completing a large plant in Taiwan, had said it would "reduce its work force by about 3,000 jobs this year, and more than one-third of those laid off would be blacks." The chairman, Joseph S. Wright, said that in addition to the 3,000 layoffs in 1970, probably another 4,000 layoffs will occur in 1971.

Such operations by American companies obviously displace U.S. produced goods in both American markets and in world markets. These companies export American technology—some of it developed through the expenditure of government funds paid by American taxpayers. Their biggest export, of course, is U.S. jobs.

EXPORT OF U.S. TECHNOLOGY

As an example of the export of U.S. technology, let me cite one particular company, General Electric.

This firm is divided into five international GE-spheres of influence. Area Division-Europe, Area Division-Far East, Area Division-Latin America, IGE Export Division and International Business Support Division. In all of these areas U.S. technology has been exported, but for the sake of example here, I shall cite only examples of U.S. technology that have been licensed by GE to Japan alone. All of these examples—from a list of 84 separate licensing agreements—were, with little doubt, developed at the expense of the U.S. taxpayer.

The licenses to Japan for production include: Carrier System Microwave device; torpedo; a new type of radar; a M-61 Vulcan type of 22 mm machine cannon for defense aircraft, gun sight for F-4E jet fighter; technologies pertaining to the hull of space ships, communications systems of space ships and other controlling mechanisms for space ships; nuclear fuel energy, aircraft gyro compass system, and boilers for nuclear power reactors.

As you can see, none of this is outmoded technology, but the latest, most sophisticated type of manufacture upon which our industrial society is based. This is the technology upon which Americans depend for their jobs and upon which our national defense must rely.

MULTINATIONAL FIRMS

An additional major change since World War II, and particularly in the last decade—is the emergence of a new kind of business, the multinational firm. These are often American-based companies with plants, sales agencies and other facilities in as many as 40 or more countries around the world. Some are conglomerates, such as ITT and Genesco. Some are big auto firms, such as Ford and General Motors. Some are big names in computers, such as IBM.

These multinational firms can juggle the production of parts and finished products from one subsidiary in one country to another. A multinational corporation can produce components in widely separated plants in Korea, Taiwan and the United States, assemble the product in Mexico and sell the product in the United States at a U.S. price tag and frequently with a U.S.-brand name. Or the goods produced in the multinational's plants in a foreign country are sold in foreign markets, thus taking away the markets of U.S. made goods.

The multinational firms can juggle their bookkeeping and their prices and their taxes. Their export and import transactions are within the corporation, determined by the executives of the corporation—all for the benefit and the profit of the corporation. This is not foreign trade. Surely it is not foreign competition.

The complex operations of multinationals—with the aid of Madison Avenue advertising—have utterly confused the picture of the national origin of products. For example, Ford's Pinto has been heralded as the U.S. answer to imported small cars. But the engines are imported from England and Germany, and the standard transmissions are imported from Europe.

This phenomenon is far different from the development of corporations here in America during the last 100 years. The multinational is not simply an American company moving to a new locality where the same laws apply and where it is still within the jurisdiction of Congress and the government of the United States. This is a runaway corporation, going far beyond our borders. This is a runaway to a country, with different laws, different institutions and different labor and social standards. In most instances, even the name changes.

To demonstrate how far reaching are the tentacles of American industry in foreign lands, we have attached as an appendix to this statement a list of some major U.S. multinational corporations and the names by which they are known in other lands.

Ironically these are the same multinational corporations who have sought to influence U.S. trade legislation in the name of "free trade."

Meanwhile, back in the United States, expansion of large national corporations has been tempered to a degree by government regulations, standards, and controls. And, in the past few decades, large U.S. corporations have had to meet responsibilities to their employees through labor unions. Moreover, the multinationals' global operations are beyond the reach of present U.S. law or the laws of any single nation.

IMPACT ON U.S.

All of these developments—the multinational corporations, the managed economies, the foreign investments, the export of technology—have had a serious impact on U.S. international economic relationships and have displaced large portions of U.S. production.

A Congressional estimate—and this is conservative—is that auto imports are now 20% of the U.S. market, TV receivers 30%, glassware over 40%, sewing machines and calculating machines nearly 60%. As far as we have been able to determine, 100% of all cassettes are imported. Nearly all radios sold in the U.S. are imported. Similarly, large proportions of U.S. production of shirts, work clothes, shoes, and knitgoods are being displaced by imports. And many of the parts and components of products assembled in the U.S. are imported—including defense items.

IMPACT ON JOBS

The impact on America's production is, of course, most adversely felt by the American worker. Unlike capital, the worker cannot move about with ease.

While capital and machinery can be moved from one part of the country to another—or to other countries—workers do not have full mobility. Workers have great stakes in their jobs and their communities. They have skills that are related to the job or industry. They have seniority and seniority-based benefits, such as pensions, vacations and supplemental unemployment benefits. Workers have investments in their homes, a stake in the neighborhood, schools and churches.

This lack of mobility is not a fault. It is a virtue. It is an important factor in giving stability to a community and to society.

Moreover, a worker's skill is among his most valuable assets. It can not, however, be transferred to another industry or occupation with ease, if at all.

Labor is not an interchangeable part, as some economists believe. A jobless shoe worker in Maine does not automatically become a clerical worker in New York or even in Portland. More likely, a displaced worker will be unemployed for many weeks and may wind up with a job at lesser skill and lower pay.

Unfortunately, there is a marked indifference to these trade-caused workers' problems. There are those who recommend, airily, that a worker must "adjust"—equating a worker with the re-tooling of a machine. This attitude is not only shocking in terms of social ethics, it also reflects an ignorance of workers' problems.

Further illustration of this indifference is the lack of data and information on the impact that international trade has on U.S. workers. There is a great void of information bearing on the employment impact and other effects on workers. This shortcoming can only be attributed to a lack of interest by foreign trade experts in government and business. We note that there is a great abundance of information and data available from the U.S. government to businessmen who wish to relocate their business abroad.

One scrap of data is available, however. The U.S. Department of Labor estimates that there was a loss of about 700,000 job opportunities in the 1966-1969 period because of imports. This does not include an estimate of the job loss caused by foreign trade barriers or the markets lost to U.S. multinational companies abroad. For the same period, the Bureau of Labor Statistics estimated that the number of jobs attributable to exports increased by only 300,000. Thus, in that three year period we suffered a loss of 400,000 job opportunities. These figures are undoubtedly conservative, but they do make clear a heavy net loss of jobs to imports.

More recently, the Department of Commerce disclosed that employment in the electronic industries declined by an estimated 107,000 last year. For years, government statisticians have told the unions that jobs were not being lost and there were no problems in that industry. The Commerce Department statement pointed out that imports now represent more than 30% of domestic consumption of the consumer and rougher times

are ahead. It warned that a new area of electronics—the domestic telephone equipment industry—would be the next to suffer rapidly rising imports.

It must also be pointed out that imports and exports do not of themselves necessarily create an industry and jobs for Americans. We are the world's largest trading nation—with ports on two oceans and the Gulf of Mexico—yet the merchant marine sector of our economy has nearly gone down the drain.

We carry about 5% of this nation's trade in ships flying the U.S. flag. We have suffered staggering job losses among seamen, ship builders and ship repairmen. Yet, at the same time, runaway shipping operations of U.S.-owned firms, including multinational firms, are flying the tax-haven flags of Panama, Liberia and Honduras. Needless to say, the wages paid to the foreign seamen on these vessels are a fraction of the American wage standard.

But the impact on U.S. workers is not solely the loss of jobs. We are told that imports serve to "discipline" prices. Often, however, the American consumer receives no benefit at all. The imports are sold at the American price, with substantially widened profit margins.

Frequently, the process results in the loss of workers' jobs, while the consumer receives little, if any, benefit.

The actual "discipline" is often more directly on the workers' wages and fringe benefits and his union's negotiating strength. For example, copper imports by major U.S. corporations in 1967 and 1968, contributed to prolonging the copper strike.

It is also false to claim that increasing imports to compete with U.S. products will benefit consumers through lower prices.

There is little, if any, genuine price competition in many areas that are dominated by powerful corporations. For example, the auto companies raised prices on their 1971 models despite a surge of auto imports. And shoe prices rose 38% between 1960 and 1970—faster than the 31% increase in the overall Consumer Price Index. During this period shoe imports skyrocketed, thousands of American shoe workers lost their jobs, yet the consumer benefitted very little.

INTERNATIONAL BANKS

In the 1960's we have seen an important related phenomenon—the expansion of United States-based international banks, which service and help to finance foreign subsidiaries of U.S. companies. At present, there is a vast global network of branches of U.S. banks, which moves funds easily from one country to another, beyond the direct reach of the monetary policies of any government, including our own.

In 1969, when the government's squeeze on the American money market threw homebuilding into a recession and hit other groups in the American economy, the U.S. international banks increased their borrowings from their foreign branches by an amazing \$7 billion.

This \$7 billion was for the aid and comfort of the American central offices of those international banks and their prime customers—the big corporations. The rates to the special customers were considerably less than those paid by small businessmen or home buyers.

When the money squeeze eased here, and the interest rates declined, this same "hot money" was transferred back abroad, and was partly responsible for the recent dollar crisis in the European money markets. Financial reporters attributed much of the manipulation in the money market to the treasurers of multinational corporations who were busy selling their dollars for stronger currencies.

In view of these developments by the banks, the multinational firms and the radically changed concepts of international relationships, the question must be asked: How

long can the United States government and the American people permit such operations of private companies and banks to continue without regulation?

The worldwide operations of United States-owned multinational companies do not represent free, competitive trade among the nations of the world. What they do represent is a closed system of trade, within the corporation, among its various subsidiaries in numerous countries. They represent the export of American technology and the export of American jobs.

These issues of foreign trade and investment require United States government attention. They need government action. Government controls over the investment outflows of United States companies to foreign subsidiaries are essential. In addition, the government must develop machinery to regulate the United States-based multinational companies and banks.

We in the AFL-CIO are not isolationists and have no intention of becoming isolationists.

We support the orderly expansion of world trade. We oppose the promotion of private greed at public expense or the undercutting of United States wage and labor standards. We want expanded trade that expands employment at home and abroad and that improves living standards and working conditions, here and abroad. We want the U.S. government to protect the interests of American workers against the export of American jobs.

Because of our great concern with this problem, the AFL-CIO Executive Council last week adopted a program calling for new international trade and investment legislation.

I ask that our statements, the "Export of Production and Jobs" and "The Critical Need for New International Trade and Investment Legislation" be included in the record at the conclusion of my remarks.

In these statements we offered specific steps for the protection of American workers and for the preservation of our industrial society. These proposals include:

1. The U.S. government must stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries. Sections 805:30 and 807 of the Tariff Schedules should be repealed; these sections of the Tariff Code provide especially low tariffs on imported goods, assembled abroad from U.S.-made parts. Moreover, the U.S. tax deferral on profits from foreign subsidiaries should be eliminated, so that the profits of these subsidiaries will be subject to the U.S. corporate income tax for the year they are earned.

2. The government should regulate, supervise and curb the substantial outflows of American capital for the investments of U.S. companies in foreign operations.

3. The government should regulate, supervise and curb the export of American technology—by regulating the foreign license and patent arrangements of American companies.

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

5. In the face of growing unresolved problems, an orderly marketing mechanism is needed immediately—to regulate the flow of imports into the U.S. of those goods and product-lines, in which sharply rising imports are displacing significant percentages of U.S. production and employment. Such quotas that bar the rapid displacement of U.S. production and employment by flood tides of imports, could slow down the disruptive impacts on American society and help to provide an orderly expansion of trade.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,

July 31, 1970.

A full page advertisement in the *Washington Post* of July 13, 1970, urged Congress not to enact a trade bill that would place quotas on imports that have recently cost 700,000 American workers' jobs and threaten tens of thousands more. The advertisement (attached) gave the impression that all the group of 51 corporations named as the "Emergency Committee for American Trade" oppose quotas solely to preserve their role as U.S. companies engaged in world trade.

In the interest of fair play—if not fair trade—we believe that Congress should be aware of these companies' non-American interests, particularly that many of these companies have large foreign operations and export goods to the United States. Thus, any import restriction legislation would have a direct effect on their foreign-made products. These companies are not American firms in the textbook sense. In matters of U.S. imports, they are no different from any other foreign corporations which ship foreign-made products (often made at pitifully low wages) into the U.S. to compete with U.S.-made goods at the same or only slightly lower prices.

The companies in the ad have foreign affiliates in 108 countries, and 32 of the companies have ownership in Japanese firms, many producing the same goods abroad they once produced in the U.S. Wouldn't it be fairer to the reader and to the Congress, for example, if Xerox had identified itself as Fuji-Xerox and Caterpillar Tractor had identified itself as Caterpillar-Mitsubishi, Ltd.? Wouldn't it have been fairer if Singer Sewing Machine had identified its affiliation with Pine Sewing Machine Company of Japan and its full ownership of Matsumoto Mokko, Ltd. of Japan?

A full list of the foreign ownerships, patent arrangements, joint ventures and marketing agreements of these companies is unobtainable, but some public records (attached) show a high degree of financial involvement abroad, particularly in Japan. Similar ties exist in Canada, England, the European Economic Community, Sweden, Mexico, Taiwan, Hong Kong, Korea and elsewhere.

The corporations that paid for the advertisement should level with Congress and the American public by using their real names. It would then be clear that these "American" companies in ECAT seek more investment abroad, more manufacturing abroad and thus more goods to be shipped into the U.S. That is not foreign trade. That is intra-corporate transfers, and the losers are American citizens who lose their jobs in machinery, electronic plants, sewing machine plants and many more. Eventually, the loser is the entire American standard of living.

Sincerely,

ANDREW J. BIEMILLER,

Director,

Department of Legislation.

CONGRESS: PLEASE DON'T DECLARE A WORLD
TRADE WAR

We're talking about the kind of trade war that may well result if protectionist quota legislation now pending in Congress before the Committee on Ways and Means of the House of Representatives is passed.

After 36 years of trade expansion, Congress now is considering the enactment of protectionist quota proposals that run contrary to our traditional trade policy, contrary to the needs of most American business and agriculture, contrary to the budget of every American household and contrary to our vital, immediate interests in international negotiations. If passed, this legislation could touch

off a chain reaction of retaliatory measures by our trading partners around the world. This threat of a global trade war is one of the reasons the Emergency Committee for American Trade is concerned about the proposed protectionist legislation. But there are other close-to-home reasons. Enacting such protectionist legislation would:

Gravely jeopardize foreign markets for American business, labor and agriculture that now total some \$37 billion.

Create further harmful inflationary pressures to the detriment of the consumer by arbitrarily limiting foreign sources of supply.

Weaken the U.S. balance of payments position by reducing the U.S. balance of trade surplus. Government experts currently expect that, under present circumstances, the 1970 trade surplus will be double that of 1969's \$1.3 billion. A trade war will drastically alter these circumstances.

Blunt domestic incentives to modernize, to cut costs, to increase productivity and output by erecting shields of government restrictions about certain industries.

Jeopardize jobs of American workers now employed in foreign trade, a labor force of some 4 million.

We urge Congressmen, the Administration and every American to think of these things when considering the import quota legislation.

After all, who wants to start a trade war which nobody wants—and nobody wins?

EMERGENCY COMMITTEE FOR AMERICAN TRADE

William M. Allen, Chairman of the Board, The Boeing Company.

Les S. Rickmore, Chairman, National Biscuit Company.

James H. Binger, Chairman of the Board, Honeywell, Inc.

William Blackie, Chairman of the Board, Caterpillar Tractor Co.

W. Michael Blumenth, Vice Chairman, The Bendix Corporation.

Roy D. Chapin, Jr., Chairman and Chief, Executive Officer, American Motors Corporation.

Donald W. Douglas, Jr., Corporate Vice President—Administration, McDonald Douglas Corporation.

Shelton Fisher, President, McGraw-Hill, Inc.

Henry Ford II, Chairman of the Board, Ford Motor Company.

Frank Forster, President, Sperry Rand Corporation.

Richard L. Gelb, President, Bristol Myers Company.

Peter Grace, President, W. R. Grace & Co.

M. P. Gwinn, Chairman, United Aircraft Corporation.

Patrick E. Haggerty, Chairman, Texas Instruments Incorporated.

H. V. Hansberger, President, Rouse Cascade Corporation.

H. C. Harder, Chairman of the Board, CPC International Inc.

D. J. Haughton, Chairman of the Board, Lockheed Aircraft Corporation.

Ellison L. Hazard, Chairman of the Board and President, Continental Can Company, Inc.

H. J. Heinz II, Chairman of the Board, H. J. Heinz Company.

William A. Hewitt, Chairman, Deere & Company.

William R. Hewlett, President, Hewlett-Packard Company.

Edward B. Hinman, President, International Paper Company.

Melvin C. Holm, Chairman of the Board, Carrier Corporation.

Robert S. Ingersol, Chairman, Borg-Warner Corporation.

J. K. Jamieson, Chairman and Chief, Executive Officer, Standard Oil Company (N.J.)

Gilbert E. Jones, Chairman, IBM World Trade Corporation.

*Donald M. Kendall, President and Chief, Executive Officer, Pepsi Cola, Inc.

John R. Kimberly, Chairman, Finance Committee, Kimberly-Clark Corporation.

Donald P. Kircher, President, The Singer Company.

James A. Linnen, Chairman of the Executive Committee, Time Incorporated.

Ian MacGregor, Chairman, American Metal Climax, Inc.

J. I. Miller, Chairman, Cummins Engine Company, Inc.

Milton C. Mumford, Chairman of the Board, Lever Brothers Company.

James A. Newman, President, Booz, Allen & Hamilton, International.

Peter G. Peterson, Chairman of the Board, Bell & Howell Company.

Rudolph A. Peterson, Chairman of the Executive Committee, Bank of America, N.T. & S.A.

John J. Powers, Jr., Chairman and President, Pfizer, Inc.

T. J. Ready, Jr., President, Kaiser Aluminum & Chemical Corporation.

C. W. Robinson, President, Maroma Corporation.

James M. Roche, Chairman of the Board, General Motor Corporation.

David Rockefeller, Chairman of the Board, The Chase Manhattan Bank, N.A.

W. E. Schirmer, Chairman and President, Clark Equipment Company.

Fred M. Seed, President, Cargill, Inc.

Robert D. Stuart, Jr., President, The Quaker Oats Company.

Charles E. Swanson, President, Encyclopaedia Britannica.

A. Thomas Taylor, Chairman, Deltic International Ltd.

Charles B. Thornton, Chairman, Litton Industries, Inc.

Lynn Townsend, Chairman, Chrysler Corporation.

John M. Will, Chairman of the Board, American Export, Isbrandtsen Lines.

Joseph C. Wilson, Chairman of the Board, Xerox Corporation.

Walter W. Wriston, Chairman, First National City Bank.

PARTIAL SUMMARY OF FOREIGN HOLDINGS OF MULTINATIONAL COMPANIES LISTED IN ADVERTISEMENT PAID FOR BY "EMERGENCY COMMITTEE FOR AMERICAN TRADE"

BOEING COMPANY

1. Wholly owns Boeing of Canada Ltd.; engaged in overhaul, modification, field service and spare part support for Vertol helicopters in Canada.

2. Is affiliated with and owns 10% of the largest aerospace company in Germany Messerschmitt Bolkow-Blohm GmbH.

3. Company planning to construct a \$3.5 million structural fiberglass factory near Winnipeg, Manitoba.

NATIONAL BISCUIT COMPANY

1. Company has world-wide operations.

2. Some of the company's subsidiaries are: Christie, Brown & Co. Ltd. (Canada), Nabisco, Ltd. (England), Fireside Food Products Co. Ltd. (Canada), Griffin & Sons, Ltd. (New Zealand), Nabisco-La Favorita C.A. (Caracas, Venezuela) 60% owned, Kut-as-Sayyid Estate, Ltd. (Iraq), Saiua Biscotti ed. affini S.p.A. (Italy), Reid Milling Ltd. (Canada), Nabisco-Fomosa, S. A. (Mexico), National Biscuit (France), Oxford Biscuit Factory Ltd. (Denmark), Industrias Nabisco-Cristal, S.A. (Nicaragua).

HONEYWELL, INC.

1. Some subsidiaries are: Honeywell Controls, Ltd. (Toronto), Honeywell, A. B. (Stockholm, Sweden), Honeywell, N. V. (Amsterdam, The Netherlands), Honeywell Europe, Inc., (Brussels, Belgium), Honeywell, S.A.I.C., (Argentina), Honeywell GmbH (Frankfurt, Germany), Honeywell Defense Products Europe, S.A.R.L., Oy Honeywell A. B. (Helsinki, Finland).

2. Affiliates: Yamatake-Honeywell Keiki Co. Ltd. (Japan) 50% owned, Yamatake-Honeywell Co. Ltd. (Taiwan).

CATERPILLAR TRACTOR COMPANY

1. Wholly owns: Caterpillar of Australia Ltd., Caterpillar of Belgium S.A., Caterpillar of Brasil S.A., Caterpillar of Canada Ltd., Caterpillar Mexicana, S.A., de C.V., Caterpillar Overseas Credit Corp. S.A., Caterpillar France S.A., Caterpillar (Africa) (Pty) Ltd. Johannesburg, S. Africa, Caterpillar Far East Ltd. Hong Kong.

2. Affiliates: Caterpillar Mitsubishi Ltd. Tokyo, equally owned with Mitsubishi Heavy Industries Ltd., Sagami, Japan.

BENDIX CORPORATION

1. Some subsidiaries are: Akebono Brake Industry Co. Ltd., (Tokyo) 10.3% owned, Jidosha Kiki (Tokyo) 13% owned, Bendix Taiwan Ltd (Taiwan), Ducellier et Cie, (Paris, France) 60% owned, Jurid Werke GmbH (Hamburg, Germany) 49% owned, Bendix Mintex (Pty.) Ltd. (Australia) 51% owned Greenpar Engineering Ltd. (Essex, England).

AMERICAN MOTORS COMPANY

1. Some subsidiaries are: American Motors (Canada) Ltd., Canadian Fabricated Products Ltd., American Motors of South Africa (Pty.) Ltd., American Motors del Peru, A.M.C. de Venezuela, C.A.

2. Affiliates: IKA-Renault S.A., Vehiculos Automotors Mexicanos, S.A.

M'DONNELL DOUGLAS CORP.

Some subsidiaries are: Douglas Aircraft Co. of Canada Ltd., McDonnell Douglas Japan Ltd., (Tokyo).

M'GRAW-HILL, INC.

1. Some major subsidiaries are: McGraw-Hill Co. of Canada, Ltd.; McGraw-Hill Book Co. (South Africa) (Pty) Ltd., McGraw-Hill Publishing Co. Ltd. (England), McGraw-Hill Book Co., GmbH, Dusseldorf, Germany, Libros McGraw-Hill de Mexico S.A. de C.V.

2. Affiliates: Technic Union, Paris (4% interest), New Medical Journals Ltd. London, England (50% interest), World Medical Publications S.A. Brussels, Belgium (50% interest), Nikkel-McGraw-Hill Inc. Tokyo (4% owned), Tatu-McGraw-Hill Pvt. Ltd., New Delhi, India (40% owned), Penguin Publishing Co. Ltd. (Great Britain) 10% owned.

FORD MOTOR COMPANY

1. Ford Motor Company, Ltd., Britain, produces cars, trucks, commercial vans and Ford tractors, and is the 2nd largest producer of such items in the British Isles.

2. Ford Motor Company of Canada Ltd. (81% owned) is the 2nd largest producer of passenger car and the largest producer of trucks in Canada.

3. Ford-Werke A/G produces Ford cars, light buses, pickups and vans, and is the 3rd largest producer of such vehicles in Germany. Subsidiaries and branches:

4. Ford also has affiliates in many countries: Ford Motor Co. S.A. Mexico, Ford Motor Argentina, Ford (Uruguay) S.A., Ford Motor Co. Del Peru S.A., Ford Motor Co. A/S Denmark 78% owned, Willys Overland do Brazil S.A. Industria E Comercio (Brazil) 52% owned.

SPERRY-RAND COMPANY

1. Main subsidiaries are: Sperry Rand Canada, Sperry Rand Ltd. (England), Sperry Rand Italia, S.P.A. (Italy), Vickers (Germany) GmbH, Sperry Rand Australia Ltd.

2. Affiliates: Tokyo Keiki Seizosho Co. Ltd., Nippon Univac Kaisha Ltd. (Japan), Oki Univac Kabushiki Kaisha (Japan), West & de Toit (S. Africa).

BRISTOL MYERS COMPANY

1. Subsidiaries: Bristol Banyu Research Institute Ltd. (Japan), Bristol Laboratories (Japan) Ltd., Bristol Industries Ltd. (Taiwan), Bristol Laboratories of Canada Ltd., Bristol-Myers Co. Ltd. (England), Deutsche-Drackett Inc., Bristol-Myers, Canada Ltd.,

Bristol-Myers (Japan) Ltd., Clairol (Japan) Ltd., Hair Coloring Industries (Japan) Ltd.

W. R. GRACE AND COMPANY

1. Some subsidiaries are: Dearborn Chemical Co. Ltd. (Canada), Dubois Chemicals of Canada, Ltd., Golding Bros, Canadian Ltd., Howard & Sons (Canada) Ltd., Leaf Confections Ltd., Willard Chemical of Canada Ltd., Leaf Belgium N.V., S. A. Rene Weil, France 85% owned, Hughes Bros. Ltd. Ireland, N. V. Cacaofabriek de zoon (The Netherlands).

UNITED AIRCRAFT

1. Subsidiaries: United aircraft of Canada Ltd. 90.6%.

2. Affiliates: Ratier-Forest S. A. France (15% owned) makes aircraft and missile components, Precilec S. A. (France) 20% owned makes electronic components, Orenda Ltd. (Ontario) 40% owned.

TEXAS INSTRUMENTS

1. Texas Instruments Japan Ltd. (owned equally by Co. and Sony Corporation).

2. Some subsidiaries are: Geophysical Service International Ltd., Texas Instruments and Electronicos do Brazil Ltda., Texas Instruments Ltd. (England), Indonesia Surveys S.A., G.S.I. de Mexico, S.A. de C.V.

BOISE CASCADE CORPORATION

1. Company has foreign utility operations, mainly sale of electricity, conducted through subsidiaries in Ecuador, Guatemala and Panama—the subsidiaries are: Empresa Electrica del Ecuador Inc., Empresa Electrica del Guatemala, S.A., Cia. Panamena de Fuerza y Luz.

2. Company has subsidiaries including: Boise-Cascade International, Inc. which owns Ontario-Minnesota Pulp and Paper Company, Ltd., Mobile home and recreational vehicle plants in British Columbia, France, England, and The Netherlands.

CPC INTERNATIONAL

Principal Subsidiaries: Clifford Love & Co., Ltd. (Australia), Refineries de Maiz, S.A.I. yC. (Argentina), Refinacoe de Milho, Brazil Ltda. (Brazil), Canada Starch Co., Ltd., Brown & Polson Ltd. (England).

LOCKHEED AIRCRAFT

Among the companies principal subsidiaries, wholly-owned, are: Lockheed Aircraft Int'l. A.G. (Switzerland), Lockheed Aircraft Int'l. Ltd. (Hong Kong), Lockheed Aircraft Corporation of Canada, Ltd., Lockheed Off-shore Petroleum Services Ltd. Canada, Lockheed S.A. de C.U. (Mexico), Lockheed Aircraft (Australia) Pty., Ltd.

CONTINENTAL CAN COMPANY, INC.

Principal subsidiary: Continental Can Company of Canada Ltd.

H. J. HEINZ COMPANY

Subsidiaries: H. J. Heinz of Canada Ltd., H. J. Heinz Co. Ltd. (91.16% owned) British Isles, Nichiro-Heinz Co. Ltd. (80% owned) to make and market Heinz products in Japan also in Australia, Belgium, Luxembourg, Holland, Portugal, Venezuela, Switzerland, Italy, Pago Pago, etc.

DEERE AND COMPANY

1. Subsidiaries: John Deere Ltd. (Canada), John Deere Intercontinental Ltd. (Ontario, Canada), John Deere (France).

2. John Deere S. A. Mexico 75% owned, John Deere-Lanz Ver waltungen A. G. Germany (99% owned), John Deere, Ltd., South Africa, 75% owned.

HEWLETT-PACKARD COMPANY

1. Company's European operations are handled by wholly-owned Hewlett-Packard S.A. (Switzerland). This company has 2 manufacturing subsidiaries and marketing subsidiaries.

2. Affiliates: Yokogawa-Hewlett-Packard, Ltd. (49% owned), makes electronic measuring instruments in a plant at Hachoti, Japan. The affiliate also handles companies market-

ing operations in Japan. Also in Canada, Mexico, Argentina, Brazil, Venezuela, Australia.

INTERNATIONAL PAPER COMPANY

1. Subsidiaries: Canadian International Paper Company, British International Paper Ltd., Canadian International Pulp Sales Ltd., International Paper Company (Europe) Ltd., International Paper (France).

CARRIER CORPORATION

1. Subsidiaries: Carrier Air Conditioning (Canada) Ltd., Camwell of Canada Ltd., Toyo Carrier Kogyo Kabushiki Kaisha (Japan) 75% owned, Carrier International Sdn. Malaysia, Carlyle Air Conditioning Co. Ltd. United Kingdom, Carrier GmbH Germany.

BORG-WARNER CORPORATION

1. Wholly-owned subsidiaries include: Arpic N. V. (Holland), Borg-Warner Investments Pty Ltd. Borg-Warner (Canada) Ltd., Borg-Warner Ltd. (England) which owns Marbon, Australia Pty. Ltd. (55%) Borg-Warner, Australia Ltd. (75%) etc.

2. Affiliates (jointly owned): Ube Cycon Ltd. (Japan), Nsk-Warner KK (Japan), Alsin-Warner KK, York, India Ltd. New Delhi, India.

STANDARD OIL CO. (NEW JERSEY)

1. Company owns 70% of Imperial Oil Ltd. (Canada), Company owns 23% of Interprovincial Pipe Line Co. (Canada), Company owns all of Esso Eastern Chemicals, Inc., which coordinates chemical interests in Japan, Southeast Asia, etc., Company has extensive European, Latin American, Middle East and Far East holdings in Norway, Denmark, West Germany, Belgium, Venezuelan, Brazil, Argentina, Chile etc.

IBM

Has 17 mfg. plants in 15 nations, including Japan. IBM World Trade Corp. & its subsidiaries operate facilities in 108 countries in 1969.

PEPSI CO.

1. Subsidiaries: Paso de los Torros, S. A. (Uruguay), Shani Bottling Co. (Pty) Ltd. S. (Africa), Pepsi-Cola Italia S.P.A., Pepsi Co. Oversea Corp., Food Enterprises Ltd. (Japan), Mike Popcorn K. K. (Japan), Pepsi-Cola (Japan) Ltd., Pepsi-Cola (Pakistan), Pepsi-Cola Ltd. (England), Pepsi-Cola Refrigerantes Ltd. (Brazil).

KIMBERLY-CLARK CORPORATION

1. Subsidiaries: Kimberly-Clark of Canada Ltd., Kimberly-Clark Pulp & Paper Co. Ltd. (Canada), Kimberly-Clark Lumber (Canada) Ltd. (inactive), Kimberly-Clark de Mexico S.A. (60% owned), Kimberly-Clark Far East Ltd. (Singapore) 60% owned, Kimberly-Clark Ltd. (England) 66% owned.

2. Co. has property in Japan.

SINGER CO.

1. Subsidiaries: Commercial Controls Canada Ltd. (Canada), Friden (Holland N.V. (Netherlands), Friden S.A. (France—86%, Singer Co., of Canada Ltd., Singer-Cobble Ltd. (Great Britain), Singer Industries Ltd., Nigeria.

2. Affiliates: Pine Sewing Machine Mfg. Co. (50% owned) which makes sewing machines in a plant in Utsunomiya, Japan. Wholly owns Matsumoto Mokko Ltd. which makes cabinetware, owns 50% of Pine Transportation Ltd., owns 45% of Controls Co. of Japan.

TIME, INC.

Company publishes 6 international editions for Time Magazine.

Subsidiaries: Time-Life International de Mexico, S.A., Time-Life International (Nederland) N.V. (with subsidiaries in England, France, Switzerland and Curacao), Time International of Canada Ltd., Little Brown & Co., (Canada) Ltd., 60% owned.

AMERICAN METAL CLIMAX

1. Some subsidiaries are: Climax Molybdenum N.V., (Netherlands), Amax Explora-

tion Quebec Ltd., Amax of Canada, Inc., Kawneer Co. Canada Ltd., Northwest Amax Ltd., (Canada) 75% owned—the Climax Molybdenum Co. of Michigan, owns the Climax Molybdenum Development Co. (Japan) Ltd.

CUMMINS ENGINE COMPANY, INC.

1. Subsidiaries (wholly owned): Cummins Diesel of Canada Ltd., Komatsu-Cummins Sales Co., Ltd. (Tokyo-Japan), 51% owned.

2. Foreign Licensees, etc.: Komatsu Mfg. Co. Ltd., Tokyo, Fried's Krupp (Germany) Diesel, Nacional S.A., (Mexico), etc., Mexico City.

LEVER BROS. (UNILEVER LTD.)

Has interests all over the world, including Japan—subsidiaries and affiliates are not listed separately.

BOOZ, ALLEN & HAMILTON, INC.

International consultant firm in Canada, West Germany, France, Mexico, etc.

BELL & HOWELL CO.

1. Markets in U.S. a line of cameras produced by Canon Camera, Inc., Tokyo and sold as Bell & Howell—camera equipment.

2. Owns 90% of Japan Cine Equipment & Mfg. Co.

3. Wholly owned subsidiaries include: Ditto of Canada Ltd., Toronto, Bell & Howell Canada Ltd. Toronto, Bell & Howell H.B., Sweden, Bell & Howell France S.A. Paris, Devry Institute of Technology of Canada, Ltd., and other subsidiaries in Sweden, Belgium, Switzerland, etc.

PFIZER, INC.

Produces in Japan—owns Pfizer Int. Corp. (Panama), owns 80% of Pfizer Taho Co. Ltd. (Japan).

KAISER ALUMINUM & CHEMICAL CORP.

Company has world wide foreign affiliates in Japan, England, Canada, Germany, Italy, etc.

MARCONA CORPORATION—SUBSIDIARY OF CYPRUS MINES

Has some world wide affiliates—has \$250 million contract to provide Japanese Steel Makers with 4.2 million tons of lump ore.

GENERAL MOTORS CORP.

Has world wide holdings such as: General Motors of Canada, Ltd., Motors Holding of Canada Ltd., Vauxhall Motors Ltd. (England), Adam Opel (Aktienogellschaft (Germany)), General Motors Holden's Pty. Ltd. (Australia), etc.

CLARK EQUIPMENT

Company's products made world wide by licensees, some of whom are in Japan.

Subsidiaries include: Canadian Tyler Refrigeration Ltd., Clark Equipment of Canada Ltd., Clark Equipment Ltd. (Great Britain). Also in Switzerland, France, Venezuela, West Germany, Belgium, Brazil, Argentina, Mexico, Spain, etc.

QUAKER OATS

Subsidiaries: Quaker Oats Co. of Canada Ltd., Quaker Oats Ltd. (England), Quaker Oats Co. (Germany), Quaker Oats Co. (New Zealand). Also in Mexico, Nicaragua, Colombia, Sweden, etc.

DELTEC INTERNATIONAL LTD.

1. Company is in investment banking business primarily in Latin America and Europe.

LITTON INDUSTRIES, INC.

1. Has plants world wide, including Japan.

CHRYSLER CORPORATION

1. Subsidiaries include: Chrysler Antemp Ltd. (England), Chrysler Australia Ltd., Chrysler Canada Outboard Ltd. (Canada), Chrysler Canada Ltd., Chrysler Antemp S.A. (France), Rootes Motors Ltd. (England), owns 73.3%. (Company entering into agreement with Mitsubishi Heavy Industries Ltd., subject to Japanese government approval to form joint auto venture in Japan (65% Japanese owned).)

AMERICAN EXPORT

1. American Export Industries owns 97.49% American Export Isbrandtsen Lines, Inc.

2. Owns 95% of Premium Iron Ores Ltd. (Toronto), owns American Export International, Inc.

XEROX CORPORATION

1. Company is world-wide, some principal subsidiaries include: Universal Microfilms Ltd. (England), Xerox of Canada Ltd.

2. Company affiliates include: Rank Xerox Ltd. (England) owned 50%, owns 50% of Fuji-Xerox (Japan).

CHASE MANHATTAN BANK

Has branches in many countries.

FIRST NATIONAL CITY BANK

Has branches in many countries.

BANK OF AMERICA

Branches in many countries.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON EXPORT OF PRODUCTION AND JOBS

Programs to export U.S. employment and promote low-wage labor markets abroad undermine labor's goals everywhere. Such programs are a mockery of international development and goodwill. Policies to subsidize profit greed at public expense destroy labor's goals of better living standards and working conditions in the United States and every other nation. Such policies must be changed. The programs must be halted.

U.S.-Mexican economic relations are the closest and clearest example of a growing problem. Despite three decades of steady economic growth, a strong currency, and the production of autos, paper, glass, chemicals, and other industrial products, Mexico remains a non-consumer based economy, highly managed by government direction and closed to imports that it determines are not necessary for Mexican development. U.S. and foreign firms have invested billions in subsidiaries and other affiliates to produce in Mexico, because Mexican laws require production in Mexico for sale in Mexico of many products. Wages are low, often ranging from about 20 cents an hour to 46 cents an hour.

Despite economic development in the interior of Mexico and billions in investment by U.S. and other international firms, several years ago the Mexican government established a "Border Industrialization Program," designed to lure U.S. firms to use low-wage Mexican labor along the 1,600-mile border between the Mexican and U.S. economies. The U.S. Administration has continued to encourage this program. Since its first public notice in 1967, when 30 U.S. companies were operating plants in the Mexican border industrialization area, the number soared to 219 last year and about 250 at present. Regulations and measures of the Mexican and U.S. governments in combination, have promoted this export of American jobs and displacement of U.S. production.

U.S.-owned plants on the Mexican side of the border receive special tax and tariff breaks from the Mexican government, including exemption from its tight controls on foreign trade. They pay substandard wages to assemble components from the U.S. into final products for export to U.S. markets. These goods usually come into the United States, under the special low tariff duties of items 806.30 and 807 of the U.S. tariff schedules, and are sold at American prices.

The Mexican government recently announced the extension of these border industrialization lures into the interior of the country, with reports of subsidies for exports. The lures are directed not only to American firms, but to companies of other countries, which would be given many tax and tariff incentives to operate plants to produce for export, essentially to the nearby lucrative American market, with low transportation costs, as well as low wage costs and Mexican concessions on taxes and tariffs.

There are now at least 500 manufacturing subsidiaries of U.S. companies in the interior of Mexico—in addition to those on the border and aside from licensees and other joint venture operations. There are also subsidiaries of numerous companies from other countries operating throughout Mexico.

The extension of the Mexican government's program of tax and other incentives for the production of goods for export presents American workers and trade unions with the immediate threat of a rising flood of imported goods, produced at substandard wages and with various Mexican government benefits.

In the world of 1971, international firms, with production units in Mexico, frequently have similar plants in Hong Kong, Taiwan, Korea, France, Germany, Haiti and in other parts of the world. History has shown that U.S. tariff code loopholes, like items 807 and 806.30, merely aid companies to take advantage of the cheapest labor in the world for the assembly of goods, until the multinational companies, with the aid of foreign governments, can produce whole products for export to the United States.

The AFL-CIO's compilation of the numbers of industrial concerns moving from the United States to Mexico to export back to this country—first, the assembly of components, under tariff schedule items 806.30 and 807, and subsequently, the production of entire products with the further displacement of American jobs—confirms the view that the Border Industrialization Program has assumed utterly unacceptable economic and social proportions for the United States, far in excess of any questionable benefits to the Mexican workforce, employed at substandard wage rates and working conditions by U.S. firms operating in Mexico.

Technology and transportation have speeded up the process of exporting American jobs. A major part of a whole industry—such as consumer electronics—can be exported from the U.S. within five years. The export of American jobs and displacement of U.S. production is escalating at a tremendous pace.

The AFL-CIO views with grave concern the coincidence of high employment in the United States with government economic policy and the pursuit of low-wage labor markets abroad by U.S. companies, enhanced by subsidies and bootlegged assistance.

We urge the following actions by the U.S. government:

The Congress should repeal items 807 and 806.30 from the tariff schedules of the United States.

U.S. customs officials should enforce U.S. laws against dumping, the subsidy of exports to the United States and other practices which injure American workers and the U.S. economy.

Imports of products which displace significant proportions of U.S. production and/or employment should be regulated by quantitative quotas.

U.S. labeling laws—on foreign origin, as well as health, safety and similar standards—should be effectively enforced and expanded.

The reporting of investment, production, employment and trade by U.S. firms in Mexico should be required by the United States government.

The United States government should discourage participation in Mexican border industrialization arrangements by U.S. firms and direct government agencies to cease their encouragement of this mushrooming operation.

Border crossings of Mexican labor should be regulated effectively through legislative action and adequate administrative measures.

We urge the government to press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

We support the orderly expansion of world trade. We oppose the promotion of profit

greed at public expense or the undercutting of United States wage and labor standards. We want expanded trade that expands employment at home and abroad and that improves living standards and working conditions, here and abroad. We want the U.S. government to protect the interests of American workers against the export of American jobs. We want the government to halt the undermining of the American economy.

We serve notice on the Administration that we will not rest until the U.S. government effectively and adequately protects the interests of American workers and the American economy, by curbing the mounting displacement of U.S. production and export of American jobs.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON THE CRITICAL NEED FOR NEW INTERNATIONAL TRADE AND INVESTMENT LEGISLATION

There is a critical necessity for the United States to adopt new international trade and investment legislation that will meet the realities of today's economic world and the needs of the American people for a healthy economy.

Rapid changes in international economic relationships have deteriorated America's position in world trade and affected the world standing of the American dollar.

Other major nations have adjusted their policies to benefit their national interests, but the United States has failed to adjust. These nations have managed national economies, subsidized exports, erected barriers to imports and geared their tax structures to foster these practices.

Meanwhile advances in transportation, communications and technological advances have accelerated the scope and pace of change. American technology has been transported overseas and production and employment have been exported to other lands. Multinational firms and banks, usually U.S.-based and sometimes in tandem with foreign-based multinationals, now have global operations which benefit from the policies of every country, but which are beyond the reach of present U.S. law or the laws of any single nation. The policies of these U.S.-based firms and banks are designed solely to profit the corporations and are made with disregard for the needs of the United States, its economy and its people.

Over the past decade, U.S. firms have invested billions of dollars in their foreign subsidiaries, rising from \$3.8 billion in 1960 to \$13.2 billion in 1970. Outlays for foreign affiliates this year are expected to be more than \$15 billion, with \$8 billion in spending projected for manufacturing facilities alone. In addition, joint ventures, foreign licensing and patent agreements and other relationships of U.S. firms abroad have changed the patterns of the U.S. economy in its relation to world trade and investment.

As a result of all these developments: U.S. exports have been retarded. Imports have been spurred. Production has been displaced. Jobs and employment opportunities have been exported.

In view of the fact that existing laws are no longer capable of meeting the problems and the realities of the 1970s, the AFL-CIO proposes that new trade legislation, embracing the following concepts, be enacted.

1. *New tax measures to halt the export of U.S. jobs, remove the incentive to establish production and assembly facilities abroad, and create tax disincentives to curb expanded production abroad.*

Profits earned by the foreign operations of U.S. corporations should be taxed at the time that they are earned. Under present law, corporations are allowed to defer U.S. taxes until they are repatriated to the U.S. and distributed, which may never happen. Foreign tax payments should be allowed a deduction on U.S. taxes, but the present allowance of a tax credit should be halted.

A treasury study and report should be undertaken to determine the degree of enforcement and compliance with Section 482 of the Internal Revenue Code. Under this provision, the IRS has the authority to require corporations to attribute their income to the specific foreign subsidiary where the income was earned. Its purpose is to prevent corporations from allocating their foreign income among various subsidiaries so as to pay the minimum possible taxes.

Wherever corporations with global accounting systems are found to be not in compliance with Section 482, they should be given a reasonable period of time for compliance, but compliance should be made mandatory in all instances.

The amount of write-offs, under U.S. tax laws, of depreciation presently allowed to U.S. corporations, for their foreign subsidiaries, should be replaced by a sliding scale allowance which relates to the tools, technology and purpose of the facility. If, for example, 100% of the capital assets (machinery, etc.) in the foreign subsidiary was developed at the expense of the U.S. government and the U.S. taxpayer, the depreciation allowed would be zero. However, if the production of the foreign subsidiary serves a great social purpose and has no adverse impact on U.S. trade, then the depreciation allowance could be the maximum.

A tax should be imposed on the value of any patents, licenses and technology that are exported. Further, a tax should be levied on the royalties received by U.S. companies.

Items of the Tariff Schedule which help to transfer production abroad should be repealed. As an example, item 807 and item 806.30 are an open invitation to U.S. multinational firms to use low-wage foreign labor to assemble products outside the U.S. and then ship them back to the U.S. at a specially low tariff rate. Both of these items should be repealed because they have spurred the export of production and jobs.

2. *Supervise and Curb Outflows of U.S. Capital.*

Clear legislative direction is necessary to give the President authority to regulate, supervise and curb the outflows of U.S. capital. At the present time, controls on foreign investment are loose, inadequate and not related to trade and production. Authority within the President's hands should include considerations for the kind of investment that would be made abroad, the product involved, the country where the investment would be made, the linkage of the investment to the flow of trade and its effect on U.S. employment and the national economy.

We object to the AID legislation now before Congress which turns over to multilateral agencies, such as the World Bank, the supervision of private investment abroad for AID purposes.

In addition, there is a strong need for a report on enforcement of 22 USCA 2370 (d) of the Foreign Assistance Act of 1961. This provision in the law was aimed at keeping development loans from disrupting U.S. production. It requires that not more than 20% of production in a foreign factory created by a development loan may be exported to the U.S. to compete with U.S.-made products. To date there has been no disclosure as to the operation—or effectiveness—of this provision.

Similarly, the reports of the Export-Import Bank should include a yearly review of the impact its loans are having on U.S. exports, imports and the national economy.

3. *Supervise and Curb Export of Technology.*

U.S. government policy has encouraged the export of technology in recent years. U.S. companies have been licensing production to foreign licensees and patentees who produce behind foreign trade barriers for export to the U.S.

This policy should be reversed by giving the President clear authority to regulate, su-

pervise and curb licensing and patent agreements on the basis of Congressionally determined standards. These would include the kind of investment, the product involved, the country of investment, the linkage to trade flows from such transfers and the effect on U.S. employment and the economy.

4. International Fair Labor Standards.

Reports should be made to the U.S. government (Labor Department) on foreign wages paid by the military and U.S. business. These reports should be on the same basis that U.S. law now requires reporting on wages, hours, etc. within the U.S. Only by this means can data be acquired that gives a perspective of labor factors in these U.S. foreign operations.

The State Department and other U.S. agencies should press for international fair labor standards in trade agreements.

5. Quantitative Restraints.

It should be the expressed policy of the United States to recognize that the healthy expansion of the world economy is linked to the continuation of a diversified, productive and fully employed economic and social system here, as well as abroad. To assure this policy, mechanisms should be established to avoid the continued displacement of U.S. production, tax-base erosion, market disruption and export of American jobs.

Quantitative restraints, with a base year of 1965-69, should be applied to products and parts of products imported into the United States, allowing for a flexible growth factor related to U.S. production of the item. Exceptions to such quantitative quotas could be:

(a) where a legitimate voluntary agreement now exists or is negotiated on the item with other supplying countries; and

(b) where the failure to import the item would disrupt U.S. production and U.S. markets.

A review of the operations of such restraint mechanism should be made after one year to determine the degree of effectiveness in achieving the above stated objectives.

To carry out this program, a single agency with quasi-independent authority to serve the Congress should be established. This agency would determine the quantitative limitations based on the criteria established, advise the Congress of necessary interim adjustments for items where data are not available, and supervise the maintenance of the program. Because of the broad spectrum of its operation, the agency should be composed of the merged operations of the Tariff Commission with the necessary trade-related parts of the Commerce, Labor and Treasury Departments.

6. Truth in Labelling.

Products should be clearly labeled to show the country of origin for components and parts as well as the final product. For example, a TV set made from parts produced and assembled in Taiwan, Hong Kong, U.S. and Korea should show the source of the components as well as the final product. The current law places labelling within the discretion of the Secretary of the Treasury and, as now functioning, does not give the consumer truthful evidence of where the product, or its parts originated.

Similarly, advertising of imported products should include references to the country of origin of the products and components.

7. Consumer Protection Enforcement.

All imports should conform strictly to all laws designed to protect the safety and health of American consumers.

8. International Accounting.

Federal standards for international accounting by U.S. firms with foreign operations should be established and enforced. Such accounting standards should be consistent with the uniform accounting required by Section 718 of the Defense Production Act of 1950.

Under current law Customs officials classify imports under general categories related to

the collection of tariffs rather than to the actual description of the imported product. Census and Customs Bureaus should have consistent reporting systems so that imports can be related to production in the United States. The Tariff law should be amended so that shipping declarations and invoices include product descriptions.

9. Escape Clause and Dumping.

The Antidumping Act of 1921 must be modernized to assure effective action against dumping. Under current operations, dumping findings have taken as much as two years. Interpretations of the law have not made clear that employment and working conditions should be part of the test of injury to an industry. The law should shorten the period of a finding of sales at less than fair value (dumping) to 4 months, make the injury determination simultaneous with the determination of sales at less than fair value, and place the determinations within the single agency established to supervise international trade.

The escape clause of the Trade Expansion Act of 1962 has been interpreted to make findings of injury almost impossible. This provision allows the United States government to raise tariffs or impose quotas when a finding of injury is made by the United States government. The new agency should replace the Tariff Commission and much easier tests of injury should be available. These tests should include labor effects, such as underemployment, loss of fringes and wage effects.

Not all provisions of the Tariff and Trade laws grant standing to sue to employees and their representatives. Thus, in an investigation where multinational corporations are involved, the "U.S. industry" is the only party which is allowed to bring suit. In the escape clause, however, employees are permitted to bring suit. There should be a consistent provision throughout U.S. trade and tariff laws providing that workers in the United States have legal standing to bring suit concerning injury.

CONGRESS NEEDS TO KNOW

Mr. CASE. Mr. President, yesterday's vote on whether Congress should reduce American troops in Europe dramatically brought before the country the question of the division of responsibility in foreign policy between the President and Congress.

Although I have long supported the effort to define and reassert the role of Congress in this area, today I want to discuss the need for information if Congress is to participate with any real meaning in the formulation of foreign policy.

Everyone agrees that Congress cannot effectively carry out its functions if it does not know what is going on. And often Congress does not know what is going on, because information, particularly in the foreign affairs field, is withheld from us.

A recent case in point is the use of Thai troops in Laos.

On April 17, I read an article in the Christian Science Monitor that asserted our Government had reached an agreement with the Government of Thailand for a sharp increase in Thai troops to be used in Laos. The article went on to say that the United States had agreed to provide the financial backing to support these Thai troops.

I am a member of the Foreign Relations Committee, and I realized that the committee had not been informed about

any agreement of this sort. Thus, I wrote a letter to the Secretary of State in an effort to find out what was happening. I asked him if the report were true, and, if it were:

First. Does the administration consider the financial support of Thai troops in Laos to be in violation of the Cooper-Church provision which bans the payment of mercenaries in Laos, except to protect a safe and orderly American withdrawal or disengagement from Southeast Asia or to aid in the release of American prisoners?

Second. Does the administration intend to submit the agreement with Thailand to the Senate as a treaty?

Third. What are the specific terms of the agreement?

Fourth. How is the administration planning to pay for the agreement?

Fifth. Has the U.S. Government made any assurances to the Thai Government of U.S. support in event the Thai troops in Laos encounter difficulties?

If my questions seem to presume that there really is such an agreement, I can only say that George Ashworth who wrote the article is a competent journalist. What is more, I was able to ascertain, on an absolutely not for quotation basis, from Government sources that there are 4,000 to 6,000 Thai troops in Laos and the U.S. Government, through CIA, is paying for them. And finally, although I place almost no faith in Radio Hanoi's credibility, I was aware of broadcasts by that station which discussed the presence of Thai troops in Laos.

My perhaps plaintive question is: Should a U.S. Senator who is a member of the Foreign Relations Committee have to learn of important agreements our Government has made by reading the newspapers, by talking privately with Government officials who do not wish to be quoted, and by listening to foreign radio broadcasts?

I will remind you that the Constitution grants the Senate the power to give its advice and consent to treaties entered into by the United States. Well, there might be those who argue this pact with the Thais is not a treaty, but an executive agreement. The Constitution does not mention executive agreements, which were instituted early in our history as a means of handling minor and routine matters with foreign governments. Certainly nothing of a major nature was meant to be excluded from the treaty-making process. I find hard to believe that the framers of the Constitution would not have considered as a treaty an agreement which calls for the potential expenditure of tens of millions of dollars and which might lead our country into a serious military involvement, if we ever had to bail out the Thais.

Moreover, the Congress has the sole constitutional authority to appropriate funds. These are presumably Government funds being paid to Thailand. But Congress has never directly voted to pay Thai troops in Laos. The money comes out of that vast treasure chest which Congress has appropriated, but never controlled, for discretionary military and intelligence purposes.

I strongly believe that Congress should

control this money. Certainly we should know how it is being spent.

But let me continue with my story.

A few days before the May 3 appearance of the Acting Secretary of State, John Irwin, at a Foreign Relations Committee hearing, I was informed that the State Department did not wish to discuss this question of Thai troops in Laos. I felt that both the Congress and the American people had a right to know and this was a matter that should be discussed.

So I asked Acting Secretary Irwin what was happening in Laos. Mr. Irwin replied:

Any discussion of the Thai troops would be proper for an Executive Session.

An executive session occurs, of course, when the committee meets with an administration official on a confidential basis with the press and public excluded. I accept that certain matters are sensitive and should be dealt with in private. But in this case, I was not so sure.

I further asked Mr. Irwin:

Is it not something that the North Vietnamese know about? We are not surprising them. We are not keeping anything from the enemy in this matter. What is the reason for not disclosing it to the American people, who are paying for it, if indeed they are?

Mr. Irwin replied:

Well, if I may, sir, I would still prefer to defer it to Executive Session.

While I still have not received a reply to my letter, I am sure that at some future time an administration representative will sit down with the Foreign Relations Committee behind locked doors and inform us how and why the United States is paying for Thai troops in Laos. But this will be months after the fact, and we shall undoubtedly be told about an ongoing program which would be difficult to stop even if we were so inclined.

I would like to cite a statement made by the Secretary of State only last Friday before the Foreign Relations Committee:

There needs to be effective consultation between Congress and the President, and we have tried to follow this policy. It is not only Congress that is weakened by a lack of consultation. Our nation's foreign policy is itself weakened when it does not reflect continuing interaction and consultation between the two branches.

I can only say that I agree wholeheartedly with the Secretary of State on this question. But I would add another dimension: Our Nation's foreign policy is weakened when it does not reflect consultation and interaction with the American people.

If an action by our country cannot stand up to public exposure, then our leaders should seriously reconsider that action.

I am not advocating that the negotiation of agreements with foreign governments should be conducted in the newspapers. Obviously, there is a need for secrecy while negotiations are still underway. But Congress and the people should be informed before our country is indelibly committed to a position.

The Secretary of State also said last Friday:

The essence of presidential power is the ability to enlist public support for national policy, and in this the President needs the cooperation of Congress.

Again I am in agreement. Yet how can cooperation exist between the President and Congress if the Congress does not know the facts?

I reiterate that Congress has the constitutional right and duty to know about matters such as the recent agreement with Thailand to finance and support Thai troops fighting in Laos. This is an apparent widening of American involvement in Southeast Asia, and the administration should have consulted with us before embarking on a new policy.

And unless there were extraordinary reasons—and I can think of none—the American people also should have been informed. For the people must be the ultimate arbiter of the course our Nation follows.

I ask unanimous consent that my letter to the Secretary of State of April 23, 1971, and George Ashworth's April 17 article in the Christian Science Monitor be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., April 23, 1971.

HON. WILLIAM P. ROGERS,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing from the April 17 Christian Science Monitor George Ashworth's article which reports that the Administration has reached an agreement with the Government of Thailand for a sharp increase in Thai troops to be used in Laos. Mr. Ashworth notes that the United States Government has reportedly agreed to provide the financial backing to support the Thai troops.

I would appreciate it if you could comment on the accuracy of what Mr. Ashworth has written and then, assuming his information is correct, answer the following questions:

1. Does the Administration consider the financial support of Thai troops in Laos to be in accord with the Cooper-Church provisions in the 1970 Defense Appropriations Act which bans the payment of mercenaries except to protect a safe and orderly American withdrawal or disengagement from Southeast Asia or to aid in the release of United States prisoners.

2. Does the Administration intend to submit the agreement with Thailand to the Senate as a treaty?

3. What are the specific terms of the United States agreement with the Thai Government including the cost to the United States Government and the agreement's duration?

4. Does the Administration intend to request supplemental appropriations to pay the costs of agreement or will existing funds be reprogrammed?

5. Has the United States Government made any assurances to the Thai Government of United States support in event Thai troops in Laos encounter difficulties?

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

THAI FORCE IN LAOS: UNITED STATES TO FINANCE FOREIGN TROOPS

(By George W. Ashworth)

WASHINGTON.—Nixon-administration officials have hammered out an agreement with the Government of Thailand for sharply increased use of Thai forces in Laos.

The American Government has reportedly

agreed to provide the financial backing necessary for Thai troops to help bolster the South Vietnamese-United States position in Laos.

Officially, neither the North Vietnamese nor the Americans are involved in Laos. However, both sides are heavily involved in fact and have been for years. The North Vietnamese have provided the backbone needed by the Pathet Lao for their insurgency. And the Americans, largely through the Central Intelligence Agency (CIA), have advised and paid for much of the war effort, particularly around the Plain of Jars.

Thai troops are known to have been in Laos for six or seven years. But until late last year, the number was relatively small. This time last year, there were perhaps 1,000 Thais fighting on the South Vietnamese-American side in Laos.

Now, the U.S. is providing most of the financial backing for a force in Laos of between 4,000 and 6,000 Thais, according to unofficial estimates.

OPEN-ENDED AGREEMENT?

According to sources, the agreement between the U.S. and Thailand on the use of Thai troops in Laos is open-ended. As one official put it, "The Thais are ready to send in just about as many troops as we are willing to pay for."

The Pentagon refuses to discuss Thai involvement in Laos. Queried, a Pentagon spokesman suggested that the Thais were the only persons who could provide details.

One reporter in the field, Tammy Arbuckle, reported in January in the Washington Star that Thai forces were alleged to have operated in northeastern Thailand with other troops in an attempt to cut Route 7, Hanoi's major supply route to the critical Plain of Jars. The attempt failed.

Mr. Arbuckle also reported a 155-mm. howitzer battery overrun near Muong Soui had been removed to the greater safety of the allied base area at Long Chien and provided protection by Thai infantrymen. Other Thai troops have been operating in parts of Laos near the Thai border.

Thai manpower has been increased substantially since Mr. Arbuckle reported from the field, according to sources here. The buildup apparently began as soon as the Thais were assured of U.S. financial backing.

MATTER CLOSELY HELD

Although the Thai involvement is a very closely held matter, particularly in the Pentagon, some outside the defense establishment are aware of some details of the new move. Sources report a growing concern among some in the government that the Thai involvement in Laos may soon become too expensive to be absorbed within regular defense expenditures.

Although the cleanest way to handle the matter, at least in financial terms, would be a request to Congress for a supplemental appropriation, such a request almost surely would be a hot political matter. For the moment, the costs are being absorbed with increased difficulty.

There appear to be several reasons for the increased Thai involvement:

Most importantly, perhaps, the Thais were willing to help in Laos if most of the bills were picked up. For several reasons the Thai Government considers the insurgency in Laos a matter of substantial concern. And concerns have not been eased by the Chinese construction of a road from Dien Bien Phu across Laos toward Thailand. The insurgency of Thailand is now a quite serious matter.

In some respects, the tide seems to have tipped against the Royal Lao side in the continuing fighting. Until 1969, the fighting between the neutralist forces and the Pathet Lao backed by Hanoi had been an ebb-and-flow sort of warfare with territory changing hands in a fairly regular pattern depending upon the seasons. Then, in 1969, Gen. Vang

Pao and his Meo troops, with heavy American air backing, pushed strongly against the Communists on the plain, capturing large numbers of supplies and causing heavy enemy casualties. The Communist response was to press back harder than before, and the pressure has continued.

The Nixon administration undoubtedly would like to see the neutralist regime in Laos survive. This is seen as important both for the non-Communist factions in Laos and for the other beleaguered nations in Indo-China.

Given the nature of the conflict in Laos, congressional views, and the presidential determination to pursue the Nixon doctrine, the use of regular American troops in Laos was unthinkable.

IMPROVING RECREATION FOR THE 1-DAY VISITOR IN THE NATIONAL FORESTS

Mr. McINTYRE. Mr. President, the outdoor recreation opportunities encompassed by the national forest system are among the greatest natural heritages available for us by the American public.

The national forest system is extremely diverse. The resources and characteristics include almost every significant type of vegetation, climate, topography, soil, geology, and other natural features found within the borders of the United States and Puerto Rico.

Specific recreation opportunities of many kinds in the national forests are well known to millions of Americans. Some have found virtually a "home-away-from-home" at some favorite campground, ski lodge, or other facility or area. Others have explored the back country while hunting big game or traveling through wilderness areas. And every year new millions experience their first recreational use of the national forests.

The 1-day visitor and his family usually come to the national forests in their automobile. Frequently they are on a scenic drive through the forest. They stop at the turnouts and overlooks, get out of a hot, sticky car, read the signs, if there are any; and stand and gaze about them—usually with no place to sit, contemplate, and enjoy the serenity of the oceans of green that stretch before them.

They then pile back into the car and move on to the next stop where they repeat this performance. When they return home they can say that they saw a lot of scenery, but their encounter with the forest environment was minimal, impersonal, and shallow. Yet, there is a great need for the day-use national forest visitor to learn of man's and nature's interaction within the forest environment.

It is my opinion that the day-use visitor comes to the national forests in anticipation of a new, different, and special experience, and yet he is probably not very receptive to the lessons of nature and her forest lands. He does not know what to look for, or how to enrich his experience.

The Forest Service has a strong obligation to show this day-use visitor the fascinating natural and human history that occurs on these forests, and to invite him to become more knowledgeable of the natural environment and his rela-

tionship to it. The Forest Service has the obligation to enrich this visitor's forest experience.

There is one job we do not have to do—create natural attractions in the forest. Nature has already done that for us. All we need to do is make it possible for the day visitor to understand and enjoy these great gifts out there on the national forests of which every American is part owner. Now, how do we do it?

We need to call to the attention of the day visitor, in compelling ways, the natural, human, and cultural history connected with the land and forest resources he is viewing. In my own State of New Hampshire, the Kancamagus Highway slices through some of the most scenic country on the White Mountain National Forest. At one stop the Forest Service has restored the historic George House. Why? Because through the interpretive story presented at the George House, the Forest Service has been able to recreate for the visitor how the early day New Englander lived in that isolated back country.

There are hundreds of opportunities on the 154 national forests of the Nation to do something for the visitor who cannot stay long, but who nonetheless, is interested in the people who occupied the land and made our country great.

I can envision a well-planned 10-year construction program aimed at better understanding of nature's environment for the day visitor to the national forests. Much of this would be in the form of upgrading and updating existing facilities. Likewise, much of it would be new construction.

Here are some of the national forest opportunities that present themselves:

Building, renovating, expanding, and updating turnouts and overlooks.

Building benches with shade shelters for people to rest on and contemplate.

Constructing short nature trails—10-minute trails, for example, at turnouts.

Placing some benches at appropriate places on the trail for the elderly, handicapped, and the very young to rest on.

Building information stations at strategic entrance points to the national forests—manned and unmanned with modest orientation and interpretive exhibits for the day visitor.

More carefully laid out—designed, planned—auto tours both conducted and self-guiding.

Innovating and trying self-guiding auto tours with audio tapes.

Building more short loop return trails in existing long nature trails.

Where feasible, considering the addition of sanitary facilities and drinking water.

Filling the tremendous need for the construction of new quality interpretive signs and the renovation of older ones.

Then there is the question of visitor safety. In many places there will be need to construct ingress and egress traffic lanes. Also, taking many existing roads—upgrading them a little, and with unmanned interpretive media, creating out of them outstanding woodland experiences for the day visitor.

The Forest Service has always been conscious of the needs of the day visitor, and has done what it could for him.

However, the pressing problems of coping with the pyramiding pressure exerted on the national forests by its ever-increasing army of recreation visitors, and its poorly equipped recreation budget, has delayed these needed projects.

As a citizen of New Hampshire, this disturbs me. But as an American, it disturbs me even more. The White Mountain National Forest has the following projects which need developing so that this forest can be fully enjoyed:

<i>White Mountain National Forest Projects</i>	
Route U.S. 3: Complete 15-unit Black Brook Picnic Ground on Route 3 in Franconia.....	\$20,000
Kancamagus Highway:	
Expand and remodel Conway Ranger District office to include visitor information section....	83,600
Improve Mount Osceola Tower as a feature in the scenic drive backdrop (low priority).....	10,000
Bear Notch Road (connects with Kancamagus): Complete "Chocorua View" overlook (Parking, barriers and interpretive signs).....	6,000
Route U.S. 302:	
Improve parking turnouts and road end, turn around on Zealand Road. This gravel road is a popular scenic spur off 302.....	8,000
Build Sawyer River Picnic ground (so units) and eliminate adjacent (1 mile) Sawyer Rock Picnic ground which is ecologically worn out and too close to road improvements.....	40,000
Route 113: Build picnic ground (4 units) and complete 21-unit campground at new Basin Pond Recreation area.....	35,000
North-South Road (Between Rt. 25 & 112): Improve parking, picnic (6 units) and boat launching facilities at Long Pond.....	35,000
Route 118—Sawyer Highway: Provide tables (6 units), toilet facilities, interpretive signing and parking at Jackman Brook Overlook.....	10,000
Route 110: Improve picnic facilities (grates) and construct dam to improve swimming and boating at South Pond Recreation Area.....	24,000
Route 16: Improve picnic (4 units) and interpretive facilities and entrance road at Glen Ellis Scenic Area.....	20,000
Tripoli Road—Waterville: Develop Small 6-unit picnic ground.....	10,000
Mad River Road: Improve Campton Pond Picnic Ground—new toilets, tables and grates.....	25,000
Route 112: Replace substandard toilets at Wildwood Picnic Ground.....	6,000
Wild River Road: Install unmanned VIS stop—located in Maine but serving New Hampshire scenic drive.....	2,000
Total	334,600

Nationwide, the Forest Service has 790 projects at a cost of \$750,000 which could be developed during fiscal year 1972. In addition, they have a 10-year development program calling for an annual expenditure of \$1.5 million per year to develop approximately 9,000 sites for the day visitor. Despite this need, with its pitifully inadequate recreation budget, because of very serious problems elsewhere in the vast national forest system, the Forest Service is not going to be

able to program a single dime in fiscal year 1972 for the development of facilities for the day-use visitor.

I believe this is shirking our responsibility to millions of Americans. How much longer can we continue to do so. How many more American families are going to be denied the opportunity to "see the forest behind the trees" and how it relates to him and his family.

Mr. President, I want to announce now that at the proper time I will move to provide the funds for this program which I believe is so important to the full utilization and enjoyment of the national forests which is one of our greatest natural resources.

NATIONAL ASSOCIATION OF MANUFACTURERS SUPPORTS EXECUTIVE REORGANIZATION AND SPECIAL REVENUE-SHARING PROPOSALS

Mr. PERCY. Mr. President, on May 12, 1971, the board of directors of the National Association of Manufacturers resolved in favor of the President's major departmental reorganization, and special revenue-sharing proposals. The National Association of Manufacturers is to be commended for its support of these measures. They recognize that increasing the efficiency and improving management of the Federal Government are important national objectives deserving quick congressional consideration. I am pleased in this regard that the chairman of the Government Operations Committee, the distinguished senior Senator from Arkansas (Mr. McCLELLAN) has called for hearings to open in the full committee on May 25 and 26, at which time the committee will hear a group of distinguished witnesses and begin its work on these important bills.

I ask unanimous consent that the resolution referred to above be printed in the RECORD.

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

Resolved that the National Association of Manufacturers commends the Administration's efforts to increase efficiency and improve the management of the public sector and urges the public and the appropriate committees of the Congress to give prompt attention to the several proposals for reorganizing the Executive Branch and for Special Revenue Sharing. The first group of proposals would, in our view, improve public sector performance at the Federal level. The second group would provide an important vehicle for strengthening state and local governments by increasing their ability and responsibility for determining priorities for Government spending in their jurisdictions.

Approved by the Board of Directors May 12, 1971.

THE 50TH ANNIVERSARY GALA CELEBRATION OF THE MOTION PICTURE AND TELEVISION RELIEF FUND

Mr. TUNNEY. Mr. President, on the evening of Sunday, June 13, a rather remarkable event will take place in and around the three theaters making up the magnificent complex known as the

Los Angeles Music Center. Officially, it will be known as the 50th Anniversary Gala Celebration of the Motion Picture and Television Relief Fund. Actually, it will be an outpouring of those unique people in our midst—show people—in support of their own.

Show people have always taken care of their own. In years gone by that hat was passed. Today the hat is represented by a sprawling, expanding Motion Picture Country House and Hospital flourishing among the crest of the Santa Monica Mountains, supported in its entirety by those unique people—show people.

These same people today are in the throes of raising \$1,000,000 in a single night to help overcome a deficit brought about by the twin forces of rising unemployment and increasing hospitalization and medical costs. The hat is being passed again—a very flossy and talented hat. An actor named Gregory Peck has turned producer—at no salary, of course—in order to stage a show starring the likes of Pearl Bailey, Jack Benny, The 5th Dimension, Mitzi Gaynor, Bob Hope, Danny Kaye, Bobby Sherman, Frank Sinatra, Barbara Streisand, and many other stars. At no salary, of course.

The show is being directed by Vincente Minnelli. Design is being done by Harry Horner and lighting by H. R. Poindexter. Music is being provided by Nelson Riddle and David Rose. Herb Alpert and Jerry Moss are providing dance music for the outdoor party that follows the show. No salary.

All this under the chairmanship of Walter Mirisch, along with Jack L. Warner, George Bagnall, Roy Disney, Donald Crisp, Mary Pickford and Dr. Jules Stein, aided and abetted—if, indeed, not actively prodded—by four indefatigable women: Rosalind Russell, Anne Douglas, Veronique Peck and Ruth Berle.

And coming home, as it were, to lend her own unique helping hand as patroness and guest of honor will be Her Serene Highness, Princess Grace of Monaco.

There are literally thousands of other people involved in this undertaking. They refer to themselves as "the industry." And they are the only industry, not only in the United States but in the entire world, with a well-organized, funded, time-proven plan to take care of their own.

They are faced with a problem and they are solving it. They are not bringing the problem to Washington. They are not asking for Federal funds or State funds or matching funds or any funds other than those to be dug out of their own pockets.

Frankly, I find this both admirable and refreshing. I would hope that other industries in this great country of ours might take heed.

CHARLES CONNAUGHTON RETIRES AS REGIONAL FORESTER

Mr. PACKWOOD. Mr. President, I have had word this week that Charles Connaughton, who has served with such

great distinction as regional forester at the headquarters in Portland for the past 4 years, has retired after some 43 years of service.

Charlie Connaughton has been more than a simple title "regional forester" would indicate. His services will be sorely missed by all Oregonians who have any interest in our wooded lands.

He is often called, and with good reason, "one of the great men of American forestry." He served as a member of the council of the Society of American Foresters in 1958-59, and was president of the organization for the 1960-61 term. In 1960, the society honored him by electing him to the fellow grade, defined as:

... a forester who has been generally recognized throughout the profession as a person who has rendered outstanding service to professional forestry and to the Society.

In April 1962 he received a U.S. Department of Agriculture Superior Service Honor Award in recognition of:

... dynamic leadership in applied forestry and the forestry profession.

In March 1971 he was elected president of the American Forestry Association.

Many people will remember Charlie Connaughton's dedicated service for many reasons. I will always remember how promptly, courteously and intelligently he replied to my many questions, comments, suggestions and complaints. We have not always been on the same side of an issue, but I always was able to appreciate his patience and counsel. I know that Charlie Connaughton will continue to contribute to the forestry profession from his vast knowledge and experience.

Mr. Rex Resler will step into the shoes of the Regional Forester. It is a big job that often requires the wisdom of Solomon, and I wish him well. I look forward to continued good relations with that office. Mr. Resler has served for the past year as Deputy Regional Forester under Mr. Connaughton, and is a 1953 graduate of Oregon State University, where he earned a Master of Forestry degree in 1954. He served with the Army Air Forces during World War II, and joined the Forest Service in 1950 as an aide on the Deschutes National Forest at Bend, Ore. From there he moved up to increasingly important positions, serving on the Suislaw, Rogue River, Willamette, and Malheur National Forests. In 1965, he was appointed Forest supervisor of the Malheur National Forest, and 3 years later he was transferred to the Washington office where he served for more than a year in the division of recreation. In April, 1969, he was named assistant director of timber management in the Washington office.

We have moved into an era of environmental concern, when the actions of certain Federal agencies are often questioned and criticized, sometimes justifiably, sometimes erroneously. Mr. Resler's job will not be easy. I wish him every success, and look forward to working with him on the many problems with which we are now faced on our forested lands.

PRISONERS OF WAR IN INDOCHINA

Mr. KENNEDY. Mr. President, the plight of American prisoners of war and missing in action is more troublesome today than ever before. Despite all that has been said and done in recent years, meaningful progress on the prisoners' identification and treatment—let alone their release—has been extremely slow. The high expectations of our Government have given way, repeatedly, to false hope. And the understandable anguish felt in the hearts of relatives—this injury to the human spirit—grows deeper with each passing day.

Each day also brings more tragedy—for the list of Americans missing in action, and presumed captured, continues to grow. In the first few months of this year, dozens of names were added to the list. In 2 years of Vietnamization up to 400 Americans have been listed as missing in action, and at least 15 more as prisoners of war in Indochina. So let us remember the hard reality—that as long as the senseless Indochina war continues, more young men will be added to the list. Let us also remember—that the ultimate safety and return of the prisoners rests squarely on our Government's ability to extricate ourselves from the war, and negotiate an end to our part in the conflict.

It saddens me that there seems to be little recognition within our Government that—in the pattern of earlier conflicts—only an end to the war can bring about the final release of the prisoners. It saddens me even more, that, in the absence of recognizing this fact, the administration has recently mounted still another campaign of agitation and gimmickery on the prisoner issue—a campaign which only renews false hopes and misleads our citizens into believing that some progress is being made.

I just want to express the view shared by a growing number of Americans, that if we are to make any real progress in solving the prisoner-of-war problem—if we are to bring relief to our men held captive for so many years—it is incumbent upon our Government to negotiate an end to our participation in the war that imprisons us all.

In conclusion, Mr. President, I wish to call the attention of Senators to a background paper on prisoners of war prepared by the Friends Committee on National Legislation. It is a useful commentary. I ask unanimous consent that this paper, and some relevant press articles, be printed at this point in the RECORD.

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

THE POLITICS OF REPATRIATION: PAST, PRESENT AND FUTURE

(By Holmes Brown)

The question of prisoners of war has become a major factor in the debate of America's Vietnam policy. Since the spring of 1969, when the Nixon Administration chose to publicize the issue of Americans captured in Indochina, the future of U.S. POW's has played an increasingly important role in justifying the pace and nature of the withdrawal of American troops from Southeast

Asia. This paper attempts to answer some of the uncertainties surrounding the prisoner of war situation by gathering together in a single location some of the laws and regulations governing prisoners of war, the current status and treatment of prisoners in Indochina, information concerning the release of POW's in several recent conflicts, and an overview of the positions taken by the different sides regarding the release of POW's.

THE GENEVA CONVENTION

The Geneva Convention of 1949 Relating to the Treatment of Prisoners of War governs the rights and obligations of captives and their captors in "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."¹ In 1965, the International Committee of the Red Cross determined that the hostilities in Vietnam had reached such a level that "there can be no doubt that they constitute an armed conflict to which the regulations of humanitarian law as a whole should be applied."²

Each party to the conflict responded after its own fashion. South Vietnam and the United States, having ratified the Geneva Convention in 1953 and 1956 respectively, agreed to abide by its provisions. The North Vietnamese, who signed the convention in 1957 with reservations, chose to exercise those reservations and claimed that captured American pilots were guilty of war crimes and did not qualify for protection under the Convention.³ Subsequently, Hanoi, though failing to fulfill the requirements set at Geneva, has stated that it treats its prisoners "humanely." A similar assertion has been made by the National Liberation Front.⁴

IMPLEMENTATION OF THE GENEVA CONVENTION

Despite verbal assurances by every party that prisoners are well-treated, the fact remains that the Geneva Convention has been frequently and flagrantly violated by all sides. The privations which Americans held in North Vietnam undergo are widely known. In addition to inadequate food, shelter, exercise, and medical care, United States prisoners of war generally have not been allowed to correspond with their families, have not had their names released to either the Red Cross or the U.S. Government, have not been allowed visits by Red Cross prison camp inspectors, and, if sick or wounded, have not been repatriated or interned in a neutral country. Greater ignorance and worse conditions surround Americans held by the National Liberation Front.⁵

Similar but less well-publicized conditions exist among prisoners taken by both the United States and South Vietnam. There are two reasons for this situation. The first is the blatant disregard for the basic humanitarian principles which has characterized all sides in this war. The second is the inadequacy of the provisions of the Geneva Convention for dealing with a guerrilla war. Regarding the first point, just as the North Vietnamese and National Liberation Front killed many innocent civilian prisoners in Hue, so also have Americans, if even a fraction of the reports of returned veterans are authentic, tortured and killed thousands of Vietnamese captured during combat operations.⁶ In the same fashion, South Vietnamese troops have been guilty of extensive and generally acknowledged torture and execution of prisoners. Though much of the savage treatment of prisoners in the field is explained as a result of the heat of battle, the continuing brutality to which many prisoners held by South Vietnam are fre-

quently subjected can only be explained as a policy consciously and methodically pursued by the Government of South Vietnam. Since several complementary statements regarding South Vietnam's treatment of POW's have been issued by the International Red Cross,⁷ it would be valuable at this point to discuss in detail both those prisoners protected by the Geneva Convention and those who are not.

The Geneva Convention of 1949 clearly reflects the experiences and conditions of WWI and WWII rather than those of guerrilla wars in the following decades. As Alexandre Casella observed in the July 5, 1970 edition of *Le Monde*, the tactics of a people's war "require that NLF's forces melt into the population, while conventional warfare on the contrary seeks to stress the differences." It is the limited and archaic definitions of prisoners of war contained in the Geneva Convention which permit South Vietnam to simultaneously maintain prisoner of war camps which are reasonably satisfactory in the eyes of the Red Cross and civilian prisons which are shockingly brutal.⁸

A review of those who qualify as prisoners of war under the Geneva Convention indicates that many of those captured in this conflict can be legally interned beyond the supervision of the Red Cross. Art. 4 designates those who qualify as POW's. They are:

"(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war."

The Regulations of the Military Assistance Command, Vietnam listing the Categories of Force and Classification of Detainees—POW's and non-POW's are even more instructive. Included among non-Prisoner of War Detainees are:

"(1) Civil Defendants.

(a) A detainee who is not entitled to PW

Footnotes at end of article.

status but is subject to trial by GVN for offenses against GVN law.

(b) A detainee who is a member of one of the units listed in paragraph 3d, above, and who was detained while not engaged in actual combat or a belligerent act under arms, and there is no proof that the detainee ever participated in actual combat or belligerent act under arms.

(c) A detainee who is suspected of being a spy, saboteur, or terrorist.

(2) Returnees (Hol Chanh). All persons regardless of past membership in any of the units listed in paragraph 3, above, who voluntarily submit to GVN control.

(3) Innocent Civilians. Persons not members of any units listed in paragraph 3, above, and not suspected of being civil defendants."

Paragraph 3 lists the categories of enemy forces; 3d lists the "Irregulars":

"(1) Guerrillas. Full-time forces organized into squads and platoons which do not necessarily remain in their home village or hamlet. Typical missions for guerrillas include propaganda, protection of village party committees, terrorist, and sabotage activities.

(2) Self-Defense Force, A VC paramilitary structure responsible for the defense of hamlet and village in VC controlled areas. These forces do not leave their home area, and they perform their duties on a part-time basis. Duties consist of constructing fortifications, serving as hamlet guards, and defending home areas.

(3) Secret Self-Defense Force. A clandestine VC organization which performs the same general function in Government of Vietnam (GVN) controlled areas. Their operations involve intelligence collection, as well as sabotage and propaganda activities."

Thus, many of those captured in South Vietnam are not protected by any type of agreement. Alexandre Casella estimates that 90% of the National Liberation Front personnel fall outside the provisions of the Geneva Conventions. Available figures concerning prisoners in South Vietnam indicate that well over half are political prisoners¹⁰ and that the conditions in which they exist are abominable. In this latter regard the U.S. is not only morally, but legally responsible, since under Art. 12 of the Geneva Convention, a power which transfers prisoners to another detaining power must satisfy itself of the "willingness and ability of such transferee Power to apply the convention." The United States has admitted a "residual" responsibility for prisoners it has turned over to South Vietnamese,¹¹ but this admission has little practical effect on the conditions in the prisons and interrogation centers, many of whose facilities and staffs were funded by United States aid.¹²

In summary then, while North Vietnam and the National Liberation Front have consistently and callously disregarded the Geneva Convention in dealing with the nearly 500 Americans they hold captive, and whereas all sides have practiced barbarities on POW's on the battlefield, the Saigon government, though generally treating those POW's subject to Red Cross inspection satisfactorily, has maintained a brutal system of interrogation and confinement for over 100,000 political prisoners, despite her accession to the Geneva Convention. In view of all this, one cannot deny the wisdom of the plea by the International Red Cross Committee's Vice-President Jacques Freymond, "Until such time as there is a section in the Convention covering a people's war, the essential thing is to avoid legal niceties and consider the spirit of the Conventions rather than their letter."¹³

PRISONER RELEASE IN RECENT CONFLICTS

While there have been instances of prisoner release or exchange in the midst of

hostilities during past wars, a survey of the conflicts in Korea, in Indochina from 1946 to 1954, and in Algeria indicates that the issue of prisoners of war was in all cases a prelude to or integral part of the final settlement rather than an isolated event of purely humanitarian motivation. In the Korean War, two years after the United States had offered to repatriate sick and wounded prisoners of war, and six months after the truce talks had been broken off in October of 1952, the North Koreans and Chinese agreed to exchange sick and wounded POW's. At the time, diplomatic observers viewed this limited exchange as a significant move towards a settlement. This proved to be the case, with the provisions governing a final truce and general prisoner exchange being signed just three months later on July 27, 1953.

The First Indochinese War, despite its long duration, was concluded before prisoners were exchanged. Article 21 of the *Agreement on the Cessation of Hostilities* provided for the release of all prisoners of war and civilian internees within 30 days of the effective cease-fire date. Over 65,000 French Union Forces and nearly 11,000 Vietnamese prisoners were freed.

The Algerian war lasted more than seven years, yet prisoners were released only after the *Provision of Cease Fire* was signed on March 19, 1962. The agreement called for a "broad amnesty for military and political prisoners on both sides." Paragraph J of Chapter I stipulated that the release of prisoners should occur "within a maximum period of 20 days from the cease fire."

PRISONER RELEASE: THE CURRENT SITUATION

Despite the length of the current war in Indochina, the exchange of prisoners has not advanced beyond the symbolic or propagandistic level. Of all U.S. prisoners held, the North Vietnamese and National Liberation Front have freed a total of only 9 while South Vietnam has returned a total of 362 sick and wounded POW's out of the total of 8,000 North Vietnamese she holds. The question of the release of all prisoners involving both military personnel and civilian detainees has not been seriously broached and appears so closely related to the causes of the current conflict that, as was the case in both Vietnam and Algeria, the outlines of a final military and political settlement must precede a general repatriation. The conflict in Vietnam is above all a struggle for political legitimacy and the actions of all sides are governed by their interests in the eventual outcome. Consequently, the policies each party has adopted regarding prisoners of war mirror their ultimate military and political objectives.

South Vietnam has periodically released sick and wounded North Vietnamese and has offered, along with the U.S., the 8,000 North Vietnamese she holds in exchange for allied prisoners. Political prisoners, who constitute the vast majority of those held as a result of the war, are considered "criminals" and thus, an internal affair not subject to negotiation.

The North Vietnamese have consistently refused to discuss the release of prisoners apart from a final settlement of the war, in spite of the damaging publicity engendered by North Vietnamese intransigence regarding immediate prisoner exchange. Concern about the welfare of American prisoners in North Vietnam remains a powerful emotional factor in the United States, and since North Vietnam is convinced that at the very least the U.S. military wishes to remain technologically involved throughout Indochina, Hanoi intends to utilize the remaining emotional incentive they have on the American public to promote the end of all United States intervention in Vietnam. To this end, North Vietnam has consistently stated that she will discuss immediately the release of all prisoners

whenever the United States sets a reasonable date for the total withdrawal of all U.S. troops.

The National Liberation Front has supported North Vietnam in its call for a withdrawal date as the prerequisite for discussing prisoner exchange. In its eight point peace proposal of September 17, 1970, the NLF declared its willingness to discuss "the question of releasing captured militarymen", if the United States withdrew by June 31, 1971. Though a "reasonable" date has been substituted for June 31 in subsequent statements, the principle of total U.S. withdrawal remains the basis for considering prisoner release.

The United States' position at this point regarding prisoners of war is to combine appeals to the North Vietnamese, the pressure of international opinion, and the threat of an indefinite U.S. presence in Vietnam in order to secure the release of Americans. But this strategy offers little chance of success, based on the experience of similar past conflicts or the nature of present hostilities. For, while the Korean War was terminated in a stalemate, the cessation of hostilities and repatriation of prisoners in both Indochina and Algeria was the result not of a negotiated exchange in the midst of conflict, but rather the defeat of France as a colonial power. Thus in 1954, France was compelled to release not only prisoners of war but also "civilian detainees", defined in Art. 21 of the *Agreement on the Cessation of Hostilities in Vietnam* as "all persons who, having in any way contributed to the political or armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities." Similarly, in 1962, France was forced to free not only military personnel, but also to proclaim a "broad amnesty for political and military prisoners on both sides." In addition, the National Liberation Front of Algeria was recognized as a "legal political formation."

The similarity in definition among the "civilian internees" of 1954, the "political prisoners" of 1962, and the "civil internees" as currently defined by the U.S. Military Assistance Command is obvious. The parallels of the Viet-Minh and National Liberation Front of Algeria to the National Liberation Front of South Vietnam are equally apparent. But where the cessation of hostilities in Algeria and Vietnam signalled the resolution of both the military and political aspects of those conflicts, no such progress is currently evident regarding Vietnam. The distance yet to be covered in reaching a negotiated settlement in Indochina is indicated by President Nixon's condition that American troops remain in Vietnam not only until American POW's are released but also until South Vietnam possesses a "reasonable chance of survival." To expect the return of interned Americans in these circumstances is to ignore both past experience and the dynamics of the current conflict. President Nixon's dual objectives of the maintenance of the present Saigon government and the release of American POW's are, in fact, mutually exclusive alternatives.

Opinion polls indicate that the American public has already made its choice by overwhelmingly rejecting the war. 71% of Americans interviewed support the withdrawal of all Americans from Indochina by the end of this year. By so doing, the United States would not only end the slaughter of both Asians and Americans, but would also provide the best basis for the rapid repatriation of all our prisoners of war.

FOOTNOTES

¹ Geneva Convention, Art. II, International Committee of the Red Cross, Geneva, 1950.

² Legislative Reference Service Publication 70-104F, *American POW's in S.E. Asia*, Jean B. Patitucci, p. 2.

² By this reasoning, North Vietnamese and NLF soldiers captured after killing civilians in mortar and rocket attacks could be similarly charged. Since war makes legal what in peace time is illegal, Art. 85 extends the benefits of the Convention to all "Prisoners of War prosecuted under the laws of the Detaining power for act committed prior to capture . . . even if convicted . . ."

³ The last few years have seen the expansion of the war into both Cambodia and Laos. The governments of Laos (1956) and Cambodia (1958) were signatories of the Geneva Convention. The insurgent movements in both countries have issued assurances of humane treatment of the prisoners they hold.

⁴ *Department of State Bulletin*, October 12, 1970.

⁵ Testimony of Vietnam Veterans. *Congressional Record*, April 6, 1971, p. 9947-10013; April 7, 1971, p. 10022-10055.

⁶ "The prisoner-of-war camps have been described by most observers who have visited them as fairly well run. For instance, late last year, a Red Cross official commented to a reporter, concerning the POW camps, that the Saigon government 'respects most of the aspects of the Geneva Convention.'" *Christian Science Monitor*, November 2, 1970. The same article notes, however:

"The International Committee of the Red Cross, has submitted several reports critical of conditions in South Vietnam's largest prisoner-of-war camp.

"According to informed sources, Red Cross representatives have recorded numerous complaints from prisoners at the camp on Phu Quoc Island, charging prison guards with brutality and protesting inadequate housing, medical facilities, and food."

The basic problem remains the limited definitions of prisoner of war under the Geneva Convention. As Marcel Naville, President of the International Committee of the Red Cross, observed in a speech before the Congress of the International Pharmacy Federation, Geneva, August 31, 1970:

"In the conflict that is rending the Indochinese peninsula, our delegates try unceasingly to bring their assistance to the prisoners of war, to verify that they get humane treatment, to secure from the detaining authorities the list of their captives, so that the latter may be put in touch with their families. It is deeply regrettable that South Vietnam authorizes only a small part of its detainees to have the status of prisoners of war and authorizes only with many restrictions the visits of the Red Cross delegates to the great mass of other detainees. It is likewise deplorable that North Vietnam refuses all intervention of the ICRC with the prisoners it has and does not even consent to give out a list of their names. From the moment, from one side or the other, one gives a restrictive interpretation to the clauses of the international agreements, the task of the ICRC becomes more difficult but all the more necessary."

⁷ There are at least 100,000 political prisoners in the jails of South Vietnam today. Since Vietnam is a country less than 1/10 the size of the U.S., this is the equivalent of our having more than 1 million American political prisoners in jail. The care for these people is tragically bad. I have seen paralyzed prisoners who had been shackled for months. I have felt broken bones of people whose hands and ribs had been beaten. I have seen the evidence of slivers stuck under fingernails. Former prisoners have described in great detail to me: water torture, the use of electrodes on sensitive parts of the body, and many other kinds of torture.

"Just before I left Vietnam, I visited a joint American-Vietnamese interrogation center for POWs. After that visit, I had a chance to talk with one of the American interrogators there, who described to me the

conditions within the cells, and also how the interrogations are carried out. The cells are about 4½ feet wide, and about 9 feet long. The prisoner goes three weeks without leaving the cell. One of the major complaints of the POWs is the lack of water. "Sometimes the POWs beg me for water," the American interrogator said. The system of interrogation was described by the American interrogators as a "good guy/bad guy" kind of interrogation. What happens, he said, is that when POWs come to us, we give them cigarettes, water and are as kind as we can be. However, after a period of time, if they don't talk, we tell them that we will send them back to the ARVN interrogators. He claimed that every POW that he had interrogated had been tortured at least once by Vietnamese interrogators, and that the threat of sending them back to the Vietnamese interrogators was very effective in getting information. The Geneva Convention on the treatment of POWs states that all POWs be given adequate exercise, water, and, of course, torture of POWs is strictly forbidden. It states that prisoners shall not be mistreated in any way. This interrogation center is jointly run by Americans and Vietnamese. The Americans are fully aware that the POWs are not getting adequate food, water, and exercise. We are taking advantage of the fact that Vietnamese have tortured many of the prisoners in the field previously. We know this is going on, we condone it, then ask the North Vietnamese to treat our prisoners according to the Geneva Convention. I believe that we must be above reproach in our own treatment of North Vietnamese and NLF POWs, so that we can discuss the fate of our own prisoners from a good position."

Testimony of Don Luce, before the Senate Foreign Relations Committee, May 13, 1971. Don Luce has lived almost continuously in Vietnam since 1958. He is past Director of International Voluntary Services, Vietnam and has recently been working on a post-war reconstruction plan for the World Council of Churches.

⁸ Military Assistance Command, Vietnam; Directive 381-46.

⁹ Around 100,000 South Vietnamese are held by the government for political offenses. 30,000 additional persons are held as prisoners of war.

¹⁰ *New York Times*, December 15, 1970.

¹¹ What I want to raise before the committee is that the U.S. is building new "isolation" cells, to replace those "tiger cages." One of the reasons for doing this, as stated by Mr. Robert McCloskey, of the U.S. State Department, on February 22, was because of "continuing difficulties with the most recalcitrant prisoners" who would not build their own isolation cell compound, as self-help projects. These new isolation cells are costing \$400,000 U.S. dollars. In his briefing on February 22, Mr. McCloskey said that there were "funds made available by the Government of South Vietnam for U.S. uses." However, the letter of agreement between the Department of the Navy, Officer in Charge of Construction, and the General Manager of RMK-BRJ who is carrying out the construction, was very explicit that these funds were U.S. funds coming from MACCORDS. I will give the Committee a copy of the MACCORDS letter for the record.

I am raising this example because I believe it contains many of the worst elements in our aid program. I don't believe the U.S. should be building prisons for political prisoners anywhere. It is an example of how often our government has misrepresented what it is doing abroad. I believe that the building of these isolation cells for prisoners on Con Son is criminal in itself, especially when we were already fully aware of how prison officials there had used the "tiger cages" left there by the French.

American aid to encourage repression has increased greatly in the last year. In 1970, the U.S. spent 20.9 million dollars on the public safety program. In 1971 it has budgeted 30 million for public safety. And while we have increased our aid to the police by 50%, our aid to education dropped from 6.1 million in 1970 to a budget of 4.5 million in 1971.

The Director of AID, Mr. John R. Mossler, described the public safety program in the 1970 report to the Ambassador. He wrote, in part, "During 1970 the police continued to improve their capability in traditional police functions. Their timely and positive action effectively contained civil disturbances involving the war veterans, students, and religious groups, thereby preventing the spread of violence."

Testimony of Don Luce, before the Senate Foreign Relations Committee, May 13, 1971.

¹² *Le Monde*, July 15, 1970.

[From The Evening Star, May 18, 1971]

OUTLOOK IS BLEAK FOR U.S. PRISONERS OF WAR (By Crosby S. Noyles)

A White House study of everything that has been said on the subject by the North Vietnamese and Viet Cong leaders leads to the conclusion that the Communists do not intend to release American prisoners until the war in Vietnam has ended.

The study was prompted by growing speculation in the press and in Congress that the prisoners release might be obtained by setting a deadline for the complete withdrawal of American forces from Vietnam. This speculation, in turn, has been based on a number of ambiguous statements by various Communist spokesmen, as reported in the press.

Reviewing all the pertinent declarations made since the National Liberation Front's 10-point proposals of May 8, 1969, the White House experts conclude that "more than a troop withdrawal deadline is required in order to free the prisoners of war."

"While the Communists are ready to 'discuss' if the United States sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will actually be freed," the study declares.

"This would involve not only a deadline, but also the establishment of a 'provisional coalition government' (in Saigon) and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communist side can be expected to extract the highest possible price for a prisoner release."

The study was made before Hanoi agreed to the repatriation of 570 North Vietnamese war prisoners held in the South. How this exchange may affect the situation remains to be seen.

The White House concedes certain grounds for confusion on the matter of prisoners. There was, for example, an article by the chief Viet Cong delegate, Nguyen Thi Binh, which appeared in *Le Monde* April 15. In it, Mme. Binh claimed that President Nixon had "only to fix a reasonable deadline for the total withdrawal for GIs and American prisoners to be rapidly and safely returned."

However, the study points out, at a meeting of the peace conference the same day as the article appeared, Mme. Binh took a quite different line.

"In order to settle the question of captured military personnel," she said, "it is necessary to settle the problem of the repatriation of American troops. As long as the war goes on, not only will the question of captured military personnel not be able to be settled, but also the list of captured will only grow longer indefinitely."

More confusion was caused by the remarks of North Vietnam's spokesman, Nguyen Thanh Le, at a Paris tea party April 21. What came through in most reports was that

"there would be no problem" about the rapid repatriation of American prisoners once a withdrawal deadline had been set. What Le actually said, according to the White House transcript:

"I would like to add that with regard to the question of American prisoners of war, I think that if the United States puts forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe . . . that . . . there will be no difficulties just as . . . towards the French in the past."

The administration's analysts are not encouraged by the frequent reference to the release of French prisoners in 1954. They point out that no discussion of prisoners took place until a basic agreement on ending the war and a cease-fire had been settled in Geneva. In their view, "This appears to be an additional indication that the Communists do not intend to release American prisoners until the war has ended."

The study and the conclusion drawn from it are aimed, presumably, at relieving the growing pressure on the administration to set a deadline for troop withdrawal. The record as set forth tends to support the President's contention that setting a date would not result in a release of the prisoners. However, the conclusion that no release can be expected until the end of the war is hard to square with other facets of Nixon's policy.

In his April 29 news conference, for instance, the President strongly insisted that the war could not end, or all the troops be withdrawn, until the prisoners were released. A residual American force would remain in Vietnam, he said, as long as the prisoners are held, "no matter how long it takes." Any other course, he argued, would "destroy . . . our bargaining position with regard to the POWs."

There seems to be a certain confusion here in presidential logic. But however it may work out, the prospects for the American war prisoners, by the reckoning of the administration, still must be rated as exceedingly grim.

[From the Boston Globe, Dec. 31, 1970]

FALSE HOPES ON POWS

One gets the feeling that the pot is calling the kettle black in the prisoner of war controversy. And the pity of it is that it solves nothing. It merely raises false hopes in the hearts of prisoners' families and, quite possibly, in the hearts of the prisoners themselves.

The Administration's continuing agitation of the issue appears to be no more than an effort to damp down criticism that the fruitless raid on the prisoner of war camp at Son Tay was ill-conceived and based on faulty intelligence. The fact is that the Administration, for whatever reason, has escalated the whole POW question beyond reality's realm.

This is not going to free the US prisoners of war anymore than did the Son Tay raid. The way to free the prisoners is to end the war. Increased bombing will not free them. Nor will an outpouring of letters to Hanoi, nor will appeals to world opinion (which is not on the American side anyhow), nor will the contention that Hanoi is violating the Geneva Convention on the treatment of prisoners.

None of this is to "take Hanoi's side." It is merely to insist that if we are ever going to get out of Vietnam we shall have to quit fooling ourselves—or letting ourselves be fooled. Washington's insistence that Hanoi is in violation of Geneva, for instance, has to be weighed against the fact that we are, too. In a letter to both President Nixon and United Nations Secretary General Thant, 48 Americans in South Vietnam have documented the complaint, long since reported by US newsmen, that we are violating the convention not only in the treatment of

prisoners but also in the destruction of food crops, the devastation of about one-fifth of South Vietnam's forest land and murderous assaults on civilians. Scientists have confirmed the same thing at their Chicago convention.

Certainly all Americans, and especially the prisoners' families, would rest better were Hanoi to prove sufficiently humanitarian to permit Red Cross inspection of the prisoner camps, as it should. But this eventually is brought no closer by Washington's repeated denigration of every last move Hanoi makes to allay suspicion that ill treatment is the prisoners' steady diet.

President Nixon insists the TV interview with war prisoners "shows a barbaric and inhumane attitude." Defense Secretary Laird downgrades Hanoi's list of prisoners as incomplete. Secretary of State Rogers asserts that Hanoi's release of the top prisoner list "is a contemptible maneuver." Yet, Brig. Gen. Daniel James Jr. says both the telecast and the release of the prisoner list shows how effectively the Administration's campaign for humane treatment of prisoners is working. The Administration cannot have it both ways.

What President Nixon has in mind in the prisoner of war issue is not clear, but it may be that Sen. Eugene McCarthy (D-Minn.) is not far from the truth of it:

"He (Mr. Nixon) has almost created the impression that the reason we are fighting in South Vietnam is because there are prisoners of war in North Vietnam. It is as though these men were the cause of the war rather than a consequence of it. . . . You don't have to be a great strategist to assume that, if the war is prolonged, the possibility of getting back the prisoners also is delayed. . . . We say we are going to get the prisoners out by doing the very thing that got them in."

[From the Washington Post, Mar. 23, 1971]

CONCERN FOR THE POWS

No single gesture could earn North Vietnam and its allies as much good will and respect in the United States as a decision to implement fully the provisions of the Geneva Convention in respect both to American military men held prisoner and to other Americans listed as missing in Indochina. Nearly 1,600 Americans are in these two categories—next Friday will mark the seventh anniversary of the capture of the first American still being held—and their plight and the suffering of their families constitute a great national sadness. It would be a truly civilized act for Hanoi to honor the Geneva provisions for identification, inspections, correspondence, and the release of the seriously sick and wounded. All Geneva violations are, of course, inexcusable but the other side's refusal to identify formally all the prisoners it holds is especially terrible, since it inflicts gratuitous anguish upon the families back home. In all, there is a good reason for every American to support this "Week of Concern" as it has been designated by the President.

Efforts to affect the other side's performance on POWs and MIAs, however, should not be allowed to obscure the possible further contributions to their welfare that might be made by their own government. For instance, President Nixon is asking North Vietnam to honor the Geneva Convention, and to negotiate a pre-settlement prisoner exchange, even while he continues to bomb the North on an occasional basis and threatens to bomb more severely. He asks Hanoi for more information on POWs, while characterizing Hanoi's attitude on the question as "barbaric" and while leaving unamended his Secretary of State's characterization of the provision of a POW list by Hanoi last year as "contemptible." He seeks inspection of POW camps, while publicly retaining the option—claimed after the abortive Sontay

raid in November—to conduct raids on other camps where Americans might be held. If Mr. Nixon feels that larger political purposes prevent him from halting the bombing of North Vietnam, then could he not consider—for the sake of the POWs—softening his rhetoric on the issue and forswearing any more "Sontays"?

In his "Week of Concern" proclamation, Mr. Nixon remarked on North Vietnam's "adamant refusal to consider negotiation regarding the release of prisoners." This formulation is consistent with his own policy, which is to classify the POW issue as a humanitarian one separate from politics, but it is not consistent with the facts. For Hanoi and the Vietcong have offered to negotiate the release of prisoners. The catch is, they have set as a condition that the United States first set a date for withdrawal from South Vietnam. This condition Mr. Nixon has refused to accept. Whether he will alter his policy when American troop levels are reduced even further next year is a question which is bound to interest all Americans who give first priority to the prisoners and the missing. In the meantime, the alternative which Mr. Nixon has suggested to the American people—heartfelt prayer—has much to commend it.

[From the Washington Post, Feb. 12, 1971]

"I WAS BITTER INSIDE"—NIXON'S POW POLICY
CONTESTED BY WIVES

(By Stephen S. Rosenfeld)

The wives of five POWs who worshipped at the White House last Sunday and the President told them, "This is one thing we can't deviate on. As long as we have prisoners there, we'll have men there." Obviously, Mr. Nixon was trying to assure doubting wives, and other worriers in the Pentagon and elsewhere, that in pursuing troop withdrawals he is not breaking faith with the 1500-odd Americans counted as prisoners or MIAs (missing in action) in the various parts of Indochina; not abandoning them.

At the same time, it is of human interest, and perhaps of political importance, that some POW wives now formulate the problem in a very different way from the President. They say, in effect: As long as we have men there, we'll have prisoners there. They conclude that the United States should withdraw all its forces from Vietnam, if only to bring their husbands home.

Many Americans might agree that Mr. Nixon should set a timetable and leave Vietnam—and not only to retrieve POWs. But the President insists he will consider complete withdrawal only "as part of a settlement." Sympathetic as he is to the suffering of prisoners and their families, he has nonetheless steadily rejected the Hanoi-Vietcong offer to open "discussions leading to release" of POWs as soon as the United States says when it will leave. Instead, he has termed the POW issue "humanitarian" and sought to avoid paying any political price for return of the men.

That his policy is now challenged openly by some POW wives and, according to them, questioned quietly by others, is a sobering index of the impact of the war. For it has been an American tradition that families of military men—certainly families of career men, who are numerous among the POWs—accept without public complaint or political argument the duty assigned the men. In this case, the duty assigned to hundreds of Americans is to sit in captivity and thereby to project Mr. Nixon's determination to get the kind of political settlement he wants in South Vietnam. It is not so surprising, considering the internal divisions on the war and the hardships imposed on the POWs wives, that some of them no longer go along.

The particular vehicle which has carried them into the political arena is the "proportional repatriation" proposal launched by

Representatives Leggett and Riegle. They would have the United States set a withdrawal date and negotiate a step-by-step agreement: total withdrawal for total prisoner release. Politically, the key divergence from official policy is that this proposal does not demand—as a quid pro quo for withdrawal—that the other side accept a South Vietnamese political arrangement approved by the United States. Humanly, the key divergence is that it offers hope for the return of the prisoners.

Mrs. James Mulligan of Virginia Beach, whose Navy pilot husband was shot down five years ago and she has six sons, appeared with six other wives to endorse "proportional repatriation" when it was unveiled here last month. Later she stirred the National League of Families of American Prisoners and Missing in Southeast Asia into circulating the proposal to its members.

(The League is currently polling its members on political questions for the first time, its board chairman, Carol North of Wellfleet, Mass, reported this week. She said that the group's need to stay non-political to protect its tax-exempt status, and its further need to maintain unity—"we reflect the divisions in the country"—had kept it from pronouncing on political questions.)

Mrs. Mulligan, speaking in a telephone interview, explained her own new political activity this way: "This conflict has been political since the Tonkin Gulf resolution. It's a war run by politicians, not military men. President Nixon is trying to justify the loss of 44,000 lives. I wish him well but I doubt he can do it. The American soldier is not receiving from his government the loyalty he gives to his government. I don't feel the Leggett proposal is the answer but it's a vehicle to show the administration and Congress how mistaken is the view that the families are in accord with the administration.

In December, 1969, said Mrs. Mulligan, she went with a wives' group to the White House: "I faced the President. I told him my husband had been interned four-five years. 'You must do something,' I said. I was shocked to find myself asking my government for help. I don't want to be used any more: not by Hanoi, not by the liaison committee (the anti-war group Hanoi has used as a mail funnel), not by my own government. We live in a very political country, and that is what I am going to do."

Mrs. James McDaniel of Greensboro, N.C., wife of an Air Force navigator shot down in 1966 and mother of two, also endorsed "proportional repatriation." She said, "I don't see what the President is doing. I want him to come out and tell me. Does he think those men are expendable? If he's playing politics and waiting until '72, then I'm really fed up.

"You say you're not going into politics. We tried to separate politics from humanitarianism. We said 'write Hanoi, write Hanoi'—it's helped make people more aware. But Hanoi owes them nothing, only not to be cruel to them. Our government has the responsibility, and we've got to put pressure on it. I'm not superhuman. My husband's not superhuman. I kept quiet so long, I was bitter inside."

How many of the wives these women speak for won't be known until the League completes its survey. But they are not the only group which wants the President to set a withdrawal timetable. The Gallup poll reported last week it has asked its national sample if it would support a congressional proposal to bring home all U.S. troops by the end of 1971, and 73 per cent—up from 55 per cent last September—said yes.

EXCERPTS FROM THE NATION, MARCH 15, 1971

Up to now, the wives and mothers have shown extraordinary patience, but that patience is about exhausted. A year ago, Mrs.

Virginia R. Warner of Ypsilanti purchased a billboard in nearby Ann Arbor to plead that persons write to Hanoi and urge the release of the prisoners. Since then her views have changed. "When I see how we have been used to gain support for the war, I wish I had never put up that billboard or urged anyone to write to Hanoi. I would like to put up a new billboard now—one which reads: 'President Nixon, end the war so the prisoners can come home'" (Detroit Free Press, January 28, 1971). Mrs. Jane Dudley, of Hawaii, whose son is a prisoner, feels that the constant political bickering over the treatment and fate of the prisoners simply obscures the true danger. "Really," she is quoted as saying in the Honolulu Advertiser (December 24), "my biggest worry is that the United States will kill them [the prisoners] off with the continued bombing. I think we're becoming a military nation. You either go out and kill or you have to get out of the country. I'm also very worried about the way Nixon decides these things all by himself. People won't take a look at how we got in there and why we stay." Mrs. James Mulligan, whose Navy pilot husband was shot down five years ago, explained her new political activity to *The Washington Post* (February 12) in a telephone interview: "This conflict has been political since the Tonkin Gulf resolution. It's a war run by politicians, not military men. President Nixon is trying to justify the loss of 44,000 lives. I wish him well, but I doubt he can do it. The American soldier is not receiving from his government the loyalty he gives to his government. I don't feel the Leggett proposal is the answer, but it's a vehicle to show the Administration and the Congress how mistaken is the view that the families are in accord with the Administration." If this trend continues, a new and potent political force will have been added to those that now insist that the war be brought to a speedy termination.

POPULATION COMMISSION HEARINGS

Mr. PACKWOOD. Mr. President, the Commission on Population Growth and the American Future, on which I am privileged to serve, last month began a series of field hearings to hear testimony from witnesses around the country. The first hearing was held here in Washington, D.C., and I subsequently inserted into the CONGRESSIONAL RECORD several of the statements which were presented to the Commission, so that those not present could have the benefit of the views heard during the hearings.

The Commission held its second public hearing on May 3 and 4 in Los Angeles, Calif., and again much excellent testimony was presented. Although it is not possible to have all the statements printed here, I would like to ask unanimous consent to have printed at this point in the RECORD two very thoughtful commentaries on this Nation's population situation. First is the statement of Johnson C. Montgomery, former member of the Stanford Law School Faculty and now associated with Zero Population Growth. The second is from Dr. Kingsley Davis, professor of sociology at the University of California at Berkeley, and chairman of the Panel on Population Growth and Distribution of the Science and Technology Advisory Council to the California State Assembly.

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

CALIFORNIA: PART OF A NATIONAL AND GLOBAL POPULATION CRISIS

(By Johnson C. Montgomery)

The population problem is unique to our age. For most of man's history, his problem was to increase his population size. When small human populations were struggling merely to survive, genetic and cultural evolution selectively favored groups and individuals who had high reproductive rates. Now man is evidently faced with a new problem: too many people for the life support systems of the planet permanently to maintain. The seriousness of the problem is still unrecognized in many parts of the world; and the US government has not taken effective action to stop overpopulation.

Some of the effects of overpopulation are generally recognized. Overpopulation causes wars—such as the soccer war in Central America or impending war in the Middle East. Malnutrition, starvation and the possibility of world-wide famine are generally recognized to be population related phenomena. Some less widely recognized effects of overpopulation are (1) the increasing probability of world wide pestilence encouraged by dense populations and rapid transportation; (2) environmental pollution of staggering proportions; (3) antisocial behavior such as increasing crime, riots and racial strife; and (4) increasing per capita economic costs of servicing increasing large populations—the so-called diseconomies of scale.

In passing, may I point out that California clearly demonstrates the reality of diseconomies of scale. In California, the larger the city, the higher the per capita cost of public works, police and fire protection and virtually all other public costs. The cost of police protection varies from \$13.30 per person in California cities of 75,000 to \$22.39 per person in Los Angeles—our largest city. And there is convincing evidence that the quality of service decreases as population size and per capita cost increase.

To a large extent, California's present problems with crime, welfare, urban decay, pollution and high taxes are the result of population pressures created by excessive human reproduction in other parts of the United States. Just as the California problem is intimately involved in the US problem as a whole, so too, the US population problem is inseparable from the global population crisis.

We in the United States have about 6% of the world's population, yet we consume between one third and one half of the world's non-renewable resources. Unless we choose to become a forthrightly Imperialistic nation, we will not long be permitted to enjoy our favored position. We will find ourselves in short supply of many vital resources. The optimum population for the United States, for California, or for the world, depends upon value judgments. The number of people we can support increases as each individual decides to accept less comfort, privacy and environmental amenity. Few are willing to accept less. Most want more. Yet merely to retain existing amenities depends ultimately upon having fewer people to support. Thus, consistent with American values as they appear to be referred to in the mandate to this Commission, we must face the fact that we cannot continue our present population growth patterns.

Many who concede the existence of the population-resources-environment crisis insist that its solution lies in less drastic measures than governmental limitation on reproduction. Thus voluntary family planning has been suggested as a solution to our domestic population problem. Yet the United States population will double before the end of the next century, even without the birth of a single unwanted child and will reach 300 million by 2045 if each living woman gives birth to only one female child who survives to reproductive age. The simple fact is that

people want too many children. That simple fact which helped man to survive in the past, may spell his demise in the future. 65% of highly educated people in a recent study at Cornell stated they wanted three or more children, and a recent Gallup Poll showed that 23% of the American public believe that 4 or more children is the ideal family size. Voluntary family planning, it is submitted, even for the US, is tantamount to treating a severed jugular vein with a bandaid. The odds are very great that it will not work.

I am an attorney and I would like to concentrate today on certain special parts of the problem that are intimately related to laws and social policy.

First, *is there a fundamental human right to have children?* There is no such right specifically spelled out in the United States law, although some form of such right may be read into the *Meyer* and *Griswold* cases. The *Griswold* case also suggests, however, that the right to have children and be free of compulsory sterilization might fall in the face of a compelling, subordinating state interest—such as, for example? The Population Explosion? Under international law, by which we are to some extent bound, there is a specific right to found a family, but the right does not create a license to overproduce.

The United Nations Universal Declaration of Human Rights, provides: Men and women of full age, without limitation due to race, nationality, or religion, have the right . . . to found a family.

The words "without limitation due to race, nationality or religion" were added to the preliminary drafts of Article 16 and can be construed to mean that the right to found a family is protected only against limitations which are based on race, nationality or religion. Thus a non-discriminatory compulsory limitation based on the population explosion would be in harmony with Article 16. The right to found a family includes at least some right to have children. Article 4 of the 1969 UN Declaration on Social Progress and Development states that "parents have the exclusive right to determine freely and responsibly the number and spacing of their children." It may be that the exclusive right applies only to choices not to have children; but in any event, the right by its terms is limited to responsible choices, leaving governments power to control irresponsible reproduction.

Although the right to raise a family has been discussed as if it were a single, unitary right, it in fact involves a number of distinguishable rights. There is the right to have a child. For a couple there may be a right to have a child each. There may be some right for a couple to reproduce itself with a boy and a girl. At one time there may have been a "right" to have as many children as desired. However, denial of rights to everyone else, we must carefully distinguish between the right to replace oneself and the highly questionable right to claim, through excessive reproduction, more than a fair and equal share of the world's resources.

Second, *does a fertilized egg or a fetus have a right to be borne?* Since existing methods of contraception are subject to failure, any effective birth control program today must to some extent rely on abortion. It is generally accepted that a "human being" has a right to life. It is often stated that human life begins at conception. The statement rests on a fundamental error. Human life does not begin at conception or at any other specific time, now or in the future. Scientists, theologians and moralists agree on one point at least: human life does not begin. It began. Since the moment in the past when human life began, every subsequent human cell has been merely a continuation of that original human life. The ovum or sperm is merely a continuation of the adult; the embryo a continuation of the sperm and egg; the fetus a continuation of the embryo and so forth,

through infancy, childhood, adulthood and finally to old age. In all societies the law has given different rights and duties to different stages of human life. The child is not an adult, nor is the fetus a child. The real question is: at what stage and for what purpose do we wish to protect the ever changing accumulations of human cells?

A number of jurisdictions have held that a quickened, viable fetus is a person within the meaning of wrongful death statutes. Other jurisdictions have held that the unborn, fully developed and viable fetus capable of living apart from its mother is not a person such that it has a right of action for personal injuries. For purposes of the 14th Amendment, the definition of "person" seems to exclude protection to a fetus until it is live born, has its being and is living independently of its mother. Thus abortion is Constitutional in the U.S., but infanticide clearly is not.

Cases sustaining the power of government to outlaw abortions have interpreted the anti-abortion statutes not as attempts to protect the life of the fetus, but rather as attempts to safeguard the pregnant woman against what used to be a very dangerous abortion—a right not to be forced to undergo compulsory pregnancy.

The killing of a fetus in utero was not, at common law, murder.

There are sound, pragmatic reasons why live birth is the moment in time at which developing human cells should be entitled to protection. Unlike the moment of fertilization or quickening, the moment of birth is a relatively precise, objectively identifiable event. It is the point in time from which almost all other legal consequences are dated. Furthermore, the population explosion is itself a most compelling reason why a right to live should not at this time in history be created for the developing fetus.

Third, *does the Federal Government have power directly to control reproduction.* Under Article I, Section 8 of the Constitution, Congress has power to provide for the general welfare by spending for purposes promoting national, as distinguished from merely local, welfare. Since the population problem is clearly a national and global problem, Congress quite clearly has power to enact legislation to subsidize population related research and development; to pay for family planning, contraception, abortion and sterilization. It may have power to change tax laws to provide incentives for the exercise of reproductive responsibility; and even to pay direct subsidies, on an equal basis, to women not giving birth to children. Also pursuant to Section 8, Congress has power to regulate interstate commerce. Commerce is the process through which the production, distribution and consumption of goods and services occurs. Since national population size and distribution directly affects the total flow of goods and services, population composition is a proper subject for federal regulation. Birth occurs in only one state, but wholly intrastate activities may be federally regulated if they have an impact on commerce beyond the state's boundaries. Since Congress clearly can regulate local production and consumption having an effect on interstate commerce, there should be no bar to regulation of reproduction. People, after all, are the ultimate producers, distributors and consumers. In addition to Welfare and Commerce Clause powers, the Congress may have very broad regulatory powers under Section 5 of the 14th Amendment. There is not time here to develop that point, but it may prove to be the solution to many of our national problems.

Fourth, *in the United States, what limits, if any, are there on the attempts the Federal or State governments might make to regulate population size?* There are three primary constitutional problems—due process, equal protection and church and state.

Due process involves balancing the interests of the individual against the needs of the state. Although there are those who do not agree that the population explosion is a compelling, subordinating interest such that the needs of the state outweigh the interests of the individual, the weight of informed scientific authority compels the conclusion that the population problem is indeed critical. A continued population explosion will clearly tip the balance in the direction of the compelling, subordinating state interest which would justify compulsory population control programs. This is one of the most persuasive reasons why everything possible must be done immediately to ameliorate the population problem. Those who would avoid compulsion tomorrow must make voluntarism work today.

Nor would the equal protection clause protect individual rights if population control programs were applied equally to all. Population control programs which tended to operate particularly upon certain portions of society might be barred. For example, educational programs which tend to influence some groups more than others could raise equal protection problems. The same is true of programs relying on economic incentives or disincentives. In assessing the applicability of the equal protection principle, the test should not be whether a particular measure tends to reduce birth rates more in some groups than in others. The test should be whether the measure tends to equalize rates among groups. Thus there should be no equal protection problem merely because high-birth-rate groups are required to lower their reproduction to the same level required of low-birth-rate groups. Elimination of existing abuses of the right responsibly to reproduce ought not to be considered a denial of equal protection. Thus a simple law limiting each woman to two children, although it might not be adequate to solve the population problem, would be unlikely to encounter serious constitutional impediments.

It seems reasonably clear that the separation of church and state poses no bar to population control measures. The Mormons argued, unsuccessfully, that their religion required that they be permitted to have more than one wife. Considering the threat posed by overpopulation, religious convictions would probably not pose a bar to compulsory programs.

In conclusion, it is becoming increasingly clear that excessive population pressures in the United States, strikingly exemplified in California, are causing or exacerbating our most serious social problems. We must get on immediately with the business of persuading all our people voluntarily to curtail family size. If we are unsuccessful in this attempt—if we delay too long, individual freedom to choose family size will have to be curtailed. As a strong proponent of individual freedom who is deeply committed to most of the generally accepted social values of this nation, I can only caution you that the presently generally accepted view that a person has an absolute right to have as many children as he wants, must be changed—hopefully by voluntary action, but if not, then by compulsory governmental programs. Either that particular right must be curtailed or all other rights, our other values, our culture and perhaps our species itself will be curtailed—and perhaps eliminated.

STATEMENT OF DR. KINGSLEY DAVIS

INTRODUCTION

During the 1970 Session of the California Legislature, Speaker Bob Monagan appointed a Select Committee on Environmental Quality to conduct an overview of the state's environmental problems and to recommend appropriate legislative action. The Committee completed its charge and in March, 1970,

forwarded to the Speaker a comprehensive report which identified a number of major environmental problems and recommended a wide range of actions in response to them. The Committee's report emphasized the adverse effects of continued, uncontrolled population growth and distribution on the resource base and the quality of life in California. In order to obtain additional information on state population problems and to determine an appropriate role for the Legislature in this critical policy area, the Committee recommended that the Assembly Science and Technology Advisory Council "study and formulate recommendations regarding a state population policy for future legislative action."

In April, 1970, the Assembly Science Council formally established a Panel on Population Growth and Distribution to respond to the recommendation of the Assembly Select Committee. Dr. Kingsley Davis, a member of the Council and a demographer of international repute, was appointed Chairman of the Panel.

The Population Panel first consulted with a number of demographers, sociologists and others in California who have a special knowledge of population problems. The Panel quickly discovered that while a great deal of research was underway in academic and private research institutions within the state, these studies were almost entirely directed to national and foreign population problems and trends. There were surprising gaps in basic knowledge on state problems such as migration, fertility and the pressures of population on resources.

After reviewing the available background material, the Panel identified a number of subject areas where additional study and analysis were necessary in order to provide insights into state population problems and to suggest approaches to their solution. Population and environmental experts were asked to prepare research papers directed to topics which the Panel considered to be of high priority.

To focus attention on state population problems, and the need for additional research and information, the Science Council's Panel sponsored a Symposium on State Population Problems and Policy at the University of California, Davis, in early 1971. The symposium also served to elicit from the invited participants, all of whom were knowledgeable and interested in the subject of California's population, and evaluation of the research papers which the Panel had commissioned.

In developing the background material, conclusions and recommendations of this report, the Science Council's Panel on Population Growth and Distribution has drawn in large part on the research papers and the proceedings of the population symposium.

BACKGROUND

Why a State population policy?

Formulation of population policy is not a simple task. First, population policy is not an end in itself; it is meaningful only as a way of achieving explicit social, economic or environmental goals. California has no deliberate or officially accepted policy objectives relating to fundamental aspects of growth such as urban expansion, resource allocation or population dispersion. Secondly, in the United States, there are no precedents to guide state decision makers on population policy. As the interim report of the National Commission on Population Growth and the American Future points out, "Despite the pervasive impact of population growth on every facet of American life, the United States has never developed a deliberate policy on the subject." It is also true that major forces shaping statewide population growth and distribution—economic expansion, in-migration and family size—have not traditionally been the sub-

ject of direct intervention by state government.

A failure on the part of State government to take action constitutes, in itself, a population policy. It commits the state to accepting present growth trends as the basis for determining future requirements for public facilities and services. Further, because this course is not founded on any conscious attempt to measure the total costs of growth and to evaluate alternatives, the state is forced to react to crises as the problems of growth accelerate and become apparent. The acute situation in health care, welfare and education in California, while not entirely attributable to population growth, is certainly seriously worsened by a lack of specific population objectives.

If past population trends continue, California, in the year 1990, will have about 40 million residents—over 20% of the projected U.S. population. While most people doubt that this growth rate will be sustained, we have no explicit public policies or programs which would prevent it, nor do we have the information available to comprehend the implications of this growth. For example, what kinds and magnitudes of public costs are involved? How does the projected growth translate into education, health and welfare costs, new roads, housing and other public facilities? How will we dispose of the wastes generated by twice the number of our present population? How many new jobs will be required and how much new tax revenue will be generated? Most important of all, what kind of California will we have if this dismal prediction becomes reality? What will life be like in our cities—how much of our coastline will be undeveloped and accessible to the public; how crowded will our parks and wilderness areas be? We do not have the answers and, unfortunately, the questions are not being posed in these terms. Our planning has been simply a shaky accommodation to what seems inevitable and it promises only "more of the same."

It is important to recognize that population changes are not uncontrollable—they are the product of human decisions, and those decisions, like others, can be influenced by altering the circumstances and incentives that govern them. Moreover, state government, through its direct programs and actions plays a large role in influencing the magnitude and character of California's population growth. The delivery of water to Southern California through the construction of the massive State Water Project has profoundly shaped the growth of that region. California has also constructed the most extensive freeway-expressway system in the nation and has thus made possible the low density, suburban pattern of development which characterizes our metropolitan regions. In more subtle fashion, state income tax laws, marriage laws and other actions are "pro-natalist" in that they tend to support and subsidize larger families. There is, in addition, the persistent notion pervading state policy and programs that continued population growth and development is necessary to sustain economic stability and to ensure a continued source of revenue for governmental services. As the consequences of these policies are examined, it should be possible for state government to take positive action to consciously change present patterns which are judged to be undesirable in terms of long-term social and environmental goals. Hopefully, too, the state can have an influence on federal policies and actions which affect California's population.

Magnitude and character of California's population growth

Since 1860, California has experienced the fastest population growth of any state, and is now the most populous state in the nation. The present population of over 20 million constitutes almost 10% of the population of the continental United States. The vast majority of the state's growth is the

result of in-migration, and in terms of distance and movement of people, California has been the focal point for the greatest migration in human history.

At present, migration into the state appears to be on the wane. However, the absolute number of migrants entering and leaving annually appears to be extremely susceptible to short-term change and migration should certainly be considered as an important factor in assessing future population growth. For example, it was found that the percentage of foreign immigrants specifying California as their intended state of residence has increased from about 8 percent to over 20 percent, making California a close second to New York.

Despite apparent widespread use of improved methods of birth control, natural increase in California continues to rise, and will very probably contribute an additional 190,000 persons to the state's population in 1971. The state is particularly affected by the relatively high percentage of young women now entering child bearing age.

As mentioned earlier, California's population could well double in the next twenty years. If, as many argue, this is an extremely high projection, what is the lowest figure we might conceivably achieve? Zero Population Growth (ZPG) is currently the stated goal of a number of private population planning and conservation groups. This describes a condition in which the population simply replaces itself because births and deaths are in equilibrium. It is contended that ZPG should be accepted by government as an official goal, since only in this manner can we conserve vital natural resources and provide for all residents of the state and nation, a full range of opportunities and a healthful living environment. If California were to attempt to achieve this objective, what would be required and what are the likely results in terms of population growth by 1990?

Assuming that all migration into California could be stopped immediately, and that through a variety of means, simple replacement of population could be reached by 1985, the state, in 1990, would still have increased by 1.5 million people. Based upon present public policy, natural increase and a steady declining death rate, California is much more likely to reach the 40 million figure by 1990 than to achieve zero population growth.

There are other important characteristics of California's population which are equally, if not more, important than sheer numbers.

California is the most urban state in the nation with 90.9 percent of the state's population residing in urban areas. The extent of urbanization is even more pronounced since over eighty percent of the state's population is concentrated in two metropolitan—or "megalopolitan"—regions of the state: one centered in San Francisco and the other in Los Angeles. All evidence indicates that future population growth will continue to gravitate toward these areas.

Blacks and other non-whites account for an increasing proportion of central city population and future concentration of non-white population in California will very likely continue in this pattern. At the same time, employment decentralization will probably lead to further decline of the central cities, with fewer job opportunities and an increased commuting time for ethnic populations.

California has been no more successful than other states in dealing with the "urban crisis." The recent history of urbanization in the state has been characterized by the decline of rural areas, deterioration of central core areas and sprawling growth in suburban areas. Also it has been a period of crisis in race relations, alienation of youth, environmental pollution, proliferation of governmental units, high taxes, high spending and tremendous building and development activity. Because of California's ex-

traordinarily high rate of urbanization and population concentration, the environmental, economic and social conditions will continue to increase, and very likely, at accelerating rates.

A constellation of other problems revolves around patterns of consumption and the impact of population growth on California's resources and overall environmental quality.

In 1969, the personal income of Californians averaged 16 percent higher than that of the nation at large. This increased standard of living is associated with an exceptionally high level of consumption. Between 1950 and 1969, the number of registered motor vehicles rose from 4.6 to 11.6 million—an increase of 151 percent. During the same period, the rate of population growth was 82%. While our population is currently increasing at slightly over one percent, the volume of our solid wastes is growing at the rate of five percent annually, and our consumption of electric power at over seven percent.

It is obvious that the life style of Californians, and their demands for goods and services will continue to strain the resources of the state even if growth were drastically reduced. And as congestion becomes greater, a higher and higher proportion of income will have to be expended simply to avoid or mitigate the nuisances, poisons and excrescences of more and more people consuming more and more goods within the confines of the same space and basic resources.

California has peculiar characteristics which most advanced societies do not. It has very rapid population growth, which multiplies and exacerbates its problems beyond those normally being experienced in the most highly developed areas of the world. In summary, California has an underdeveloped rate of population growth and a highly developed economy. As a result, the problems that are turning up are those that no country or state has experienced before.

A PROGRAM FOR VETERANS

Mr. McINTYRE. Mr. President, at a time when we are devoting enormous effort to winding down the war in Southeast Asia, returning our POW's, building a defense for future peace, trying to strengthen our faltering economy, meeting the Nation's health, housing, education, senior citizens, crime and drug problems, I fear we may be paying too little—far too little—attention to a broad segment of our society who have a just and abiding claim on attention—our veterans.

I am deeply and very personally concerned that we seem to be forgetting our veterans, these men and women who have disrupted their lives, suffered economic setback, personal injury and great suffering to serve their Nation. We seem to be forgetting the wives, children, and families of those who have died in the service of their Nation.

Frankly, I was shocked, and I can think of no other word to properly express my views, when I found that this Congress was being presented by the administration a veterans program which:

Reduces veterans hospital care;

Offers little assistance to returning veterans in seeking jobs, education, and other things necessary to get restarted in civilian life;

Cuts vitally needed funds for the proper functioning of VA offices which are currently faced with an ever-increasing workload;

Fails to take into account many problems faced by veterans such as, for exam-

ple, a proper rehabilitation program for the many thousands of veterans who are being forced to return to civilian life bearing with them a drug habit they acquired while in service.

I am pleased that the Congress is concerned about doing more for veterans. I have been heartened by the number of bills introduced in both the House and the Senate designed to remedy the shortcomings in our veterans programs.

I have my program for veterans which I want to set forth.

HEALTH AND HOSPITAL CARE

At a time when the needs for hospital care of veterans is increasing, the administration has proposed funds which, although somewhat greater than last year, will, because of pay increases and the inflationary costs of medical care, mean a cut in veterans medical care. It has been estimated that these proposed funds will result in reducing the number of patients who can be cared for in VA hospitals by 6,000 to 7,000 per day.

There are approximately 170 VA hospitals. Only seven of these would have increases. The other 163 would have reductions, an average of more than 40 patients per hospital.

This reduction is equivalent to the closing of nearly ten 700-bed hospitals. If these reductions are continued year after year it will mean the closing of one-half of our VA hospitals in a very few years. We will arrive at the situation where many eligible veterans are unable to secure hospital care and those who are accepted will find the only space available is in a hospital far from their home, far from their wives and children, far from their families and loved ones.

These cuts, some at a time when the number of wounded in Southeast Asia continues great in number, and at a time when the veterans of World War II and Korea are reaching the age when they require increasing medical care.

We cannot stand idly by. I announce now that when the Senate considers the funds for the VA hospital program, I am going to introduce an amendment to bring the level of funding to a point where we can assure adequate and expert care for those who have faithfully served their Nation.

I announce further that I am going to support many provisions of bills such as H.R. 37, introduced by the chairman of the House Veterans' Affairs Committee, which are designed to improve veterans hospital care.

JOBS FOR VETERANS

The average unemployment in the Nation today is 6 percent—the average unemployment for Vietnam veterans is 12 percent—twice the national average. This is a most disturbing fact.

We have taken these men from their homes, from their families, from their friends and asked them to serve their Nation. Then when they return after service they find that they are without a job.

Mr. President, I ask at this point in my remarks to insert a recent editorial from the Daily Eagle of Claremont, N.H., which discusses this very problem with clarity and understanding.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

JOBS FOR VETERANS

What are the job prospects for returning veterans in 1971?

This question is asked—and answered—in an article by James K. Anderson in the current issue of the V.F.W. Magazine. With the permission of Donald G. Larson, editorial director, we're privileged to reprint excerpts from the magazine article as today's guest column on the topic of "Jobs for Veterans."

This is a major question, author Anderson writes, facing young men as they return to civilian life and one that the Nixon administration is going to be wrestling with for many months to come.

Out of the 27 million living veterans, almost 4,100,000 are from the Vietnam Era. This means that they are younger—their average age is 25.3, compared with 44.4 for all veterans—and many this year will be entering the job market for the first time.

Heightening the problem of veteran employment is the expected higher discharge rate in 1971, accompanying increased troop withdrawals from Vietnam.

In recent years, separations from the service have added approximately a million men a year to the nation's job force. The number of returning veterans has been increasing at a rate of 100,000 a year since 1965 . . .

SHORT-TERMERS

Of the more than a million veterans returning to their homes each year, at least 950,000 of them are short-termers with two to four years' service, 50,000 junior officers completing tours of duty, 65,000 career men with 20 or more years of service, and 120,000 members of minority groups.

Experience since 1964, the beginning of the Vietnam Era, has shown that a fourth of those being discharged will return to school, but the balance will seek work immediately—and not where they were employed when they went into service.

A factor enhancing the employability of recently discharged veterans is their military training. For instance, 80 per cent of the former enlisted men and 95 per cent of the ex-officers have acquired skills in the service that can be utilized in civilian work. These involve engineering, technical trades and administration . . .

Educationally and therefore jobwise the Vietnam veteran is in a somewhat more advantageous position than his World War II or Korean War counterpart.

Seventy per cent of the men who have served since Aug. 4, 1964, were high school graduates when they entered service, compared with 54 per cent of World War II veterans and 56 per cent of those serving at the time of the Korean War.

Further, the percentage of veterans from Vietnam with high school diplomas is increasing . . .

TRAINING PROGRAMS

Realization that better jobs and more education go hand in hand has sent 817,000 into VA training programs, as of last summer, for an increase of 35 per cent over a comparable period last year. . . . Nearly 60 per cent of the 817,000 are in colleges.

As the Nixon Administration noted, this year will be a difficult one for veterans who are coming home looking for work. Here's a direct Administration quote setting forth the situation as seen in Washington:

"This is a crucial period for the veteran, especially for those returning to areas of increasing competition for good jobs.

"With the present economic situation corresponding with the increase in the number of returning servicemen, we are witnessing a steady rise in unemployment among veterans, especially among younger enlisted men from the Vietnam Era.

"Many more find themselves under-utilized and under-employed."

Mr. McINTYRE. I am supporting a three-pronged program for jobs for veterans.

First, to provide better education for veterans who need such training to better secure employment. I will discuss this in more detail in that part of my program dealing with education for veterans.

Second, I am going to seek increased funds for VA offices to enable them to give the kind of assistance veterans need to receive their proper benefits and aid them in securing jobs. Although the budget for VA will provide 257 new personnel in VA offices, this increase in personnel falls far short of handling the increased workload existing in VA offices around the country.

Third, I am sponsoring legislation which is designed to give the same unemployment assistance for the new veterans of today that we gave to the veterans of World War II and Korea. This legislation, S. 1741, would extend to 52 weeks a veteran's entitlement to unemployment compensation and increase the weekly benefits from the current national average of \$52.15 to \$75.

During last year nearly 450,000 veterans filed unemployment compensation claims. This was a 40-percent increase over 1969. New claims are being filed at the rate of 40,000 a month at a time when the Department of Labor reports that placements of veterans are declining.

I have personally introduced legislation to help with veterans housing. This bill, S. 1213, would accomplish a double purpose. First, it would make up to \$5 billion of the national service life insurance fund for first mortgage loan guarantees to provide increased housing credit for veterans. In a tight money market the veterans need this housing assistance.

Second, my proposal would also benefit the national service life insurance fund by adding to it the income from the mortgage repayments. This would provide a higher yield to veterans who hold NSLI policies.

Another program I am sponsoring is legislation, S. 925, to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing. There are nearly 10,000 paraplegic, blind, and other seriously disabled veterans who have serious difficulty obtaining mortgage protection from commercial sources. This bill would make it possible for these most deserving veterans to obtain up to \$30,000 of mortgage protection. I am pleased to note that the House of Representatives has already acted on its version of this program. I hope Senate action will come soon.

EDUCATION FOR VETERANS

I am joining in the sponsorship of S. 740 which is designed primarily to assist low-income and educationally disadvantaged veterans in securing the education they need to compete in the increasingly technical and complex world in which we live today. This bill would also be of assistance to other collegiate veterans, especially those with families to support and other economic burdens to bear.

The most important feature of this bill is the authorization of advance pay-

ments of educational assistance allowances covering prepayment of fees and tuition, costs of books and supplies, and living expenses for the veteran and dependents during the early months of this school program.

Of course, in theory, under existing programs veterans entering school should receive these payments at beginning of the school year. But the request for funds come to the VA in large numbers at the beginning of each term. Despite the best efforts of the VA to handle the vast number of requests for funds, studies by the Congress and veterans organizations have shown that in the majority of cases it is weeks before the first payments are forthcoming. The veteran, without adequate capital often finds it impossible to enter school because he does not have the finances to tide himself over until the first VA check arrives.

This legislation would also provide assistance to veterans who are pursuing on a full-time basis a course of vocational rehabilitation. These would be paid by the Veterans' Administration to assist the VA in helping at the beginning of the school year to process the applications for educational assistance. These veterans could also be paid by the VA to perform other duties. This income could be of enormous assistance to these veterans who, in most cases, can well use this income supplement.

I am also exploring with great care the question of whether other educational assistance for veterans meets the needs of those returning from service today. We have steadily increased such assistance in recent years, but whether in face of inflation in our economy, higher tuition fees for colleges and universities and other economic problems facing veterans today is sufficient, is a matter which calls for continual study and possible action. I am prepared to act if the need becomes clear.

DRUGS AND VETERANS

All Americans are deeply alarmed by the reports of increasing use of drugs by those in military service. I have been impressed by some of the work being done by the military to try to help meet this problem. I recently had the privilege of seeing some of this effort at a rehabilitation center in Fort Bragg, N.C. Mr. President, I ask unanimous consent to include in the RECORD at this point an informal report (press release) I issued at the time of my trip to Fort Bragg.

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

INFORMAL REPORT

WASHINGTON, D.C.—A greatly stepped-up drug rehabilitation effort is needed in the U.S. Army, according to Senator Thomas J. McIntyre (D-N.H.) who recently returned from a briefing on the subject at Fort Bragg, North Carolina.

McIntyre visited Fort Bragg to look into "Operation Awareness," an experimental drug rehabilitation center operated on a volunteer basis by the enlisted men and officers of the 82nd Airborne Division.

"In the briefings I learned that half of the soldiers in a special survey completed recently admitted they had used some form of illegal drugs while in the Army," McIntyre said, "and that ranged anywhere from occasional use of marijuana to rather regular injections of heroin."

McIntyre was informed that the most prevalent drug used was marijuana, but was told there has been a disturbing rise in the use of heroin in the last few years.

McIntyre said he was told that Fort Bragg has taken the first important step in combating narcotics use by stepping up enforcement of laws against the pushers.

"Fort Bragg officials have negotiated agreements with the police in the surrounding communities which allow them to cooperate fully and efficiently in cracking down on the criminals who supply drugs to these soldiers," the Senator said.

"In about half the cases," McIntyre asserted, "the men who are experimenting with drugs were using them even before they joined the Army, but in the other half they first came into contact with illegal drugs while in the Armed Forces."

McIntyre said Army experts feel at least some of the drug use can be directly related to the pressures of combat in Vietnam and the easy availability of all kinds of drugs there.

"But," McIntyre said, "there's also a problem back at home. That same peer group pressure which once forced soldiers to drink is today forcing some young soldiers to experiment with drugs, and I don't think I have to remind anyone how strong that kind of pressure can be on the young soldier, perhaps away from home for the first time."

McIntyre said that in the past the Army has sought to deal with the drug problem by discharging offenders with a less than honorable discharge.

"The obvious problem with this," the Senator said, "is that it is impossible for a soldier to seek help for his problem without admitting to an offense that would end his Army career."

To get around that problem, McIntyre reports the Army is now experimenting with the idea of granting amnesty to any soldier who voluntarily seeks help with his drug problem. Combined with this, programs like "Operation Awareness" at Fort Bragg offer such soldiers all the counseling and medical treatment they require with the aim of solving their drug problem and returning them to active duty.

McIntyre pointed out that the Fort Bragg rehabilitation center operates much the same as the Odyssey House project now planned for New Hampshire's seacoast region.

"Programs like 'Operation Awareness' are a good start in solving this problem," McIntyre said. "Such programs in the Army can get to the heart of the issue by educating the officers and enlisted men to the real nature of the drug problem. These projects also work sensibly toward rehabilitation and the return to normal, productive lives of the young men who have developed a drug problem while serving their country."

"Another way to get to the heart of the problem is to attack the source of these drugs," McIntyre said. "That is why I have sponsored legislation in the Senate that would deny foreign aid to countries who refuse to help us crack down on the smuggling of narcotics into the United States. That's a pretty harsh measure—and it's meant to be. We simply must stop the illegal entry of drugs into this country."

McIntyre says he has strongly urged the Army to step up its new policies in the drug rehabilitation field.

"What we must realize above all is that we are dealing with young men—some of them veterans of the Vietnam war—who are serving our country. We owe them every effort we can make to help them overcome a drug problem."

Mr. McINTYRE. I am pleased that various programs are being developed in the Congress to deal with the drug problem in the military service. I will support many of these proposals just as I am

supporting the kind of rehabilitation effort that has been undertaken at Fort Bragg.

But, we must not forget that the problem which exists with the military also exists among veterans, many of whom acquired drug addiction while in service. They need help.

I have heard it estimated that as many as 70 percent of recent discharges have some drug problems. There have been reports from Southeast Asia that as many as 15 percent of our troops in Southeast Asia have heroin addiction. This addiction has come from high-quality heroin which is more addictive than much of the heroin in this country and the habit stays with the addict for a much longer period and would certainly extend into private life after discharge from the service. If the figure of 15 percent is accurate this could mean as many as 40,000 "hooked" on heroin.

The VA now has five drug centers open to help veterans. Another 25 clinics are proposed during the next year for a total of 30 clinics by July of 1972. This number of drug centers is much too few. With only 30 centers open a veteran in New England having drug problems may have to travel hundreds of miles to secure the help from such a clinic and this really does him little good. Proper drug addiction care requires continuous, nearly daily help, and obviously a drug center many miles from his home cannot provide this kind of assistance.

As a first step I am proposing that the number of drug-help centers be expanded to at least 75 so that each area can be served.

In this same regard I am joining in sponsoring legislation, S. 1174, which will supplement the drug clinic work by providing special hospital care and medical service for the treatment of drug addiction to eligible veterans who request such care and services.

Consideration must also be given to providing some arrangement whereby veterans can be provided drug help in public and private drug units when VA facilities are not available. I am exploring this possibility with the Veterans' Administration.

OTHER PROGRAMS FOR VETERANS

Protecting veterans pensions from losses due to social security, railroad retirement, and other benefit increases: In many cases when veterans receive increased payments under social security, railroad retirement, civil service retirement, and other programs for which they have earned credit, they find that their veterans benefits are reduced proportionately. I do not believe this is proper since they have earned full benefits because of their service in the uniform of their country.

Therefore, I have joined in sponsoring legislation, S. 1597, which would remedy this situation and make sure that the veteran, dependent parents, and widows of veterans would receive the full benefits earned.

Cost-of-living increase in benefits for veterans and their widows, dependents, and dependent parents: In face of continued increases in the cost of living, veterans benefits do not always keep up and

those who have served their Nation in uniform find themselves suffering. This should not be.

I have joined in sponsoring legislation S. 395, which would provide authority for the Veterans' Administration to adjust benefits to assure that these benefits are in line with the increased living costs that veterans and their families must face.

Adequate funds for VA offices: The budget for next year provides funds for additional personnel to staff VA offices. The increase is needed but it is not enough.

The rapidly increasing caseloads at VA offices is literally swamping the available personnel. Veterans are often required to make several trips to the office before they can be served. Claims which are sent to the offices are piled up on desks awaiting processing by personnel who are literally swamped with work. It is reported that requests for home appraisals are up 116 percent from last year; requests for eligibility certificates up 104 percent.

I am announcing now that I propose, at the proper time, to call for increases in funds for the personnel in these offices so that veterans can be quickly and expeditiously served.

Mr. President, I realize this is a comprehensive program. It might even be called an overly ambitious program, but I believe it is an attainable program.

I am sure there is other veterans legislation which will come before the Congress. I will support much of it when I feel it has merit. What I have set forth here are the programs, the passage of which I believe would move our Nation a long way toward the goal of providing veterans the benefits and assistance they have so richly earned.

PRISON REFORM IN ILLINOIS

Mr. PERCY. Mr. President, there is a growing public concern about the conditions in our jails and prison institutions which requires that State and Federal legislative bodies move promptly toward reform. This reform should be carried out under the philosophy that jails and prisons are hopefully places for rehabilitation and reformation, not just society's retribution. I am pleased that Illinois has given prison reform a high priority and has taken a tremendous step toward reform in presenting a new uniform corrections code to the Illinois Legislature which emphasizes the rights of the convicted and a unified system for the disposition of the offender.

Revision of the Illinois laws began in 1954 when the Supreme Court of Illinois and the Governor requested that the bar associations undertake a study aimed at complete revision of the criminal laws. Substantial revisions occurred in 1962. In 1969, the 76th General Assembly re-established the Council on the Diagnosis and Evaluation of Criminal Defendants, instructing it to complete the revision of the criminal justice system in dealing with the disposition of offenders after an adjudication of guilt. The Uniform Code of Corrections, presented to the legislature this spring, deals in five major areas of reform: First, sen-

tencing; second, community supervision; third, institutions; fourth, organization of probation services, and fifth, juveniles. Gov. Richard Ogilvie is enthusiastically supporting this reform as part of an overall program for upgrading the Illinois' corrections system and the code was recently introduced in the Illinois Senate by a distinguished group of bipartisan supporters.

I ask unanimous consent that an article from the Chicago Sun-Times commenting on the new code be printed at this point in the RECORD.

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

PROVISIONS OF STATE "BILL OF RIGHTS" FOR CONVICTS OUTLINED

(By Ray Brennan)

The text of progressive proposals for equal justice to all criminal defendants and convicts in Illinois was disclosed Tuesday by a commission of 100 experts.

A "bill of rights" for convicts provides that men and women in prison be permitted to make long-distance telephone calls to their families in times of stress.

Convicts would be allowed to send and receive unlimited mail without the strict censorship that has irked prison inmates for generations.

RIGHT TO VOTE

Also, a person leaving prison would have restored to him his full civil rights, including the privilege of voting in elections.

"It is our belief that a man or woman has paid his debt in full upon completing a prison term," said attorney Morris Wexler, chairman of a Council on the Diagnosis and Evaluation of Criminal Defendants.

"The ex-inmate no longer should be punished by deprivation of citizenship rights, one of which is voting.

"As for unrestricted mail and the privilege of telephone calls, we believe that communication between the prisoner, his family and his community should be encouraged."

Locking a prisoner away for years behind bars, in virtual solitude from the outside, is one of the evils of prison systems, the Wexler council members agreed.

RESTRICTIVE PAROLE

Protection for the public against crime is provided in the new code in that no prisoner would leave confinement except under restrictive parole.

Under the present system, some of the most dangerous convicts are turned loose without supervision, sometimes after having been denied paroles for years, after completing sentences in full.

Law enforcement people reportedly are solidly behind a provision for payment of damages by the state in cases of police officers wounded or killed in crimes of violence.

Citizens who suffered physical or mental impairment as a result of violent crime also would be eligible for compensation.

JUSTICE FOR ALL

Impartial justice for all defendants would be assured in part by a requirement that judges hold full, public hearings on mitigation and aggravation before sentencing.

The defendant would be encouraged to state his own case in pleading for leniency, including probation, and interested persons would testify pro and con, including victims.

The new, and in part radical, unified code of corrections has been introduced and will start its way through the Illinois General Assembly at Springfield on Thursday with the support of Gov. Ogilvie.

If it is adopted, Illinois will become the first state to have such a modern, comprehensive set of laws.

CERTAIN PRIVILEGES

"The proposed laws should not be regarded as mollycoddling of prisoners," Wexler said. "True, certain privileges are allowed for penitentiary and jail inmates, including appeals from unjust disciplinary penalties in prison.

"But those things largely are privileges—and not solid rights in fact. They must be earned by good conduct, application to work and educational programs, and the like."

Members of the council quoted prison administrators as saying that the equal justice code would ease their problems. Removed would be certain convict grievances and irritants that have led to prison riots, hunger strikes and other disorders, the experts said.

Opposition to liberal parts of the code is expected in Springfield from certain "law and order" legislators, the council members conceded.

THEY ARE HOPEFUL

However, Wexler and other proponents said their hopes for passage are bright.

Among the boosters is U.S. Atty. William J. Bauer, chief federal prosecutor in Chicago, who said:

"I believe the code is designed to do exactly what Chief Justice (Warren E.) Burger wants done—to make the penal system work, to make the end product a better person when he leaves prison than when he goes in.

"Judges will have a full opportunity to evaluate prisoners before pronouncing sentences. It should redound to the benefit of everybody in Illinois."

"EXCITING PROGRAM"

Said Julius Lucius Echeles, a veteran Chicago defense attorney who was a consultant on drafting the code:

"It is a new and exciting program. I made a talk about it not long ago before the convicts in Joliet Penitentiary. They were wildly enthusiastic, cheering at certain of the provisions.

"If the code becomes law, it will be a great contribution to justice and penal reform, a morale builder for convicts."

The code is set for debate at a joint meeting of the Senate and House Judiciary Committees in Springfield on Thursday.

Available to argue for it will be judges, jail and prison superintendents, officials of the Illinois Department of Corrections under Director Peter B. Bensinger, lawyers, penologists, sociologists, educators and others.

ASSEMBLY SPONSORS

The proposed code was introduced in the Illinois Senate by Senators Richard H. Newhouse (D-Chicago) and Harris R. Fawell (R-Naperville) and the sponsors include Senators Robert E. Cherry (D-Chicago), James H. Donwald (D-Breese), Terrel E. Clarke (R-Western Springs) and Robert R. Coulson (R-Waukegan).

Other sponsors include Representatives Joseph G. Sevelik (R-Berwyn) and Harold Washington (D-Chicago), who introduced the code in the House.

Bensinger, who had a major part in drafting the proposals, said Tuesday:

JOB OPPORTUNITIES

"The code is intended to provide some uniformity and understanding of what now is a hodgepodge of criminal justice practices. It is not a code that is soft on crime. It does establish some criteria for administration of justice which can be understood by offenders as well as the public."

Significant proposals include increasing the opportunities for convicts to earn money—either at productive jobs inside the walls or at work release assignments on the outside.

The inmates thus would be able to provide for dependent families, compensate victims of their crimes in some cases and be ready to finance a new start under parole.

A PROGRAM FOR THE CONQUEST OF CANCER

Mr. TUNNEY. The fear and dread with which the American people look upon cancer are almost impossible to describe. There is hardly a person who has not had a friend or relative affected by this terrible disease. The enormous human suffering and the economic and human cost resulting from all varieties of cancer are well recognized by all.

Within recent years, especially the last 5 years, progress in both basic and applied cancer research has been unusually productive. Not only does the possibility of prevention and some cure look closer and more promising than ever before, but the types and effectiveness of various treatments have increased substantially. The American Cancer Society estimates that whereas fewer than one in five people had a chance to survive the onslaught of cancer in 1937, one out of every three victims now survives. The society further estimates that if every person were to take advantage of, and have access to, the diagnostic procedures and treatments already available, survivors could be increased to one in two. In other words, 50 percent of all victims could be saved. Yet despite these encouraging predictions, the tragic fact which remains inescapable is that hundreds of thousands of our citizens are dying each year from the ravages of this disease. It is perhaps ironic that at a time when news broadcasts carry casualty lists from the war in Vietnam and death tolls on our highways we do not have a casualty list from cancer. If we did, the public outcry would be a crescendo, for the toll now reaches almost 1,000 deaths each day.

These figures alone compel the conclusion that a national program for the conquest of cancer is a matter of the highest national priority. It is my sincere hope that intensification of the assault on cancer at this time will produce accelerated progress which can be measured in cancers prevented, cancers cured, and lives saved.

The time has come to join together collective imagination, massive funding and the accumulated knowledge and skill of all our scientists and doctors to reach the goal of prevention and conquest of this terrible disease. Throughout our history, we have seen the extraordinary resourcefulness of our scientists in solving the problems of man if only given the funds, the encouragement, and the flexibility to try the untried and attempt the impossible.

In support of these efforts, I have co-sponsored S. 34. This bill is based on the report by the National Panel of Consultants for the Conquest of Cancer. This panel was appointed by the Committee on Labor and Public Welfare last year and is composed of 13 eminent laymen and 13 eminent scientists. This panel has spent months compiling what is probably the most comprehensive analysis of our present cancer research programs. From this analysis have come far-reaching recommendations for a new agency with adequate resources of manpower, facilities, and funds to launch a coordinated national program plan for the conquest of cancer.

One of the major advantages of S. 34 is the massive increase in funding for cancer research that it would provide. The Nixon budget for fiscal year 1972 would appropriate approximately \$330 million requested by the President. The report of the National Panel of Consultants recommends that \$400 million is needed to begin an intensified fight against cancer, and that the amount should be increased to \$600 million the second year and \$800 million the third year.

To put these figures in perspective, consider this comparison suggested by a member of that National Panel. In 1969, we spent \$410 per citizen for national defense; \$125 for the Vietnam war; \$19.50 for space investigation and \$0.89 for cancer research. Only \$0.89 when in 1969 alone 323,000 people died of cancer in the United States compared to 41,000 deaths in 6 years in the war in Vietnam. If a daily casualty list were published, the patience of the American people would swiftly wear thin with the realization that Congress had seen fit to appropriate such vast amounts of money for war and military hardware while at the same time allowing hundreds of thousands of our citizens to continue to be struck down by cancer.

Money alone, however, will not do the job completely. There is also a need for an organizational and administrative structure that will facilitate effective and speedy action. It is the purpose of this bill to establish an independent agency within the executive branch of the Federal Government to deal solely with the conquest of cancer. This independent agency would be known as the National Cancer Authority with its nucleus drawn from the staff and personnel of the current National Cancer Institute.

The National Cancer Institute has made a most valuable contribution to the progress of cancer research. However, I believe S. 34 could provide an important new focus for a national effort of the highest priority.

It is my belief that a so-called straight-line organization such as a National Cancer Authority could go a long way toward accomplishing a systematic and coordinated attack against cancer. First, we have at present several Government agencies such as the Atomic Energy Commission, the Public Health Service, and NCI, working separately on cancer research. As a result, the current effort is often fragmented and uncoordinated as revealed in recent hearings on this bill by the testimony of Benno C. Schmidt, Chairman of the National Panel of Consultants and panel members Dr. James Holland, Dr. R. Lee Clark, Dr. Henry Kaplan, Dr. Joseph Burchenal, Dr. Sidney Farber, and Mrs. Anna Rosenberg Hoffman.

Second, I believe S. 34 best promises to encourage coordinated efforts in basic as well as applied research. The importance of basic research cannot be overestimated. As argued by Dr. Henry Kaplan of Stanford University, a scientist of the highest stature in cancer research:

A number of areas of research have now advanced to the point where they can be exploited, on a sharply increased scale, at the applied level; however, many of the areas of special promise in cancer research still lie

within the realm of basic biomedical science. There are sound reasons to believe that answers of the utmost importance for the cancer problem now lie within the grasp of basic scientists working on tumor viruses, on molecular controlled mechanism of normal tumor cells, and on the immunology of cancer, to mention only a few examples.

Dr. Kaplan has also pointed out that this essential and promising fundamental biomedical research flourishes best under two conditions: First, the use of the grant mechanism, and second, the use of a peer review system.

I agree with Dr. Kaplan that this dual system of grant support and peer review, combined with the use of contracts for the support of clearly specified, mission-oriented applied research, provides promise for the type of investigation needed for cancer treatment, prevention, and cure. For a number of reasons, I also believe that the independent agency created under S. 34 could better provide these programs than will the present system.

First, under the present system, the grant mechanism involves an excessive number of people. Grants become further bogged down because the National Institutes of Health are responsible for all the Institutes of Health in addition to the National Cancer Institute. Requests must go through two outside panels of consultants and have the approval of the Director of the National Institutes of Health. It is estimated by NIH that under optimal conditions, a request takes at least 8 months before a decision is reached.

While I believe that adequate review must be made in order to insure optimal use of funding to pursue the most promising research and reduce duplication of effort, I am convinced that the present delays are wasteful and unnecessary. I believe an independent agency could provide a direct-line approach in the evaluation of grant applications and disbursement of grant funds.

Second, the importance of a peer review system cannot be overestimated. Under S. 34, the National Cancer Authority contains the elements of a workable system of peer review at the decision-making level, because it provides for a National Cancer Advisory Board. It is important that those scientists involved in research participate in the choices of priorities represented by research grant and contract awards.

I am considering the introduction of an amendment to S. 34 to define more clearly the responsibility of the National Cancer Advisory Board as the mechanism of peer review. The Board will be made up of 18 members, nine of whom are distinguished scientists and doctors in the field of cancer and nine of whom are distinguished laymen. My amendment would give this Board statutory responsibility for the approval of each year's program plan and budget.

I feel that these responsibilities are absolutely necessary if the scientific community is to have a significant voice in the administration of cancer research. Such a Board is also necessary to insulate the administrator of the authority from the kinds of political pressures which have handicapped the adminis-

tration of other Federal agencies such as the Office of Economic Opportunity. Decisions by this new agency must not be subject to extraneous political judgments regarding how and where money is to be spent.

In addition to the improvements S. 34 could make in the administration of basic research, I support the independent Cancer Authority under S. 34 for a third reason: it provides for collection, analysis, and dissemination of ongoing, cancer-related, biomedical research. While there is currently a certain amount of cross-fertilization of scientific ideas and information among our cancer programs, it is essential that the most complete and current information available flow freely between the scientists actively involved in actual research. I believe that there is an obvious need for more collective planning, evaluation, and discussion among scientists and for a central bank of information.

At present, the National Cancer Institute does not have on a current basis a central bank of information concerning ongoing or past cancer research. Although pressed for such information during the hearings, the best evidence of such a bank produced by the Institute was the storing of data from some past publications. In other words, there is no central source of data regarding ongoing research efforts or planned research which a scientist can use to determine whether his efforts are being duplicated, whether there is ongoing research in an area which might aid him—or allow him to be of aid—or whether his discovery may be of value in new cancer treatment techniques. One can readily see the enormous value of such a central bank of information. Not only does the present program lack such a bank, but there appear to be no plans to develop one.

The independent agency established under S. 34 would have such collection and dissemination of information as a part of its responsibility; S. 34 specifically states that this would be one of the purposes of the National Cancer Authority.

For the reasons I have mentioned, it is my belief that S. 34 offers a strong and uncompromising commitment to the conquest of cancer. There are, however, other alternatives being offered by highly respected scientists and administrators who would prefer to preserve the existing structure of effort within NIH. I have studied their arguments most carefully and am sympathetic to much of what they say. I certainly agree that cancer research should continue to be closely integrated with other biomedical research. I am also aware that cancer research cannot monopolize medical talent which must also attack other diseases as well. But I believe that the changes suggested by the National Panel of Consultants for our present cancer-related programs are essential ones. Thus, before I can support any proposal in substitution for S. 34, I must be convinced that such a substitute would accomplish the goals and changes set forth in the panel's report. I have not seen such legislation as yet, and I believe that the burden rests upon those who argue against S. 34 to come forward with an equally strong bill.

In this connection, the administration has recently put forward a new proposal for a semi-independent cancer agency within NIH. I am disappointed that the administration waited until the 11th hour before introducing its own legislative proposal, because this delay prevented thoughtful review in earlier legislative hearings and may postpone congressional action. Additionally, I do not presently believe the administration's bill successfully meets many of the issues I have described. However, because of the importance of these matters, I am studying this proposal with care, and I will follow closely the review given to it in the new hearings specially scheduled for this purpose. Specifically, I seek assurance that the virtues of the independent agency under S. 34 are included in the new administrative structure under the administration's proposal.

In all events, the intensive search for a cure for this dread disease can ill-afford to be burdened with partisan politics. It makes no difference to the victims of this disease whether it is a Republican bill or a Democratic bill which is passed by the Congress. We must now move swiftly to take the best of both proposals and enact a bill which will marshal the resources and support of the entire scientific community.

I must finally—and sadly—reiterate the caution of many scientists that a timetable for a cure is impossible. Cancer is many diseases and a single remedy may never emerge. However, I do believe many possibilities have become clearer in recent years, and the realization of the conquest of cancer is, therefore, in the foreseeable future. It is my hope that the reorganization of the National Cancer Institute through passage of S. 34 or an equally strong alternative will provide the most effective avenue to the realization of this goal.

THE CREDIBILITY GAP IN OUR ECONOMIC PERFORMANCE

Mr. PROXMIRE. Mr. President, despite the highly optimistic statements by members of the administration, the recovery of our economy from last year's slowdown has been at best sluggish. The level of unemployment in the last 5 months has shown no signs of improvement and prices in the wholesale sector have continued to rise at unprecedented rates in the first quarter of 1971.

Mr. President, a letter written to the Wall Street Journal on May 19, 1971, by the eminent economist, John Kenneth Galbraith, succinctly describes the failure and lack of credibility of present economic policies. Dr. Galbraith's letter needs no further embellishment—it speaks for itself. This economic recovery has clearly been one of the most over-promised in history. As Dr. Galbraith points out the business and academic community as well as the general public are fed up with exaggerated claims of economic performance. Mr. President, I ask unanimous consent that Dr. Galbraith's letter be printed in the RECORD.

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

INTELLECTUAL INSULT?

Editor, *The Wall Street Journal*:

In April the administration praised itself fulsomely for producing a record increase in the gross national product in the first quarter, most of which was the result not of recovery but of General Motors being no longer on strike. A little later the President told the Chamber of Commerce that "the worst of inflation is behind us." Figures released in the first week of May then showed that April unemployment was, apart from one month in 1970, the highest in nine years, that unemployment of black workers was the highest since 1964, that the wholesale price index, adjusted, had risen at an annual rate of 6%, a figure that did not reflect a big increase in steel prices that had just been posted. There was a new crisis from the excess of dollars abroad—these being the consequence of continuing inflation here in the United States.

The White House described the April unemployment as being "basically static" and noted that the President had recently said that "unemployment is the last figure in a downturn to be reflected in going up," an observation that calls for thought. The Secretary of Labor said the "increase" in the basically static unemployment was "disappointing" but then described the employment situation as essentially unchanged. Both the Secretary and the White House predicted improvement. Secretary of the Treasury Connally was quoted in an exceptionally masterful statement: "I hated to see the wholesale price index go up. I don't think we should pay much attention to it." The administration, he then added, was winning the battle against inflation. The Council of Economic Advisers said that the price increase, though bad, did not signify "a break in the pattern of improving prices." There has been much, very much, of the same before.

The question I would like to ask is this: Whom does the administration imagine that it is fooling? Businessmen, bankers, trade union leaders, economists, others with an immediate interest, are certainly not susceptible to such patter. One is reluctant to believe that Americans at large are congenital economic idiots. Our folk history avers a certain shrewdness in such matters. The administration's economic policy is certainly defective. But might we not ask that it cease to add intellectual insult to the rest of the injury?

JOHN KENNETH GALBRAITH,
CAMBRIDGE, MASS.

BARRIERS TO U.S. AUTO EXPORTS
IN JAPAN

Mr. PERCY. Mr. President, recently in my remarks before this body on the international economic and foreign policies of the United States and the monetary crisis I referred to the need to eliminate unfair foreign nontariff and tariff barriers to U.S. exports. I cited the example of U.S. auto exports to Japan, and have developed additional information on this subject as an example of the barriers that some nations impose.

In the example I will give, I have attempted to measure all the duties and other taxes that a U.S. auto bears upon delivery to a Japanese customer. Similarly, I have attempted to measure the duties and taxes that a Japanese auto bears when delivered, let us suppose in the District of Columbia, to a local purchaser.

For purposes of comparability and fairness, I have assumed an equal whole-

sale price for both cars of \$1,400. This is a realistic wholesale value for a fully equipped Japanese auto that is normally sold in the U.S. market. It would not, however, be a realistic price for a U.S. auto sold in export trade, where a heavier, larger, more luxurious model typical of the U.S. car would normally be exported.

Nonetheless, assuming a \$1,400 wholesale price for both autos, the amount of duty and internal tax paid on the Japanese car is \$229 or about 16 percent of its wholesale price, where as the amount of duty and internal tax the Japanese citizen would pay for the U.S. auto would be \$1,054, or 74 percent. If we assume the wholesale price of the more typical U.S. exported auto is in fact \$4,000, the total amount of Japanese duty and taxes is \$2,771, or about 70 percent of the initial wholesale value of the car.

The disparity between the total amount of duty and internal tax is significant. The Japanese internal tax structure operates to discriminate markedly against imported U.S. autos. This system is made up of the following elements.

First, an ad valorem duty of 10 percent is charged on the wholesale value of the auto, plus the costs of freight and insurance. It is notable that the Japanese lowered their ad valorem duty from 32 to 10 percent effective April 1 this year unilaterally, not under obligations connected with the General Agreement on Tariffs and Trade.

By comparison, however, the U.S. duty is 3.5 percent and is levied on the price of the car as ready for shipment to the United States, not including the cost of insurance and freight.

Second, a commodity tax is charged on the imported auto. The commodity tax is 15 percent, 30 percent, or 40 percent, depending on a formula combining the wheelbase length and piston displacement of the imported auto. Most U.S. cars fall in the 40-percent category, which includes cars with wheelbase lengths over 304.8 centimeters. A Ford Falcon would fall in the 30-percent category. By comparison, because of the operation of the wheelbase-piston displacement formula, a Mercedes 220S would be charged 30 percent.

The commodity tax is charged on the wholesale price of the import plus the duty cost. Japanese manufacturers pay the commodity tax, but they pay it on the ex-factory cost of the car, and they only pay a rate of 15 percent on the great majority of their autos.

Third, an acquisition tax of 3 percent is paid on the total acquisition cost of the car, that is, the cost plus the duty and commodity tax.

Finally, a prefectural or "State," tax is paid each year on a privately owned car either of \$150 or \$250 depending on the size of the car. The great majority of American cars would carry the higher rate.

By comparison with this array of Japanese taxes, the U.S. duty charged is 3.5 percent on the basic wholesale price of the car without the addition of the costs of insurance and freight, plus

the U.S. Federal excise tax of 7 percent which is applied to the duty-paid cost of the auto plus insurance and freight. In addition various State sales taxes are charged.

These comparisons in tabular form appear as follows:

<i>U.S. car entering Japan</i>	
Wholesale price (assumed) -----	\$1,400
Insurance and freight (estimated) ---	300
	<hr/>
Japanese duty, 10 percent -----	1,700
	170
	<hr/>
Commodity tax, 30 percent -----	1,870
	561
	<hr/>
Acquisition tax, 3 percent -----	2,431
	199
	<hr/>
Prefectural tax, \$250 -----	2,504
	250
	<hr/>
Cost to buyer -----	2,754
<i>Japanese car entering United States</i>	
Wholesale price -----	\$1,400
U.S. duty, 3.5 percent -----	49
Insurance and freight -----	152
	<hr/>
	1,601
Federal excise tax, 7 percent -----	112
	<hr/>
District of Columbia sales tax, 4 percent -----	1,713
	68
	<hr/>
Cost to buyer -----	1,781

This is an example, Mr. President, of an unfair competitive practice that discriminates against U.S. exports. These types of restraints, coupled with remaining Japanese quantitative restrictions on a number of its agricultural and industrial imports plus its restraints on foreign private investment, have been major irritants. These practices have been a signal to American industry, agriculture, and labor and to Congress that other nations do not observe the rules of liberal, open, world trade, and investment that the United States attempts to observe. Such practices have made it difficult for those of us who do believe in freer trade and an open international economy to oppose imposition of new U.S. import restraints.

I have confidence that, as Executive Director, the new International Economic Council with Peter G. Peterson, exercises increasingly wider influence, the U.S. negotiating stand on many current trade, investment, and monetary issues will improve. I do not believe that unilateral U.S. action to impose import restraints is warranted. However, it is imperative to negotiate the removal of the kinds of barriers that are illustrated in the above example.

It is argued that, even in the absence of some of the taxes charged in Japan, U.S. autos would not have a substantial market because of their size and cost. This argument is irrelevant. A fair and equal opportunity to compete should be given. Solution of such inequities by negotiation in the context of the General Agreement on Tariffs and Trade and the International Monetary Fund is the appropriate way to establish an international economic system free from recurrent instability.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the first part of the amendment offered by the Senator from Pennsylvania (No. 76), as modified.

The Senator from Pennsylvania is recognized.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, will the Senator from Pennsylvania yield for a brief quorum call?

Mr. SCHWEIKER. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the further consideration of the pending amendment offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), two members of his office staff, Messrs. John Hunnicutt and David Newhall, be permitted the privilege of the floor except during rollcall votes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, the pending question is now the modified amendment, No. 76. Last night, when this amendment was laid before the Senate immediately upon completion of the Mansfield NATO amendment, which had been specified in the unanimous-consent agreement, I modified my amendment. The hour was late, and under the stand-

ing order the votes on the supplemental appropriations bill and the SST were still due, and thus I could not take the time of my colleagues to explain my modified amendment at that time.

My original amendment called for striking the committee language of the bill providing for a 2-year extension of the draft, and inserting language to provide for only a 1-year extension of the draft. I feel that the extension of the draft for a single year is an important and commonsense approach to the draft and the volunteer army, and I will have more to say on this subject in a few minutes.

The modification of the amendment reads as follows:

At the end of the bill add the following new titles: Title IV—Pay Increase For Uniformed Services, Special Pay; and, Title V—One Year Extension Of Authority To Induct Persons Into The Military Services Involuntarily.

I am pleased to join the distinguished Senator from Iowa (Mr. HUGHES) in this amendment, which may be referred to as the Hughes-Schweiker amendment. In addition, we are pleased to be joined in this amendment by the distinguished Senator from Indiana (Mr. BAYH), the distinguished Senator from New Jersey (Mr. WILLIAMS), the distinguished Senator from Utah (Mr. MOSS), the distinguished Senator from New York (Mr. JAVITS), and the distinguished Senator from New Jersey (Mr. CASE).

Mr. President, the pending amendment, as modified, adds to the end of the bill two additional titles. The first, title IV, adds the higher pay provisions adopted in the other body for the pay rates in the bill as reported by the Senate Armed Services Committee. Specifically, the amendment adds the provisions which deal with basic pay, the Dependents Assistance Act, basic allowance for quarters, basic allowance for subsistence, the reservists' training duty entitlement under Dependents Assistance Act. The second title added to the bill by the amendment, title V, extends for only 1 year the President's authority to induct young men into the armed services, contained in section 17(c) of the Military Selective Service Act of 1967.

In accordance with Senate Rule XVIII, I asked for a division of amendment No. 76, as modified. In accordance with Senate procedure, voting will be in the order in which the amendment is printed. Thus, the first vote will be on title IV, the pay increase, and the second vote will be on title V, the 1-year extension.

If the pending amendment is adopted by the Senate, the Senator from Iowa and I will offer another amendment to strike from the bill, as reported by the committee, the sections which would be affected by the new Hughes-Schweiker amendment. In order to assist Senators, I send to the desk a copy of the amendment the distinguished Senator from Iowa (Mr. HUGHES) and I intend to propose, which would strike the affected sections of the bill if the pending Hughes-Schweiker amendment is adopted, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the amend-

ment was ordered to be printed in the RECORD, as follows:

On page 24, line 7, strike out "or in the fiscal year ending June 30, 1973."

On page 33, strike out lines 12 and 13.

On page 35, beginning with line 5, strike out all down through line 9 on page 36, and insert in lieu thereof the following:

"TITLE II—SPECIAL PAY FOR OPTOMETRISTS; ENLISTMENT BONUSES; ALLOWANCE FOR RECRUITING EXPENSES"

On page 36, line 10, strike out "Sec. 202" and insert in lieu thereof "Sec. 201".

On page 38, line 6, strike out "Sec. 203" and insert in lieu thereof "Sec. 202".

On page 39, line 7, strike out "Sec. 204" and insert in lieu thereof "Sec. 203".

On page 39, beginning with line 19, strike out all down through line 5 on page 40.

On page 40, line 6, strike out "Sec. 206" and insert in lieu thereof "Sec. 204".

On page 40, line 8, strike out "203" and insert in lieu thereof "202".

Mr. SCHWEIKER. Mr. President, my colleagues will remember that the distinguished Senator from Iowa (Mr. HUGHES) and I submitted supplemental views, joined by the distinguished Senator from Missouri (Mr. SYMINGTON), to the committee report on this bill, in which we discussed our views on the two matters of the pay increase and the 1-year extension. Our work within the Armed Services Committee, on which we both serve, had convinced us that these two issues should be discussed in tandem, because they touch upon two crucial areas relating to congressional policy with respect to the draft and to our manpower policies.

Just as we felt that the two subjects should be included in the same set of supplemental views, so do we feel that they should be related in one amendment, and thus I modified the amendment to include both provisions as separate titles to the bill.

Clearly, the provisions of pay and extension of the authority to induct are the two fundamental issues of the bill and therefore should be considered in that order.

Mr. President, at this time I would like to speak briefly on the subject of the 1-year extension of the draft, which is title V in the pending amendment.

Since I first introduced this amendment in the Armed Services Committee, and published individual views on the 1-year extension, I have been encouraged by the large number of Senators from both parties who have expressed an interest in this limitation of the draft. Congress will take a sensible step by passing this amendment.

This amendment has been drafted to be an effective first step toward the all-volunteer army. I have been privileged this year, and in the last Congress, to join as a cosponsor with the distinguished leaders of the all-volunteer army bill, Senators HATFIELD and GOLDWATER. They have made important contributions to the debate over our military forces, and I think it's safe to say that without their leadership, we would not be seriously debating an all-volunteer army today, or even during this Congress.

I also sit, however, on the Armed Services Committee, and have taken part in the broad deliberations over military

policy which the distinguished chairman, Mr. STENNIS, leads, and am aware of the caution that many of my colleagues have about this subject. Some are concerned with moving too fast under the pressure of a Selective Service Act expiring. Some are concerned that there are still more than 200,000 troops in Vietnam. Some have questions about whether the higher pay and other incentives will be attractive enough to obtain a sufficient all-volunteer army. Some have questions about overall military force levels which they want answered before making a decision on this question.

These are legitimate questions, and although I have personally come to the conclusion that now is indeed a proper time to institute an all-volunteer army, I respect the concerns that some of my colleagues may have. I would hope they would resolve their questions in favor of the all-volunteer army at this time, but I will respect their doubts.

Therefore, this amendment is offered as a compromise. By extending the draft for 1 year, we can satisfy the caution of those Senators who do not wish to move too precipitately this year, but who appreciate the seriousness of the arguments for the volunteer army, and agree that we should continue to debate this subject even if we do temporarily extend the draft system.

The President has assured us of his intentions to continue to withdraw troops from Vietnam, and thus our troop level in Vietnam will not be an adverse factor 1 year from now.

Debate about overall troop levels will be going on this year, and also may not play a damaging factor next year.

Debate can continue for an entire year, and thus we can satisfy those who are fearful of too short a debate, too short a dialog, and too short a consideration.

Finally, we will have had a year's experience with higher pay rates, and better military incentives, so that we will have more details available with which to judge whether an all-volunteer army can work. Thus, I am pleased to join with the distinguished Senator from Iowa (Mr. HUGHES) in the modification of my original amendment. The modified amendment, in addition to the 1-year extension, adopts the military pay levels agreed upon in the House of Representatives.

In other words, the language of the Hughes-Schweiker amendment, in essence, accepts the action that has already been taken in the House on higher military pay and, in fact, if the Senate would adopt the Hughes-Schweiker amendment, that would be the end of this consideration, because the House version of the bill and the Senate version of the bill would then be identical and there would be no difference on the higher military pay raise in conference.

My colleagues will recall this pay provision was originally proposed by the Senator from Iowa as a separate amendment. We feel very strongly that if we agree to this amendment we will have a strong pay system with which to judge the all-volunteer concept.

There are some who advocate an 18-month extension, rather than 2 years.

No doubt that will be one of the issues discussed under the second part of my amendment.

I would caution my colleagues that this would be unfortunate timing for consideration of the question of the all-volunteer army. This would mean we would have to debate the draft in November and December of 1972, immediately after the 1972 congressional elections. The memory—which is still very vivid—of the confusing lameduck session of 1970 is still too recent, I believe, for us to consciously put into law the possibility that there would be another lameduck session in 1972, which would put in jeopardy the whole idea of a rational, logical consideration of our draft and manpower levels. A lameduck session after a presidential election is no time to consider military matters of this magnitude.

Let me also emphasize that in 18 months' time, the situation may very well not be favorable for the all-volunteer army and the end of the draft. This is why the 1-year extension makes so much sense. If, at that time, we determine that we are still not ready for an all-volunteer army, then we simply extend the draft again for 1 year. The crucial question, however, is this: If we are ready for the volunteer army, then we can make that decision, without waiting for another year.

In my view, the commonsense action is to pass the 1-year extension, and commit ourselves to reviewing the all-volunteer army next year at this time. This is not a commitment to the all-volunteer army, but a commitment to take the responsibility to debate on our shoulders.

The subject of congressional responsibility to consider matters and to debate brings up another subject which I think is crucial to the amendment: The question of why Congress does not give an annual review to our draft and military manpower level in the first place.

The Constitution of the United States, in article 1, section 7, provides that the congressional duty is "to raise and support armies," followed by the limitation that "no appropriation of money to that use shall be for a longer term than 2 years." As a general rule, however, Congress has exercised more restrictive policy—ignored that—and most appropriations have been for only 1 year. In addition, section 509 of Public Law 91-441 specifically provides that Congress is to authorize the average active duty personnel strength of each of the Armed Forces each fiscal year.

I ask the Senate, if the manpower levels and appropriation levels are subject to annual congressional review, as a matter of congressional policy, why should not our selective service and draft policies also be subject to annual review? The draft is actually just a part of our overall manpower policies, particularly in view of the administration's commitment to the principle of the all-volunteer army, so it should not have less scrutiny than the overall manpower field.

President Nixon has made a number of significant and worthwhile changes and reforms to the selective service system. I think we should commend him for

his leadership and efforts which for too long have been left undone in this field. I have always taken a position that while I favor the all-volunteer army, so long as we have a draft, we must make it as efficient and equitable as possible. Reforms such as the lottery selection, national calls, and improved administrative procedures, are a credit to the forward thinking of the President in military manpower areas. An annual review by Congress of selective service policies can help us to work closer with the executive branch on our military manpower and can help both branches be better informed of our institutions.

A third subject that I think should be considered in deliberating on the draft power is the general subject which is commanding the attention of many of my colleagues—the general question of war powers, the Constitution, and the balance between the Congress and the executive as institutions.

During the sixties, when the Vietnam buildup of American troops was carried out, there was no clear-cut decision by the Congress to take this action. In fact, the only congressional declaration on the war was the general Gulf of Tonkin resolution—specifically designed to that very specific and somewhat isolated incident.

I feel that if the President—then it was President Johnson—had had to come to the Congress to ask for the troops to go into Vietnam, we might not be in Vietnam. In fact, I think it is most likely that we would not be. And if Congress had approved the troop request, at least it would have been after serious debate and responsibility would rest squarely on Congress and the executive jointly, and the other power provided in the Constitution would then have been exercised to give to the people better representation in the Congress. That is the way it should be. That is the way it was not, but that is what our amendment attempts to do.

But this did not happen. And the reason it did not happen is that all President Johnson had to do to get 500,000 troops into Vietnam was up the draft calls. He did not have to consult Congress, ask congressional permission—he did not have to ask anyone's permission—or really keep Congress informed. He had unlimited manpower authority through the draft, and, almost before we knew it, we had a full military commitment to Vietnam. We backed into the war because the draft was on the books, and renewed automatically without any question on a 4-year basis.

We, the Congress, abdicated our responsibility, gave up what the Founding Fathers in Philadelphia very clearly intended, to have the war power and the power to do these things rest with the Congress and with the people. We abdicated our responsibility. The Executive at that time usurped the responsibility. We both share the blame and share it very directly. The Hughes-Schweiker amendment would provide that another Vietnam will never happen in the way this particular thing happened in this particular situation.

One example later in the war can show

the impact of this power of review. I was serving on the House Armed Services Committee and was a Member of the other body at that time.

After the Tet offensive, General Westmoreland reportedly requested 200,000 additional troops. This request disturbed many officials, but not as much as Congress when it was leaked out. The mere shock of a request for 200,000 more troops had much to do with public pressure to get out of Vietnam which quickly intensified because of that request.

That shows the power of Congress. We saw it work to a lesser extent when the fact was leaked that President Johnson thought 200,000 more men would be needed in Vietnam. That, we might say, was the turning point of our participation. After that our participation declined very significantly. That was the key. That is the key of this fight. That is the key of the issue. That is the key to the battle. That is what it is all about. That is why we are here.

I want to emphasize that I hold Congress equally to blame on this subject. I do not point the finger solely at the executive branch, because there is no question that Congress acquiesced in allowing the President to draft men at will. But I do point the finger at Congress now to make sure that we do not repeat this kind of acquiescence. Now is the time to make sure that Congress, which is charged by the Constitution with "raising and supporting armies," to make sure that we maintain firm control over our draft policies. Providing for annual review of draft levels and selective service procedures is one way to do this, and is another commonsense reason for voting for the 1-year extension of the draft.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAVEL. Mr. President, I rise at this particular point to praise a colleague on the other side of the aisle. It is always a pleasure because I think we who are partisans because of the nature of our profession seek to minimize the partisanship because, unfortunately, on many occasions it is this partisanship that does act as a deterrent to efficient government. But I hasten to add also that the competitiveness as a result of the partisanship that we do have acts beneficially in our system of government. So there are pluses and minuses. But I think, just as a matter of professional pride, many of us like to reach across the aisle and seek to point out something that has been done that is outstanding.

I think in this particular case the work that the Senator from Pennsylvania (Mr. SCHWEIKER) has done with respect to our armed services in his service on the committee, not only here in the Senate, but, of course, in the House, falls in that category. He, like many others who have engaged and will continue to engage in this debate in the

ensuing months, is not a Johnny-come-lately. His expertise, his interest, his devotion—

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. BYRD of West Virginia. Does the Senator intend to speak on the pending business during his remarks?

Mr. GRAVEL. Yes; answering my colleague through the Chair, I do, in preface to my statement on the pending business.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. GRAVEL. Continuing with my preface to the pending business—

Mr. BYRD of West Virginia. The Senator from West Virginia is eagerly awaiting what the Senator has to say on the pending business.

Mr. GRAVEL. The point I wish to make relative to the pending business with respect to the distinguished Senator from Pennsylvania is, of course, to make note, because I think this will make the contribution currently being made by the Senator from Pennsylvania much more germane to the pending business. And, therefore, I think it is much more in order, to speak of a Senator's credentials—

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. The Senator from West Virginia is waiting for the nexus which will join this statement with the pending business, so that the germaneness rule, specifically paragraph 3 of rule VIII of the Standing Rules of the Senate, will not have been violated.

Mr. GRAVEL. May I ask my colleague, through the Chair, would it be considered a violation of the rule so stated to place in the RECORD, as I am in the process of doing, the credentials of a Senator, to give added weight to his pronouncements? Would that be considered germane in this regard?

Mr. BYRD of West Virginia. The Senator from West Virginia, I may say, Mr. President, is going to be just as lenient, as liberal, and as considerate as he possibly can in the interpretation of the rule of germaneness at this point. However, I am concerned that we do not wait too long before we get down to the substance of the Senator's remarks concerning the pending question.

Mr. GRAVEL. I renew my question. Would the simple fact of developing the credentials of a colleague in an area of expertise, so that those of us who serve in the Senate, in hearing our colleague, can appreciate it and decide whether he has qualifications in the subject, not be considered germane to the debate ahead?

I might cite this parallel. If I am talking on physics, and that is the subject ahead, and if I happen to be a physicist, obviously that carries a great deal of weight as to my qualifications and would be germane to the subject.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia will not again interrupt the distinguished Senator from Alaska for a little while, because the Senator from West Virginia is confident that what the Senator has to say will be germane.

Mr. GRAVEL. In proceeding, I think it is important to dot the "i's" with respect to a person's qualifications, because the distinguished Senator from Pennsylvania will be opposed in his program and his goal by the distinguished chairman of the Armed Services Committee, whose credentials are impeccable in this area, and whose experience dates back many years, more years than those of myself, more years than those of my colleague from Pennsylvania. That is why I think it is important, in dealing with the merits of the Senator's proposal, to bring forth these credentials to public view, so the remainder of the Senate can be apprised of his qualifications so that they can weigh the judgment of the Senator from Pennsylvania.

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

Mr. GRAVEL. I yield.

Mr. SCHWEIKER. I think the Senator's point is well taken. I would like to recount a little bit of history on this legislation—

Mr. BYRD of West Virginia. Mr. President, does the Senator from Alaska yield only for a question by the Senator from Pennsylvania?

The PRESIDING OFFICER. Is the Senator making a point of order?

Mr. BYRD of West Virginia. Mr. President, is the Senator from Pennsylvania asking a question?

Mr. SCHWEIKER. I am not, but I will be glad to yield the floor.

Mr. GRAVEL. Unfortunately, while I would only be too happy to yield, at this point I do want to restate again the point I was making. That is simply that a younger Member of this body, when tilting with an older Member of this body, is at a disadvantage because we normally assume the older Member of this body has attained expertise through experience.

The only way to overcome this is to bring forward other material on the activities of a colleague prior to his membership in this body, so as properly to develop his credibility. In this particular case, I think the Senator from Pennsylvania has outstanding credentials, because not only has he worked in this area as a Member of the House of Representatives and of the Senate—and, of course, as a member of the Armed Services Committee—but he is also a distinguished author, an author on the subject of the draft itself.

I note for the RECORD and for the attention of my colleagues that, together with ROBERT STAFFORD, FRANK J. HORTON, GARNER SHRIVER, and CHARLES W. WHALEN, JR., all Members of Congress, he has written and published a book entitled "How To End The Draft," which deals with the problems of whether or not ending the draft is possible within the context of present-day society. They deal with the problems of mercenaries and the Negroes, the troop levels, the very germane issue of soldiers' pay, and problems relative to the soldier's life—which, of course, has been the subject of a great deal of new programming by the military. What comes to mind right at the moment are the changes that have been most visible to the people, the changes implemented by Admiral Zum-

walt; specifically, in permitting longer hair and the like.

He addresses himself to the subject of who is fit to serve. He addresses himself to the subject of recruiting. And, of course, he touches upon the subject of how much it will cost.

I am sure that, in the course of the ensuing debate, my colleague will have ample opportunity to demonstrate the credentials which are so well demonstrated by this book on how to end the draft. I think he will do so by the wisdom of the views he expresses as the debate proceeds.

So, Mr. President, I rise at this point merely to underscore the qualifications of our distinguished colleague, a Republican on the other side of the aisle, who I think will acquit himself very ably on the subject at hand.

The other Senator who will be speaking on this subject—a very fine, close personal friend of mine, the distinguished Senator from Iowa (Mr. HUGHES), needs no lengthy introduction, since his service is nationally known. He has certainly made significant contributions that date not only to his tenure as Governor of his great State, and not only relative to his tenure here in the U.S. Senate, but views and activities in connection with his distinguished participation in the processes of representative government within the convention process. I speak, of course, of the National Democratic Convention.

I am sure that the Senator from Iowa will have some very fine views to express on this subject, and I think his qualifications are underscored by his reputation among those who know him as an individual, and know the persuasiveness and the resolve that he has demonstrated for the betterment of this Nation, and how it may be advanced by paying a proper wage to those who don the uniform of this country, those who step forward and put their lives on the line.

It is truly a quirk of our national psychology that we seem to have felt we do not have to pay these people, so that what we do is pay them slave wages. This has been true only in our recent history, I might say, because in the past, the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the two World Wars as well, we paid our dogfaces, by and large, a proper wage. Of course, it certainly was not proper in comparison to the risk, but it was generally proper in terms of the economy of the times; and it is only since the Second World War that we have been truly derelict in that we have changed our approach to the point that we are willing to pay the person at the lowest echelon in our Military Establishment a pittance compared to what his earnings could be in any other part of the economy.

This is grossly unfair, and I hope this body will address itself to the problem as the House of Representatives has addressed itself to it.

I think the Senator from Iowa will demonstrate an efficacy in seeking to do just that, not only in terms of what could be brought about by a more effective

armed force, but by simply following the dictates of justice and equity.

It is sad and ironic to note that when we impress someone into the service, pay him these slave wages, and send him off to be killed, we not only impinge upon his personal freedom, we not only jeopardize his very existence, but we place upon him an inequitable tax burden—a tax burden that approaches 60 percent. How ironic, for a wealthy nation like this to seize upon its 19-year-old young men, send them off to war, pay them niggardly wages, and impose upon them an unjust rate of taxation while the rest of us sit at home and are properly remunerated for our services in Government or elsewhere in our free enterprise society.

Such inequity is totally unjust. I hope that this body will have, not only the wisdom, but in this case the decency, just the common human decency, to provide for paying these people what we would pay anyone else who is employed.

We sat here, two evenings ago, with respect to a rail crisis brought about by switchmen, or signalmen, who claimed they were not being properly paid. This body saw to it, and legislated accordingly, that until an agreement is reached, they would be paid an increased wage. I cannot for the life of me understand how the Senate could do that and, at the same time, a Senate committee could go against the recommendations of our distinguished sister body, the House of Representatives, to pay what is considered, by most authorities in the field, a proper wage. I speak with particular reference to the Gates Commission.

I would hope, in conclusion, Mr. President, that the plea which I am sure will be ably made by my colleague from Iowa, will be brought to realization by the membership of this body, so that, just as we have an obligation to our civil servants and we meet that obligation to pay them a decent comparative wage, and just as we have an obligation to ourselves and we meet that obligation with pay, we will have the honesty and integrity to pay the buck private, as he is colloquially called, what he could competitively earn in the private sector. I think we can ask no more, and I think we should expect no more.

I yield the floor.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Alaska for his explanation and understanding of the particular problems before us today.

My amendment No. 82, relating to the military pay scales, which I originally presented to the Senate, has now been incorporated in the modified Schweiker amendment No. 76. This means that amendment No. 76 now contains two titles—title IV, Pay Increase for Uniformed Services, Special Pay, and title V, 1-Year Extension of Authority To Induct Persons into the Military Service Involuntarily.

The amendment has been divided for the purpose of voting, the vote for title IV being first.

I ask unanimous consent to have printed at the conclusion of my remarks an explanation setting forth the specific differences between the provisions of title IV, relating to pay increases for the

military, and the sections of the committee bill relating to the same subject.

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

(See exhibit 1.)

Mr. HUGHES. Mr. President, let me express my gratitude to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), for the extraordinarily fair and open way in which he conducted hearings on this bill and the deliberations on it in the committee. It has been a high honor and privilege to serve with him and the other members of the committee in working on this important bill.

I regret that I must disagree with the committee report on some important questions. But these issues are so important, and the case for change so strong, in my opinion, that I believe the full Senate must decide. When given the choice whether to approve the military pay scales which I now propose, the other body overwhelmingly adopted. Such strong support there—and throughout the country—leads me to believe that the Senate will also prefer the provisions of title IV over those of the committee bill.

Basically, Mr. President, we must restore the pay increases voted by the House. To do this, it would add nearly \$1.7 billion to the fiscal year 1972 budget—but this addition, I believe, is well justified.

Mr. President, the bill before the Senate has many profoundly controversial aspects. Some of us favor an all-volunteer military force; others oppose it as infeasible or undesirable. Some of us want to invalidate the President's existing blank check to increase military manpower without prior approval by Congress; others have their doubts. But whatever individual Senators may favor with regard to the draft or the war or the President's authority, I believe that we can unite on the issue of ending the inequities in the current military pay system.

The heart of this issue is one of simple justice: Are we willing to pay our servicemen a living wage when they are putting their lives on the line for our country?

Right now, the fact is that we are not giving our men the support they need and deserve to lead a decent life. One year ago, the Defense Department Comptroller, Robert C. Moot, testified:

There are 43,000 military families whose military pay is insufficient to meet the poverty-line pay level.

Hopefully, these figures have been reduced since then. But we will not raise all servicemen above the poverty line until we adopt the pay scales provided by my amendment. Secretary Laird conceded this when I asked him whether the administration's proposal, which has been reported by the Senate Armed Services Committee, would eliminate the problem of servicemen on welfare. He said:

I can't . . . say that it will eliminate the problem completely in fiscal year 1972. There will have to be another pay increase in 1973 before the entire problem is met.

Mr. President, I reject the argument for delay. I do not believe that we should

deny to men under fire what we believe is just in a future time of peace.

Simple justice would dictate that we give the pay increase now, especially since we are still fighting a war and since the cost of living is still climbing rapidly.

It is imperative, in my view, to get all military personnel above the poverty line.

How can we ask a man to defend a country which refuses to give him enough to live on in return? As things stand now, military pay is poverty-inducing in the worst way. At a time when our national goal is to reform welfare programs, we are drafting men for the welfare rolls.

Our servicemen should not have to exist even near the poverty line. Adequate pay should give them comparability and not be merely the equivalent of a welfare or antipoverty program.

What I seek, Mr. President, is comparable pay for comparable work. But that will require the increase in basic pay of 68.6 percent as provided by title IV of the modified amendment 76.

We also have an obligation to reduce the financial pressure which leads over half of all the wives of enlisted men, who have less than 2 years service, to hold some kind of paying job. We should eliminate the need for the one serviceman in 11, of all those with less than 2 years' service, to work an average of 19 hours a week at an off-duty job.

Why has this inequity come about? It has not been out of lack of congressional concern for the military. In fact, since 1952, military personnel have received a cumulative pay hike of 154.3 percent.

But only a little more than half that amount went to junior enlisted men. Men with less than 2 years' service were regularly discriminated against; their basic pay remained unchanged for 13 years, despite four consecutive increases for other men in uniform.

The reason for this discrimination was the draft. It was conscious Government policy to increase incentives for reenlistment, while keeping pay the same for those who had no choice about serving.

As Secretary of Defense Robert McNamara said in 1963:

For whatever time period it may be necessary to continue a statutory obligation to serve this nation in uniform, military compensation should take this obligation into consideration. . . . We believe that consideration might well be given to providing less increase for Grades E-1 and E-2, and more for grades E-3 after two years of service, and O-1, in order that incentive may be increased at those levels.

The time has come, I am convinced, to correct this injustice. Therefore, the title to which I am addressing myself would concentrate 86.2 percent of the pay increase on the officers and enlisted men with less than 2 years' service.

Will such an increase give them too much? I doubt it. For even when one disregards the greater risks facing men who actually see combat, the fact remains that men in the Armed Forces will be receiving only comparable pay for what similarly skilled men would receive in civilian life.

When the average income of a high school graduate at the age of 20 to 21—which is the median age for draftees—was over \$5,000 per year—according to

1968 figures—and when the beginning wage for most skilled blue collar workers is now \$6,000, it seems only fair that the annual regular compensation of an E-1 recruit should be at least \$4,991.48.

This figure is manifestly more just, I believe, than the committee provision for an annual regular compensation of \$3,978.78.

The all-volunteer Armed Force is not at issue here. The key question before us is that of fairness. As the Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger T. Kelley, told the House Armed Services Committee:

Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinately low pay levels.

Those Senators who favor a zero draft, as do I, should remember that this pay increase—the full increase to achieve comparability—is necessary to reach that goal.

Those Senators who question the feasibility of an all-volunteer force should support this amendment, not only to do justice to our servicemen, but also to put their doubts—and our predictions—to the acid test. If comparable pay does induce adequate enlistments, we will have no need for a current draft. If it fails to produce enough volunteers, we would still have corrected an inequity.

The majority report of the Armed Services Committee argues that budgetary constraints require a postponement of the full increase. Secretary Laird has stated that, should the full pay increase be approved, he would have to reduce spending on procurement and/or ship construction.

We should not be troubled by these fears, for the full Senate will have the opportunity to consider whether to reduce or maintain those funds when the procurement bill comes before us and that is not at this time.

Perhaps it will be the judgment of the Senate to increase the total military budget. Or perhaps it will reduce spending for hardware available only in the distant future in order to give men a living wage now. Let us consider each proposal on its merits.

But if the Senate wishes to consider all of the trade-offs now, my personal hope is that it will choose men over machines. As a recent editorial in the New York Times said:

A government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

Mr. President, I know that my proposal is costly. But I believe that there are good reasons to face up to these costs. Too often defense programs seem small, but then suddenly mushroom. Here, at least, we have the true costs before us.

There is an added benefit to knowing the true costs of raising an army—even though these salaries can never approximate the true value of a human life. That benefit is that we will be able to make a more realistic estimate of the cost of future military actions. Instead of relying on the tax in kind imposed by a draft system with low pay, and instead of putting much of the cost of war on the younger soldiers rather than on the older

taxpayers, we would make those who do not have to fight pay a fairer share of the burden of war.

Should we ever again face a situation where military action might require an increase in the Armed Forces—and hence in the budget of the United States—perhaps awareness of these true costs might encourage the President to pause, to reconsider alternatives. In short, facing up to the responsibility of paying our fighting men adequately may well be an additional consideration to temper our haste in getting involved in future conventional wars.

Mr. President, I know that thousands of brave men have voluntarily joined the service in spite of the hazards of combat—and have many times volunteered for combat itself. Although we can never pay a man enough to compensate him adequately for the risk of death, I believe that we can and we should pay him enough to enable him to live a decent life and so that his family will also be able to live a decent life.

We hear a great deal about national priorities, these days, Mr. President.

We are dealing here with an overriding priority, a moral imperative.

We must not, we should not falter in our decision.

The aforementioned exhibit follows:

EXHIBIT 1

EXPLANATION BY SENATOR HUGHES OF TITLE IV TO INCREASE MILITARY PAY OF MODIFIED AMENDMENT NO. 76 TO THE MILITARY SELECTIVE SERVICE LEGISLATION

Title IV of modified amendment 76 incorporates the major features of amendment 77 and amendment 82 offered by Senator Hughes earlier on military pay. This Title would adopt the higher pay rates which passed in the House of Representatives but which were not included in the legislation reported by the Senate Armed Services Committee.

The Senate committee adopted the recommendations of the Administration for fiscal year 1972 pay program. The legislation which passed in the House included the higher pay rates which are the projected pay program of the Department of Defense for fiscal year 1973. If this Title is adopted, basic pay for draftees and other enlisted personnel with less than two years of service would be increased by an average of 68.6 percent of the rates in effect on January 1, 1971. This compares with an average increase of 36 percent in the legislation recommended by the Administration and reported by the Senate committee. The higher pay increases contained in this Title are necessary to raise military compensation to a level which is competitive with pay rates in the civilian economy.

Military pay takes several forms, including basic pay, allowances for housing, and other compensation.

BASIC PAY

This is the pay which every service member receives every pay day. It is subject to federal income tax. This Title substitutes \$1.825 billion as adopted in the House for the \$908 million adopted by the Senate Armed Services Committee.

DEPENDENTS ASSISTANCE ACT

This is the allowance for housing for the first four pay grades with under four years of service. This Title substitutes \$184.1 million for the \$79.0 million adopted by the Senate committee.

BASIC ALLOWANCE FOR QUARTERS (BAQ)

This is an allowance for housing for members of the career armed forces who must seek housing in the civilian economy. It is

not subject to federal income tax. This Title would add \$640.1 million on this item for which no extra money was contained in the Senate committee bill.

BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

This is compensation for the purchase of food by officers and enlisted men who do not eat in government facilities. It is not subject to federal income tax. This Title adds \$37.8 million to this item which contains no extra money in the Senate committee bill.

RESERVISTS' TRAINING DUTY ENTITLEMENT UNDER DEPENDENTS ASSISTANCE ACT (DAA)

This is a housing allowance for reservists during their first four months of active duty training. This Title agrees with the legislation adopted in the House by adding \$20 million. The legislation reported by the Senate committee provided no extra money for this item.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. 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. HUGHES. Mr. President, in addition to the remarks I made, by way of explanation of the pending amendment I would like to read to the Senate a few letters at this time that reflect, I am sure, mail that every Member of the Senate is getting in relationship to this particular amendment.

These letters are all addressed to the junior Senator from Iowa. I will refrain from using names. The names are in the letters. However, I will say the point from which they come.

The following is a letter to the junior Senator from Iowa:

DEAR SENATOR HUGHES: I would like to present a major grievance to you for your consideration. It not only deals with me, but with many other EM as well. I am an EM with his wife in Germany serving in the United States Army. This is what my problem is, and how I feel that the United States Congress can help its forces in Germany.

My wife and I, along with many other enlisted men in the pay grades E-3 and E-4 and their wives, have to live on the German economy on sixty dollars a month. These quarters cost more than the allotted sixty dollars a month, and that does not include the phone, water, heat, and electricity bills that the German landlords will not include in the price of the apartment that we rent. I use my pay along with my wife's allotment to pay for the cost of living in this land. We can't afford a car, and even if we did, we could not find a lower rate apartment anywhere near my duty station.

My wife has a degree in nursing from an accredited college, as do many other enlisted men's wives. But, she can not work in an American hospital to help meet the high cost of living here in Germany. The Government would rather hire German people to run the wards, the food service, and the many services that are for the serviceman's benefit. Why can't American people work in these places and try to help relieve the economic stress on the lower ranking enlisted men?

The Government can solve this problem in any number of ways, but the main ways to help this problem are 1) The government could spend more money by letting the Ger-

mans continue to work and let the serviceman have a bigger housing and food allotment. 2) The Government could provide housing in Government quarters with a forfeiture of the housing allotment and increase the food allotment to a normal standard. 3) The Government could give German laborers the door and hire Americans instead for jobs instead of giving the Germans preference. These are three of the possible solutions to the problem that I have presented, and I am sure there are many others. But there definitely has to be something done about the existing living conditions for married persons in the lower pay grades.

Thank you for your time and consideration.

Mr. President, the letter I have just read came from Munich, Germany, by way of the APO. I believe the letter reflects many of the problems we have been discussing in hearings about the potential military pay increase, housing, and so on.

I point out that since this body recently made a decision with respect to the troop commitments in Europe, the economic problem of these men continues. They are unable to live a decent life there with their families as shown by a cross section of mail.

I have a letter from a young man addressed again to the junior Senator from Iowa. The letter reads:

DEAR SIR: I would just like to pass on to you a few facts and figures concerning what I think is a serious matter of the "Poverty stricken lower grades of the military."

As a full-fledged member of this low income group, I sometimes feel that our top policy making officials do not actually realize some of the "hidden" costs that a married man of the low enlisted grades of the U.S. military incurs.

I hold a B.A. degree in Political Science and Religious Philosophy from Luther College, Decorah, Iowa. My wife holds a B.A. degree in Secondary Physical Education from Luther College. We have a son, who is 15 months old.

Recently, I was sent PCS (permanent change of station) to the 6987 Security Group in Taipei, Taiwan. Since this is a 15 month tour, I naturally decided to bring my wife and son. Since I am only an E-3 in the Air Force, I have to pay every penny of my wife's move out of my own pocket. My expenses for the last month are as follows and can be backed up with documentation:

My family's airline fare from Chicago to Taiwan.....	\$600
Refrigerator (new).....	224
Furniture, beds, curtains (used).....	121
Gas stove (used).....	75
Washing Machine (discounted for imperfections).....	65
Rent for first month of our 3 bedroom apt. on the 4th floor, which is 1½ hrs. by bus to my place of work. This is about the closest location a married man can live to the Shu Lin Kon Air Station.....	65
Miscellaneous expenses during first month. (Utilities, blankets, food, etc.).....	50
Total.....	1,200

My monthly take-home check is about \$170, which includes separate rations. My wife's allotment check is \$130. My total military income for one month is \$300.00 or \$3,600.00 a year.

To defray all these expenses I had to make a \$500.00 loan, obtain money from parents, and use the money my wife had made substitute teaching.

I maintain that a military man and his family should not have to rely on money other than military money to pay for a military move. If the military would have simply paid for my wife's transportation and possibly only 500 lbs. of household goods, I could have made it without a loan. I have made 3 PCS moves already and I foresee making a minimum of 2 more PCS moves in the next 2½ years at my own expense since the present advancement policies of the U.S. Air Force are much slower than the other services. Thus, paying out almost half my income each year for PCS moves, that leaves approximately \$2,000.00 a year for my family of 3 to pay rent and hopefully buy enough food to live on.

Some may say that I am pleading an unusual case or that I am juggling figures to make it look bad or that I must not be managing my financial affairs with diligence, but the truth of the matter is that there are thousands of cases just like mine throughout the services and I think it is a grave injustice.

I went through twelve months of Chinese language school for the Air Force and am presently in the Air Force Security Service. I enjoy my work to some degree but, under current policies, if I am not heavily in debt by the time my four years are up, it will be a financial miracle.

Officers training school is only taking pilot or navigator physically qualified men, so those of us who are not perfect physically are stuck in the enlisted grades for the remainder of our enlistment.

I don't ask much, only enough money to move, house, clothes, and feed my family without going hopelessly in debt. Is this too much for a loyal military servant to ask from the most prosperous, advanced, and overall greatest country in the world?

I appreciate giving my letter your personal concern.

Mr. President, the letter I have just read came from an Iowan who lives in the small town of Radcliffe, Iowa, who is now in the service of his country.

I have another letter which reflects essentially what is happening to the military service people of our country. It reads:

DEAR SENATOR HUGHES: It is with the greatest urgency that I write you this letter. I am presently serving with the United States Navy homeported in Boston, Massachusetts.

I was recently transferred here from duty at Naples, Italy. While stationed overseas we drew a Cost of Living Allowance (COLA), and a Housing Allowance which totaled was an extra \$60.00 a month. These allowances were, as I understood it, afforded us to offset the high cost of living in Italy.

Speaking from experience and not from hearsay I can truthfully say that the allowances are more direly needed stateside than overseas. For example, I rented a two bedroom apartment (unfurnished) in Italy for myself and family for \$89.90 a month plus utilities. Utilities were approximately \$12.00 a month. The apartment was huge by American standards and was approximately 7 miles from my duty station.

Here in Boston I found, after many frustrating days of looking, an apartment, not in Boston, but in Lowell, Massachusetts some 33 miles from work. Since returning stateside I lost the extra \$60.00 a month (COLA) and COMRATS (because I am on sea duty) which is \$40 a month and gained only \$20.00 a month for sea pay. So as you can see my pay dropped \$80.00 a month.

Now I will relate the cost of living situation to you here in the Boston area. First, if you want to live near the base you must be willing to pay from \$185.00 and up for a small two bedroom apartment (plus utilities and unfurnished). And if you find a suitable

apartment in this area in this ridiculous price range the party usually will not rent to you if you have any children, pets or will not sign a one year lease.

Now that I have an apartment that is far from satisfactory I have to improvise. For instance I have to put some of my furniture in storage at my own expense, mainly because I cannot afford a larger apartment on my pay. Of course there is the extra money for gas and oil each month (approximately \$50.00), plus the untold wear and tear on my automobile by driving some 60 miles to and from work each day. The nearest commissary and exchange is at Hanscom Air Force Base some 20 miles away if I want to take advantage of our benefits. My wife and I would like to buy a home some day soon but we find it near impossible to try and save for a down payment after all necessary expenses are taken care of. Believe me I do not enjoy paying rent and not having anything to show for it after moving out.

I know a bill to raise the housing allowance of servicemen is soon to be presented to the Senate and I would like to know what your stand will be on this measure.

As a First Class Petty Officer (pay grade E6) I am surely not having a more difficult time than the men in lower pay grades so this plea is also for these men who would like to express themselves but do not have the time or feel this avenue of expression would be to no avail.

As one of your many constituents I am looking forward to a timely reply to this crucial matter.

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

Mr. HUGHES. I yield.

Mr. COOK. I think it is extremely important that the Senator from Iowa is putting these letters in the RECORD, because he recalls last year, when we were debating the subject on the floor, it became very obvious that there was tremendous discrimination against members of the Armed Forces, particularly in the lower ranks. I think it is extremely important that Members of the Senate really take the time to read these letters being placed in the RECORD, because I think of all the remarks that have been made, there has not been one made, at least during my opportunity to listen to the Senator from Iowa, and that is that in the United States we have literally thousands of members of the armed services who are on welfare programs, who have to qualify in the communities in which they are located near their bases for food stamps and for welfare assistance.

I might say that it was not too long ago that one of the major networks—I think it was NBC—had a documentary on the subject the Senator is talking about—the high cost of living in Europe. I was amazed at that time when an officer attached to a base in Europe said, when asked what he thought some of the solutions were, he thought the United States should establish a division of the food stamp program in Europe for the benefit of military personnel in the lower grades.

I hope this hits the Senator from Iowa right between the eyes as seriously as it hit me on that occasion.

It just seemed to me that we had an establishment that decided it wanted to look at how well its military personnel were apparently going to take a slight raise before it could decide we ought to give them a decent raise. I think that is what we are talking about.

I could not be more enthusiastically in favor of the first part of the amendment of the junior Senator from Pennsylvania. I hope that between now and the time we vote on it I may be able to have a discussion with the Senator from Iowa and other Senators on the floor who agree with the impact and the import of the remarks just made by the Senator from Iowa.

Mr. HUGHES. I thank the distinguished Senator from Kentucky for his continuing interest, concern, and work in trying to see that some justice is done in paying those men and women who represent the United States of America all over this world. I have tried to show here, as the distinguished Senator knows, with a cross section of letters, not only from home, but from the Orient, Europe, and around the world where our men and women are based, that the problem is universal. It is not isolated in any one region. The lower ranking military personnel of our Armed Forces have literally been left out. As the Senator from Kentucky indicated, thousands live at the poverty level. They are not allowed to work even in the countries where they are forced to live. This is true in spite of the training they have had academically and their qualifications professionally. Many of them live at a less than subsistence level, trying to keep together their families, or having to undergo the hazard of leaving their wives and children at home, while they are separated for a year or two. They are forced to make that kind of sacrifice because of the unwillingness of our Government to pay an adequate or comparable pay level in this country to our military personnel.

Mr. COOK. Mr. President, I might add, if the Senator does not mind, referring to the fact that wives of American personnel overseas cannot secure employment, the unfortunate part about it is that military restrictions do not authorize wives to accompany their husbands, particularly to Europe, if they are in the lower grades. They cannot get anything more than a tourist visa. Under those circumstances, they are not allowed to be employed. They are not allowed to get work. Many of these young wives are nurses, as the Senator said. These military personnel and their wives should not be subjected to having to submit to a welfare program or a food stamp program, if we were to enlarge it to Europe for our own personnel.

As the Senator has so vividly portrayed, German nationals can work in our hospitals. They can work in our PX's. Yet young wives do not have available to them that opportunity. They do not have an opportunity to apply for jobs. They do not have an opportunity to do anything in an effort to contribute to their own subsistence.

I know the bill is amended to allow wives to have employment. There is nothing in it that says anything about a serviceman's wife who accompanies him to Europe on a tourist visa. I presuppose, by the language of the bill, that means that wives of military personnel who are there on a permanent basis with their husbands, who fall under the classification of being allowed to travel and have their furniture moved there, can be employed; but we still leave out a whole

group in the lower classifications, who go to Europe but whose wives are there only on a tourist visa.

On my inquiry of the Defense Department, it was my understanding that there was an agreement, through the NATO organization, that those young wives, because they were there on tourist visas, could not get a work permit under any circumstances.

If we do not correct that deficiency, we still have left out a tremendous group of young wives who want to be with their husbands, who want to keep the family together, but, because they do not fall within the appropriate grade to accompany their husbands, are still going to be denied employment on military facilities which hire German nationals, French nationals, English nationals, whatever the case may be, and deny the right of employment to our own nationals. I would say we still have some corrective work to do.

I must say, while the distinguished junior Senator from Pennsylvania is present, it is my understanding that it was through his efforts that this provision got into the bill. I hope we can have some indication, during the course of the debate, whether the opportunity to be employed also applies to wives of military personnel who are not there on a permanent basis but who are there on a tourist visa.

Mr. HUGHES. The distinguished Senator from Kentucky has pointed out an inequity which I am sure the Senator from Pennsylvania will want to address himself to at some point in the debate. I think it is a very important point we are talking about. Those in the lowest ranks cannot have their wives obtain anything but a tourist visa. They are disqualified from helping themselves. And they are denied the opportunity to work on overseas bases, by agreement with the countries in which they are located, and are forced to live in poverty. Others must leave their wives at home and endure the agony of separation for long months, and perhaps even years, of time. It is a very important point.

Mr. COOK. This makes those advertisements that one can spend his vacation in Europe, if he will only enlist, not as attractive as they might seem.

Mr. HUGHES. I agree.

I would like to read into the RECORD a letter that is right to the point that the Senator from Kentucky has talked about:

Some Congressman spoke of the "country club" atmosphere of the services. This statement especially angers me, for I have, for some time, been collecting my thoughts to write you concerning living conditions for enlisted men in the Navy. (I assume enlisted men in the other services have complaints also, although I can only speak from my own experience.) I am stationed with a naval aviation squadron which deploys to various naval bases throughout the Pacific area. I have lived in barracks on four overseas or isolated U.S. bases and on two bases in the continental U.S. When the squadron is home based at Naval Air Station Moffett Field, California, the married men generally live off base in civilian housing or in married housing on base. Most of the younger, single enlisted men live in the barracks because they cannot receive an allowance for quarters to live off base.

This barracks is constructed of concrete and divided into two stories of cubicles—not enclosed rooms. There are anywhere from one to three men assigned to each cubicle. The cubicles are small, with room for several lockers, a set of bunkbeds, and maybe a small table and two chairs. There are large windows along the entire length of the barracks with no curtains or blinds to shut out the light. There is only a partition between cubicles reaching three fourths of the distance from floor to ceiling. Most of the cubicles have no electrical outlets for personal radios, t.v.s, stereos, clocks, etc. There are no doors on any of the cubicles—whatever one leaves out of his locker is subject to theft. There is one common restroom/shower for each of the two floors. The toilet stalls lack doors. In short, there is no privacy, no security, no personality to the barracks whatsoever.

There are a few bases with barracks better than this, built with what little funds the Navy seems to get for new barracks. But there are many worse—much worse—barracks in the Navy too. At Naval Station Sangley Point, Republic of the Philippines (which is to be closed soon, fortunately) the barracks that squadron enlisted men were "housed" in was vintage WW II if not earlier, made of corrugated tin and rusting and rotting away under our feet. The restrooms were filthy just from old age. The sleeping arrangement there was even worse than at Moffett Field. There weren't even cubicles somewhat enclosed, but open bays of bunks, rusting rockers and plain cement floors—no air conditioning. A few old tables and chairs were scattered here and there. Cockroaches skittered about, mice played hide and seek in open daylight. The mattresses were miled and filthy.

Then there is Naval Station, Adak, Alaska, and Naval Air Station, Agana, Guam, where the squadron has been deployed now for almost three months. At Adak, in the Aleutian chain, the Navy is using WW II barracks condemned by the Air Force. They too are falling apart—the restrooms are ancient, shower drains clogged, open toilet stalls, scarred walls, leaky windows, most clothes washers and dryers are broken constantly; and in Alaska in the winter, the barracks is at times without heat or hot water for days at a time. However, the Adak barracks has one advantage over other barracks I've lived in—it has enclosed rooms with doors that can be locked, except that four men are assigned to a room the size of a small den. We can barely move around when all are in the room.

Naval Air Station, Agana, Guam: again, a concrete barracks with cubicles, no rooms, no air conditioning, four to six men to a cubicle, bunkbeds, plain cement floors, and termites have managed to eat away most wooden parts of the building. But we're living in "country clubs." We'll let the Congressman visit us.

Compared to Navy enlisted men, Air Force enlisted men seem to have much better barracks—in fact, Air Force enlisted quarters are called dormitories, and most are designed like regular dorms with one to two men per room, single beds, shower baths for each room or every two rooms, closets instead of lockers, ample furniture and often refrigerators for the rooms. I imagine one reason the Air Force has newer and more modern quarters is that the Air Force is a relatively new branch of the Armed Forces and the bases and quarters tend to be newer.

Many Navy bases are quite old and correspondingly the barracks tend to be older too. I think it is time that Congress allocated more money to the Navy for construction of dormitory-type enlisted quarters and for the Chief of Naval Operations to insure that the money is spent for this purpose as soon as possible. When a man is forced to live in sub-standard quarters, his morale and work can decline markedly.

Also compare our barracks with officer's quarters. (I hope no Navy officer has the gall to write you complaining of his quarters.) Even among junior officers the most per room is two, and they do have rooms which are designed like motel rooms with single beds, desks, easy chairs, walk-in closets, dressers instead of lockers, doors that do lock, often a separate sitting room and bedroom, private baths—or at most shared by four officers, air conditioning (in warm climates), usually a refrigerator, curtains on windows, carpets on floors. Are officers really that much better than enlisted men to merit such better quarters? I should say not! Many enlisted men in the Navy (and other services), like myself, have college degrees and possibly even applied for officer programs but were not accepted at the time because of filled quotas or college majors in subjects not needed at the time by the Navy. I know many enlisted men in this category. Many more have at least two years of college (as much as many officers), and many high school graduates have great potential for higher education. But yet, we are living 100% worse in many cases than the officers.

But we enlisted men are living the "country club" life I hear. What we need are better dormitories, more private, more personal, not dilapidated barracks. It is time that Congressmen and the public begin to realize that the enlisted men in the services do the work, especially the "dirty" work, for the most part, but often the officers get the credit and the benefits. Do people think a military could exist without the enlisted men? Without increased benefits and improved living conditions, men are going to be reluctant to volunteer and remain in the service.

Another problem in need of discussion from the enlisted man's point of view is pay. The current poverty level earnings for an urban family of four is \$3967.00 per year. Currently, the yearly earnings for an enlisted man is paygrade E-3 (most men in the Navy are in this paygrade for at least the first year of service), with three or more dependents is \$391.20, which includes base pay of \$2170.80, basic allowance for quarters of \$1260.00 and basic allowance for subsistence of \$500.40—earnings \$35.80 below the poverty level. (But we are in a country club atmosphere.) I have lived with my wife in the San Francisco Bay area, the location of the home base of my squadron.

This area has one of the highest costs of living in the U.S. My wife has been fortunate enough to find a job in this area of high unemployment, and with our pay pooled, we can exist. But what about the high school graduate who is married, has one or more children, and whose wife cannot work because of the children or because she is too unskilled to get one of the few jobs available in the critical job market areas? This man cannot exist in areas like this on his military pay—in fact, he can only exist poorly in an area of lower cost of living. Even by purchasing groceries at the Navy commissary store and other essential items at the Navy exchange, he has a rough time making ends meet. Many military bases do not have enough housing available on base for these lower rated married enlisted personnel (housing often goes to the higher rated men first), so they are forced to live in civilian housing, the cost of which is high in an area like San Francisco.

In the towns around Moffett Field, the cheapest one bedroom, unfurnished apartment runs approximately \$125.00 per month. However, the allowance for quarters for the lower-rated man is only \$105.00 per month if he has three or more dependents. If he has just one dependent, the allowance is only \$60.00 per month. The maximum allowance for even the highest rated enlisted man is only \$120.00 per month. How can enlisted men be expected to pay for civilian housing on such low allowances? The subsistence al-

lowance for all enlisted men is now about \$41.70 per month or \$500.40 per year. How well can one feed a family of four on \$41.70 a month or about \$10.00 a week? With civilian medical bills (even though the military is supposed to provide medical care for dependents, often the quality of service is so poor or slow that one is almost forced to seek out civilian doctors; servicemen must pay at least 20% of the cost of civilian medical care under the CHAMPUS program), car expenses (many locations in the U.S. nowadays require the use of a car with little or no public transportation available), clothing expenses, and additional costs of food and housing deducted from the base pay, there is little if any left out of that \$3931.20 yearly earnings.

I know of one recent case in which an enlisted man in paygrade E-3 applied for a hardship discharge from the Navy almost two years before his regular enlistment expired because he could not support his wife and child properly on Navy pay and his Navy duties did not permit him to keep the part-time job he had to supplement his low Navy pay. His wife threatened to sue for divorce and his early discharge was granted. In Santa Clara County, the county in which Moffett Field is located, a married enlisted man in the lower paygrades can receive food stamps and welfare payments if his family is of a certain size and his wife cannot find employment. The Navy must realize this fact since food stamps are now accepted in the Navy commissary stores. I think the current situation among enlisted men in the services is shameful. The pay levels of all enlisted men need to be raised; even the yearly pay and allowances before taxes of a married man in paygrade E-5 (the highest paygrade attainable by an enlisted man in a first enlistment of four years) with over two years service is only \$6152.00, hardly a high wage by civilian standards.

The Navy has been faced with a low re-enlistment rate. As a volunteer service, it must provide enough benefits and decent pay to attract more qualified volunteers and to encourage the younger, first term members to remain in the Navy. During the first four years of service, the Navy spends a large amount on training its personnel, but most first termers do not see enough benefit in a Navy career to remain after four years. For some men, like me, the very concept of military regimentation and lack of independence causes them to reject any thought of making the military a career. But many others would consider staying in the Navy if some of the more senseless regulations were dropped—as Admiral Zumwalt is attempting to do—and pay, benefits, and living conditions improved. The taxpayers could save in the long run if the Navy did not have to spend so much training its first termers, only to lose most of them after four years and have to train an entire group of replacements.

I have read that your committee is in the process of conducting hearings on the bill to raise the base pay and some allowances of lower ranks of enlisted men about 20% in order to make the services more attractive to volunteers and to get the men already in the service out of the poverty category. I urge you to support this bill and to encourage other senators to do the same. The Committee seems to be somewhat reluctant to give the lower ranking enlisted men the break they deserve—I hope they see the necessity of doing so. I also go one step further by urging you to look into the matter of poor living conditions for enlisted men—in all the services. I believe that you will find conditions of barracks in most cases can hardly be considered "country club." And if you do inspect barracks at all, please don't let the Navy brass take you to the newest barracks—there are some, but there are many sub-standard barracks also. I ask that you support, formulate, and encourage bills to increase basic allowance for quarters, subsistence, and higher pay

for all enlisted men. I submit that enlisted men have been forced into second-class citizenship for too long and that it is time for our position, both within the military and without, to be raised considerably, commensurate with our increased level of education, maturity, and awareness of our place in society.

This letter serves to outline the difficulties and the problems of a family; and I have numerous letters here, Mr. President, which further outline what is actually the lack of a reasonable level of living for American servicemen, their wives, and their children, all over this world and in the continental United States as well.

The question before us is not a question of whether we increase the military pay and allowances. The only question that remains is how much, and whether we are willing, at this point, after debating time and again whether we should reduce our commitments around the world, to continue those commitments, knowing that these men and women and their wives and husbands must endure months and years of separation, much of it involuntary, unable to find jobs, unable to pay the rent, unable to buy enough groceries, and dependent on food stamps and welfare assistance in our own country. How long can we continue this type of injustice, of total injustice to the American personnel in our armed services?

Mr. President, the time has come when we should take, not a halfway step for justice for the American military man and woman, but the full and complete steps of seeing that they share in the full economic increase in well-being in this country. This is necessary not only because they are the ones who actually defend our country. Many have volunteered and many have not. Thousands have been forced into the service by conscription laws they did not write, but for the reason that we have that capability and responsibility. This amendment will change an intolerable situation; this is a great priority in America today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHWEIKER. Mr. President, I commend the Senator from Iowa (Mr. HUGHES) for the important leadership he has played in the Committee on Armed Services and on the floor of the Senate in the issue of pay.

I should like to make clear, once again, that the modified amendment is now the Hughes-Schweiker amendment, combining pay and the 1-year extension, but separable for voting purposes.

I have before me an article published in Stars & Stripes. The article is captioned "GI's Called Poverty Stricken." I should like to read from it, because it goes to the heart of the whole pay issue,

of how we are treating our GI's as second-class citizens, how they are at the bottom of the totem pole, below those on welfare, below those who are subject to some kind of minimum wage, and below the poverty standard we have ascribed to our society as the level below which no one should be.

The men of whom we ask the most in our society, not only to fight but also to die, we put below those groups. We put them at the very bottom of the economic ladder. I can think of no better summing up as to why this is not only a hardship but also an injustice on men stationed around the globe, wearing our uniform.

I read from the article, which was written by John Pilger, Nuremberg bureau chief, Nuremberg, Germany:

A tremendous number of low-ranking USAREUR enlisted men are living in a state of poverty, an Army doctor said here.

Dr. (Capt.) Fletcher Hamilton, chief of the neuro-psychiatric clinic at the 130th General Hospital, claimed that because of low pay and lack of resources, a significant number of soldiers are suffering breakdowns.

Hamilton has started a movement to generate congressional pressure, with the aim of bettering the lot of low-ranking enlisted men.

"Our program," said Hamilton, "is primarily for the men in grades E1 to E5. We don't deny that other soldiers can have problems, too, but these are the guys who get hit the hardest, and they really need help fast."

According to Hamilton, there is a definite "debt cycle" that many enlisted men unwittingly get into.

"Take an average Pfc. who is married," Hamilton said. "He comes to USAREUR without his wife, since she won't be command-sponsored—

Which means he will not be paid for her transportation to Europe and back—

"With his low pay, he usually has to take out a loan to get her flown over. Then there is the matter of an apartment."

An informal study of E5 and lower-ranked soldiers assigned here to the hospital shows, he said, that the average rent is \$112 per month.

"Then there are the purchases needed to stock a house. In the end, the man is left with maybe \$40 a month to feed himself, his wife, and maybe even a child"—

Forty dollars a month. That is \$10 a week—

While there is no rule that states that a soldier can or cannot bring his wife to Germany, Hamilton said that having his family with him is very important to his well-being.

Since many soldiers in these grades are newly married, it could be disastrous to separate the family, Hamilton said, pointing out that the first 18 months of a marriage are the most important and hardest, since that is the period of adjustment.

The doctor said many soldiers—including a high percentage of new husbands—find themselves sent to Vietnam for a year, and then are given direct assignments to Germany for two or three years.

"If he does not fly his wife over, it means a separation of three or more years," said Hamilton, adding that "this could ruin a marriage before it even starts."

But what can be done for those GIs who do bring their wives to Germany?

The ideal, Hamilton says, would be command sponsorship of the wives. But, on a more immediate basis, there are several changes which could be made, according to Hamilton.

In the United States, the Agriculture Department issues food stamps, which, Hamilton said, are approved for use in commissaries.

Hamilton's group is calling for issuing these stamps, which would greatly expand a soldier's purchasing power in a commissary, to GIs in USAREUR.

Hamilton also points out that a significant pay hike should be approved for the lower grades.

"It should be a sliding one, however," he said, "giving the most money to the enlisted men who really need it . . . not to us officers who already make enough to get along quite well."

What he considers a "significant hike" is at least 60 per cent, if not more.

Hamilton also sees the need for a federally run poverty program in Europe to aid soldiers.

Another major point is that there should be a renegotiation of the Status of Forces Agreement (SOFA).

Portions of SOFA could and should be changed to allow dependent wives to take many of the jobs now available solely to local nationals, he maintains.

Mr. President, let me interject there that we have done some research and find that, in Germany particularly, that is not the case. Our commanding general who is head of the European Exchange System, Gen. Charles H. Phipps, in a memo of February 1971, issued this edict across Europe to all the stores and services in the exchange system:

For the reasons outlined above, I desire that the European Exchange System elements in the months ahead emphasize recruitment of local nationals and sharply deemphasize the utilization of United States dependents or tourists.

Here is an American general saying that when the GI's go to their canteen or service post exchange and spend their money, they do not even have the right to have their wives working there because we should give those jobs to German nationals. So, to a great extent, we are really in bad shape when our own people, in essence, do not recognize the condition that Captain Fletcher points out.

Returning to the article published in the Stars and Stripes:

"The German economy is in great shape," the doctor said. "Germans don't really need the jobs which we are offering to them. Our own military families need them so they can survive."

While at first it might seem that a neuro-psychiatric clinic is a rather strange place to begin a movement toward these reforms, Hamilton explained that it is "really quite natural."

"In our job, in our daily work, we see the soldiers and their wives who have problems. We are in a better position, perhaps, to fully understand the cause-and-effect relationship which exists.

"We see that a lot of the breakdowns—

Here he is talking about the mental breakdown of GI's—

are directly attributable to the fact the GI is here without his family, or if here, the marriage is in serious trouble because the soldier has to live in a constant state of poverty and indebtedness."

He said, "We have cases in the hospital right now which demonstrate this. The wife of a Spec. 4 who is about to deliver her child is in poor physical condition because they don't have enough money each month to purchase adequate food.

"Her husband is forced to go out on summer nights and raid farmers' vegetable patches to get enough food to survive."

What a disgrace that we are doing this to our GI's in Europe and across the board because we have this archaic medieval conception that GI's are the lowest men on the economic ladder.

Hamilton also said this is but one of many similar cases.

"The problems of the GI in USAREUR are double or even triple those of a soldier stationed in CONUS.

"In many respects they are even more severe than those of men stationed in Vietnam. Although it isn't classified as such, this definitely is a hardship tour."

The movement sparked by Hamilton and generated from the clinic here is slowly expanding.

Thursday Hamilton is scheduled to present his views and hopes to a meeting of neuropsychiatric personnel at a two-day meeting being held at the Landstuhl Medical Center.

Hamilton's goal is simple: to generate a letter-writing campaign to congressmen and Pentagon officials, which will have enough pressure behind it to bring about some of the urgent reforms he claims are needed.

Mr. President, at this point, I ask unanimous consent that I may yield to the distinguished Senator from Missouri (Mr. SYMINGTON) who has been a fine leader in this matter and has raised the question in committee and has rendered commendable service, without losing my right to the floor or having it count as a second speech.

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

THE DRAFT—ALSO JUST COMPENSATION FOR THE DRAFTEE

Mr. SYMINGTON. Mr. President, I thank the able and distinguished Senator from Pennsylvania. I have the privilege of being a cosponsor of his amendment and should like to speak with that as a premise for these few remarks.

Mr. President, this debate marks the beginning of what promises to be a long Senate discussion on legislation to extend the draft, to provide pay increases for men in uniform and to set manpower levels for the Armed Forces of the United States.

These discussions occur at a time when the American people continue to be unified in weariness over the war and in an increasing desire for peace.

They are also fragmented in the degree of their skepticism about the means and the goals sought for ending American hostilities in Southeast Asia; a mood that has prevailed far too long in America.

No doubt the various components of this national mood influence the attitudes of various Senators toward legislation designed to extend the Selective Service System as a method for procuring the young men needed now and in the future for military service.

Although I believe the Gates commission is probably right in recommending that we set our goals toward a volunteer army, under the extraordinary circumstances of today it is my conclusion that it will be necessary to extend the authority to compel military service; but for 1 year only rather than 2 years as pro-

posed by this administration and recommended by the Senate Armed Services Committee.

It is also my conviction that the higher pay raises approved by the House of Representatives should be adopted in the Senate.

In these few remarks I offer my reasons for support of the amendments of the distinguished Senator from Pennsylvania and the distinguished Senator from Iowa that would effect these changes in the bill before the Senate.

With the exception of a 15-month period in 1947 and 1948, for 31 years the United States has maintained a draft system as a means of filling the military ranks; in fact, every 4 years the Selective Service System has been renewed to the point where conscription has become an infinite process, in peace as well as in war.

The last 4-year extension, enacted in 1967, expires this June. We are faced therefore with the question of whether the draft should be extended, and if so for what period of time.

In the circumstances of the existing war in Vietnam, correlated with our prevailing international commitments and the time required for administrative changes in the Department of Defense, it would appear impractical to end the draft abruptly in June. Moreover, I would emphasize my belief that so long as we are involved in a shooting war, or disengaging from a shooting war, it is more fair and more in accord with democratic principles for men to be chosen for military service by means of a lottery draft system.

If, then, it is not now in the national interest to end the practice of the draft, nevertheless the time is at hand to end the concept of the draft as an infinite method for military manpower procurement. With that premise, by extending the President's authority to induct for only 1 year, the Congress responsibly encourages an end to this tragic Vietnam war in that 12-month period.

Concurrently, this extension would grant the Department of Defense at least a year in which to make those readjustments which will be needed if we are to establish an all-volunteer force; and the Congress also will have an opportunity to assess both the feasibility and the desirability of an all-volunteer force.

For my own part, I am convinced of some highly desirable features which would be characteristic of an all-volunteer force. Looking to the recent experiences with the draft and Vietnam, it is fair to say that the incremental drafting which was exercised under the President's existing authority to induct made possible, with relatively minor protest, the initial decision of the President to escalate the war in 1965 and 1966.

If Congress at that time had been faced with voting up or down on whether to trigger the draft—and subject young Americans to the risk of a wartime military service and thereby "declare war"—public opinion would have been far more vocal, and the decision made with considerably greater deliberation and participation by the Congress.

A 1-year extension, along with the decision to limit the number of men that

can be inducted, affords the Congress a better opportunity to assure the exercise of its proper role in raising and supporting armies and formulation of foreign policy.

When this war is ended and hopefully that will occur during the coming year, it would appear not only preferable, but also in accord with democratic principles, for voluntary choices to be made for military careers.

Meanwhile if we are to have either an active or a standby draft system, that seeks to be as fair as possible to all young Americans, the changes in the Senate bill proposing a termination of student deferments upon enactment of the legislation and authorizing a uniform national call would appear both necessary and advisable.

Either directly or indirectly the draft has also served to secure military manpower at levels of pay which are both substandard and inequitable for first term servicemen.

As the report of the President's Commission on an all-volunteer force has made painfully clear, in addition to the service he gives his country, the draftee as well as the draft-motivated volunteer pay a tax hidden from American society as a whole; and reflected nowhere in the Federal budget. This hidden tax consists of the difference between his military pay and potential civilian earnings and the excess of military over civilian pay needed for a true volunteer.

Compare if we will, as was done by Secretary Laird, the difference between the approximate \$2,700, that is the monetary value of the earnings of a first term enlisted man at the completion of his basic training, with the \$9,500 starting salary of a New York policeman. Think also about the 14- to 17-year-old page who serves here in the Senate and who earns more than twice as much as the first-term enlisted man.

I am speaking now not just of the basic pay of the enlisted man, rather, of his regular military compensation (RMC) which covers basic pay, plus allowances for quarters and subsistence; and also the advantages which accrue to him because of the fact that certain of his allowances are nontaxable.

The hidden tax shouldered by the serviceman and his family should be shifted to all American taxpayers. In some cases it is sad to note that the public treasuries do pay a small part of this cost, not as a matter of right, but in the form of welfare benefits.

Under present levels, surprising as it may seem, the regular military compensation pay of a private is \$259.43 a month for a married man and \$270.49 for a single man. Because a single man's effective tax rate would be higher, his tax advantage—which counts as a part of the RMC formula—is greater and therefore his regular military compensation pay is higher than that of a married private.

As but one example of the differences between the Senate committee bill containing the administration's recommendation for pay increases, and the House bill, the Senate committee increases this pay to \$381.40 a month for the married serviceman and \$331.56 for the single serviceman. The House pay provisions,

embodied in the amendment offered by Senator HUGHES, of which I am a co-sponsor, would provide \$452.12 for the married man and \$415.96 for the single man.

The cost of the Senate committee bill for increases in basic pay and allowances for active duty forces is \$987 million. This compares with a cost of \$2.6 billion for similar components in the House bill. The House provisions are more roughly comparable than the Senate committee bill to the increases recommended by the President's Commission as the first indispensable step toward establishing an all-volunteer force.

The pay increases of the House bill are those planned for proposal to the Congress by the Department of Defense for the fiscal year 1973. I believe they should be put into effect now.

The Defense Department has stated its objections to the larger pay increases on the grounds that it would have an adverse effect on the budget and also because these expenditures could prevent the purchase of weapons systems essential to our national security. One of the chief reasons why we are leading toward further financial troubles, however, is the fact we are already purchasing, or planning to purchase, many weapons systems which are not necessary to our national security.

In any case, a New York Times editorial which I ask unanimous consent to be printed in full at the end of my remarks expressed well my thinking on this matter, especially in its response to these Defense Department objections when it concluded:

A government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

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

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, regardless of the degree of one's agreement or disagreement with respect to the feasibility of the all-volunteer force, fairness alone would appear sufficient ground for support of the pay increases contained in the House bill. Its provisions would provide full compensation equity between those whose numbers are called and the potential civilian salaries of their contemporaries who are so fortunate as to be allotted higher Selective Service numbers. In addition, it would eliminate the need that now exists for too many of our servicemen and their families to turn to welfare benefits.

Apart from the rationale that higher pay increases would be a steppingstone to a desirable all-volunteer force, there is another reason why I support the pay increases contained in the House bill; namely, these costs should speed effort in the Defense Department to make more efficient its use of manpower resources; and also to evaluate with more realism the true defense needs of this Nation. If that were ever done, the savings would more than offset the above additional costs which would result from giving just compensation to those we draft for military service.

[From the New York Times, May 4, 1971]

EXHIBIT 1

A TAX ON GI'S

If the Administration were to tell Congress that since the nation cannot afford its new \$76-billion defense budget, the cost of new arms would be taken out of the pay of privates and other low-ranking G.I.'s, the lawmakers would be rightly indignant.

But such an indirect tax on servicemen is, in effect, what the Secretary of Defense has proposed and the Senate Armed Services Committee has accepted in endorsing the Administration's cut-rate draft bill, calling for military pay raises of only \$987 million. Secretary Laird vigorously opposed much larger increases recommended by a Presidential commission and endorsed to a substantial degree by the House because, he said, the money would have to be taken from other defense funds and would have "a very adverse effect on our budget."

The Advisory Commission on an All-Volunteer Armed Force last year urged increases totaling roughly \$3.2 billion as a means of achieving the peacetime goal of an all-volunteer force. In making its recommendations, the commission argued that the pay raises are justified on the grounds of equity alone. Existing pay scales in the lower ranks are so low, the commission noted, that they amount to a "tax in kind" on draftees and draft-induced volunteers who are compelled to serve for wages substantially below what they could expect to command on the civilian job market.

For example, the current monthly salary of recruits is \$134. Under the Administration proposal which is now before the Senate, a recruit's pay would be raised to \$201 per month. The Presidential commission recommended a figure of \$301. The Senate should at least match the increase voted by the House, which would raise recruit pay to \$268 per month.

A Government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

Mr. SYMINGTON. Mr. President, I wish to thank the distinguished Senator from Pennsylvania for his courtesy in yielding to me. I congratulate him on his excellent and constructive leadership with respect to the matter at hand.

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

Mr. SYMINGTON. I would be happy to yield to the Senator from Alaska.

Mr. GRAVEL. Possibly the Senator from Pennsylvania might wish to comment first with respect to the speech by the Senator from Missouri.

Mr. SCHWEIKER. I am glad to yield to the Senator from Alaska.

Mr. GRAVEL. I wish to ask the Senator from Missouri if any studies have been made by the committee, or whether anyone has been able to grapple with the costs of welfare in relation to military people. I am trying to trace the figures with respect to Alaska, which has a large number of military people.

I wish to ask the Senator how many of these people are forced to be on welfare because of the inequity of the situation they face?

Mr. SYMINGTON. The Senator has raised a good question. I have heard a figure that runs into thousands of military families on welfare. This is very bad for morale, and in my opinion it is against the American concept of what the military service is all about.

Mr. GRAVEL. I cannot help but hasten to add it suggests that we look down our noses at the military and seem not to realize it is a very fine profession and something of which we should be proud. We should pay them their due.

The greatest inequity occurs only at the lowest level of the pay scale; the higher levels do not have such inequity.

Mr. SYMINGTON. The Senator is correct. When I wore the uniform, we were all very anxious to serve because we believed in the cause. Based on my travels around the world, one of the chief problems today is that a large percentage of people in the military services with whom I have spoken do not believe in the war. We should consider that when we also consider equity and justice, and when we force service through the draft.

Mr. GRAVEL. Is my colleague making the point that if the Vietnam war problem were placed aside the problems of the military would not be at the level at which they have arrived, vis-a-vis the general population of the Nation?

Mr. SYMINGTON. The Senator is correct. We have gotten ourselves into a situation where we are following traditions which, to my mind, do not interpret modern weaponry.

I am glad to see the distinguished former Senator from Pennsylvania (Mr. Clark) in the Chamber, visiting with his colleague.

We have thousands upon thousands upon thousands of Americans in uniform all over the world. I believe, first, that it is not necessary from the standpoint of our security in this nuclear-space age; and second, it is not conducive to the settlement of problems in other countries.

I honestly believe that is one of the reasons we are in this war today. No one has given the American people the self-appointed right, except ourselves, one might say, to baby-sit the world, finance the world, and defend the world.

When we had all the gold, and when we had the bomb and nobody else had it, and we needed bases all over the world in order to refuel our ships and as staging bases for our bombers, that was one thing. But the days of the long-range bomber and the ICBM are gone, so we should realize that our military establishment, because it is the largest increment of our national budget, is causing us very serious financial problems.

Much of the debate yesterday had to do whether we should or should not take troops out of Europe. In a sense, it was an illumination of the questions involved on extension of the draft because a small modern army and the capacity to destroy any enemy who attacks this country are essential to the security of the United States, the only type security in this nuclear age we can be sure we have.

On the other hand, if we would extend the draft for 1 year to make arrangements during that period to carry out the Gates Commission report, at the same time we would be able to establish policies which, in turn, would much reduce the need for these troops all over the world.

Mr. GRAVEL. If time permits my distinguished colleague to answer, out of curiosity I would like to know, if our

manpower needs are met, why the administration would want an extension of 2 years for the draft, if from a numerical point of view it is not needed?

Mr. SYMINGTON. In all honesty I say to my friend it is not just this administration; it is previous administrations, as well. We have gotten into a habit, like coffee. We have developed what might be called a "Pax Americana" comparable to Pax Britannica of the 19th century.

However, Pax Britannica had a major difference, one might say, with the present situation; namely, they operated for a profit. They found out that taking ships abroad meant they had to have cooling stops. When oil came along they found the operation was quite profitable. They let the people in India raise cotton but they did not allow cotton mills there. The cotton was raised in India, sent to Manchester where shirts were made, and the shirts went back to India. They were adept at preserving their Pax Britannica to get other people to help them in their fight, far more than we think is necessary in our operation.

With respect to our military investment all over the world, it involves tremendous taxes on American citizens that I do not believe were necessary; and second, it belies the obvious changes that should be made with respect to our entanglements since World War II, because of new weaponry.

Mr. GRAVEL. My colleague is very knowledgeable in the R. & D. area and, of course, his own personal experience, both in business and in government, qualify him in this area; but I was reading recently—and I do not have the article at hand—how Dr. Foster, head of the R. & D. in the Defense Department, spoke of the greater need. I do not know whether it is budgeted. That is my question. Have we budgeted a substantial increase in R. & D., and for the whole R. & D. gap with the Russians, which causes many billions of dollars to be spent in this area?

The Senator made reference to it in passing in his statement that we have opted to go for machinery rather than take care of human beings, who, interestingly enough, must operate the machinery.

I wonder if my colleague would have some comments on an increase in R. & D. if there is one, and what the degree of that increase is, and on the comments of Dr. Foster, if my colleague is aware of those comments.

Mr. SYMINGTON. First let me present to my able friend from Alaska that I know we need modern weaponry to defend the United States, but I think we build a great deal of weaponry that we do not need, all of which is very expensive. I think where we are running into trouble with respect to Dr. Foster's approach to the problem is, for example, that this year he is asking for \$8.8 billion in research and development. That is a lot of money today, even in the United States. What astounds me is the amount of that money, ostensibly for research and development, which obviously is being asked for in order to pursue, not research, but development of systems that are in preparation for production. It is

a rather nice difference, but a very important difference. It is not really research, in other words.

As a result of that, in my opinion, along with the tremendous amount of service rivalry and friction that develops we are getting the arguments in this country and the Soviets are getting the hardware. That in itself could operate, over a period, to be very dangerous to our national security. But more important than anything else, regardless of how important such weapons are, they are only as good as the people who know how to use them. Today we have weapons that are so complicated that they break down in the field and a good mechanic cannot fix them because he does not know how, and we need, in effect, an engineer rather than an excellent mechanic, even a high grade mechanic.

That being true, I think it increases the need for higher pay in order to attract people with higher education. That is one of the reasons why, in the theory of it at least, I lean toward establishing in peacetime a volunteer army.

I appreciate the contribution made by the able and distinguished Senator from Alaska.

Mr. GRAVEL. I thank my colleague. Realizing my colleague has to leave, and I do thank him, I want to touch on one other point that I recall from memory, which I think it would be proper to add right here. One of the items in the R. & D. budget is the improvement of the helicopter. I think my colleague has made a very good point, and that is that a lion's share of the money we are talking about is for development, and not for research. I think when people think of R. & D., they think we are getting into some exotic weapons that will permit us to have better defense down the road. But the tremendous expenses we are talking about are not for that purpose. They are for a purpose that is very new in the area of defense. I think that should be realized.

I shall have more to say later on the efficacy of these budgetary increases and on the impact that they have, but I think it is important to note, since we do work for the defense of the people of this Nation, that those whom we draft to serve in the services are a part of this Nation. That this whole process should visit upon them great inequities, I find strange. If we cannot pay a decent wage to a buck private, then I wonder what the purpose of the whole system is.

I think it represents a tremendous inequity, and, as I stated earlier, we will be trying to find some figures with respect to the situation in Alaska, which has a number of military bases and has many enlisted men. I think we will be able to show the degree of financial difficulty that has been occasioned by our present policies, causing these people to be on welfare.

I would hope that somebody could make an assessment, and I would hope the committees, probably the Armed Services Committees, would be the ones best able to do this and coordinate their information with the HEW section of our Government, and try to develop some figures as to how many of our service-

men's dependents are on welfare in this country, and what the cost of that is. It would be interesting to equate those dollars that we pay out for welfare as opposed to what we would pay directly by a pay increase for those same servicemen. Who knows? It might be \$100 million. It might be \$200 million. We do not know, but I think that is a figure which should be acquired, and which would be very germane to these deliberations.

I yield the floor.

Mr. SCHWEIKER. Mr. President, continuing the point I was making earlier about the poverty of our enlisted GI families in Europe, I would like to cite a new study made by Capt. Fletcher Hamilton, of the Medical Service Corps of the U.S. Army, and of Steven S. Simering, a major and a psychiatrist, also in the U.S. Army.

I think that the facts that they have brought out in their survey, which I am about to elaborate on, show at firsthand how disastrous it is for a GI who goes aboard and lives under the poverty conditions that our military pay caste system has put him in. The problem is entitled "The poverty situation of many lower ranking U.S. military families in Europe:"

2. Facts:

a. The total income of married enlisted men in the grades of E-1 through E-3 and married E-4's and E-5's with children is below the poverty level as given by the U.S. Social Security Administration.

So, in effect, we are not even living up to our own definition of poverty with the GI's in grades E-1 through E-3 and, if they are married and they have children, E-4 and E-5, that we set in the Social Security Administration for the poverty level.

b. Married servicemen in the grades of E-1 through E-4, and E-5 who do not have three years of service left when assigned to Europe do not receive the following help that is provided to nearly all officers and NCO's:

1. Dislocation allowance—one month's housing allowance to help expenses of coming to Europe.
2. Pay for travel of family to and from Europe.
3. Shipment of household goods to and from Europe.

We do not even let a GI have his trunk sent at Government expense across the ocean where he is sent to, if he does not have the grades which permit him to do that.

He does not get the following:

4. U.S. government housing.
5. A station allowance when living on the economy in a high cost area.
6. Family separation pay if the family stays in the U.S. with the serviceman in Europe.

Of course, this is the very heart of the draftees, the very heart of the nonvolunteer army, and it is for that reason that I say we could not possibly have a volunteer army today with these outrageous and disgraceful pay and personnel policies.

Percentage pay raises across the board that have been passed by Congress do not help the poverty pay of the lower ranking EM. 7.9% of \$143 is "bread crumbs" as compared to 7.9% of an officer's pay. According to officers at Hq., USAREUR, in January, 1971, there were approximately 126,500 enlisted men in the grades of E-1 to E-5 in the Army

in Europe. This does not include members of the other services.

So these adverse conditions, these bad situations, this kind of thing that produces mental breakdowns and ends them up under the psychiatrist's care, actually apply to 126,500 of the 300,000 troops we have in Europe, and that is not even counting men in that rank in other services; this is just the Army.

According to figures provided to this writer's, 50% of E-5's in the U.S. Army are married, and 25% of E-4's and below are married.

Nearly all married servicemen in the grades of E-4 and below would qualify to buy Federal Food Stamps. There is no way at present for U.S. servicemen to purchase food stamps in Europe, even though military commissaries are accepting food stamps in the U.S. There are military commissaries in Europe near almost all military units.

There are no U.S. Welfare Departments in Europe even though many families qualify for public assistance in the U.S. Servicemen in Europe pay federal and state taxes, yet cannot receive welfare services available to them in the U.S.

Once again, we treat them as second- and probably third-class citizens:

Very limited financial assistance is available in Europe through American Red Cross and Army Emergency Relief. Financial help from these services is usually a loan, on a one-time basis, and only for an "emergency."

German welfare services do not provide financial assistance to U.S. service families in Germany.

A study done last year by the Army in Europe on the average cost of economy housing in Germany revealed an average housing cost ranging from approximately \$115 to \$130 per month.

There is a shortage of economy housing in almost all parts of Germany. In the Nuernberg area alone, there are approximately 172 families on waiting lists for economy housing at Family Housing. For the month prior to 10 February 1971, the housing office was able to find only 12 families economy housing. In the Nuernberg area, as of 31 December 1970 there were 1119 U.S. military families living on the German economy. A study done by this writer in January 1971 of 40 E-5s and below in Nuernberg, revealed an average economy housing cost of \$112 per month. This is more than the total family allotment (Class Q) of the married E-1 through E-3.

So the average cost for housing is \$112 per month in Nuernberg, and yet this is more than the total family allotment for the married men, E-1 through E-3. No wonder we put our GI's in such a bad situation.

Most civilian jobs on U.S. installations in Europe are held by local nationals or by persons from another European country. These jobs are classified as local national jobs and American dependents cannot fill the jobs because of this classification.

I bet we are the only country in the world that has that unique method of discriminating against its enlisted personnel stationed abroad. I know of no other country in history that has ever treated its soldiers stationed abroad as in a lower category than the citizens of the country they are in. I sometimes wonder who won the war. Many of these jobs could be done, and done better, by American dependents.

Lower ranking enlisted men in Europe have to pay more for car insurance than any other group of military. Automobile insurance is extremely expensive in Europe.

Many soldiers are being sent to Europe immediately following duty in Vietnam. The "Stars and Stripes" printed an article that stated approximately 4500 soldiers were scheduled to come to Europe from Vietnam in the month of February 1971.

Numerous studies by mental health professionals in the United States have demonstrated the correlation between poverty and mental illness in civilian life. Poverty in the Army has equally destructive effects on the physical and emotional well-being of the soldier. Although all lower ranking enlisted men are poorly paid, the poverty of the soldier stationed in Europe is far more flagrant than that of his counterpart in the United States or even in Vietnam. Moreover, the contrast between the living standard of the GI and that of officers and NCO's is much greater in Europe than elsewhere.

Unlike Vietnam, the soldier's tour in Europe is not limited to 12 months; it may be two years or longer, and frequently follows directly after duty in Southeast Asia. Unlike Vietnam, there is not "good reason" why a married man cannot be accompanied by his family while in Europe. The families of officers and NCO's are not only encouraged to come to Europe, but have their families and household goods brought to Europe at government expense, and are given government housing to live in. This assistance is not given to the great majority of the married lower ranking enlisted men sent to Europe. If an officer or NCO has a delay in having his family join him, he is paid a family separation allowance to help his income; not so for the married lower ranking serviceman who is separated from his family. A hospitalized psychiatric patient made the point so clearly when he asked, "Does the officer need his wife more than I need mine?" This man's wife and children were in the U.S.

In Europe, there is a definite "poverty cycle" for many of the married enlisted men. They wish their families to be with them in Europe. In a foreign country it is very lonely for a man to be without his family for extended periods of time. The soldier usually borrows money to get his family to Europe, then must borrow money to pay very high rent for housing. To move into most apartments in Germany, there is a deposit of one to three months rent, plus one month's rent fee to an agent for finding the apartment—

A finding fee yet—

plus the first months' rent! The lower ranking serviceman does not have his household goods brought to Europe at government expense, so he must buy his household appliances in Europe. If these soldiers can afford to buy transportation, it is usually an automobile 10 to 20 years old. These are very dangerous and there are many car repairs. The insurance rates are highest for the lower ranking servicemen. Then a man has more debts than he can pay, he is often demoted in rank for letters of indebtedness, making his financial situation still worse.

In the United States lower ranking servicemen have help that is not available in Europe. In the U.S., second jobs are available for the soldier, and jobs are available for his wife. In Europe, jobs are very scarce, if available at all. Most civilian jobs with the U.S. military in Europe are occupied by local nationals (Europeans). Most of these jobs could be done, and probably done better, by American dependents, because of language problems of many local nationals. If American soldiers and dependents had these jobs instead, it would bring many of the enlisted families out of poverty.

Just a simple Executive order would change this.

Another point is that it would decrease many millions of dollars in gold flow.

That is another very serious problem we are experiencing.

An article in the "Stars and Stripes" on 14 February 1971, on jobs for dependents, quoted a Department of Defense official as saying that post exchange and non-appropriated fund jobs were filled by American dependents if possible. This is a small minority of the civilian jobs in Europe with the U.S. Forces. Most civilian jobs are appropriated-fund jobs and most of these jobs are filled by Europeans.

To help lower ranking enlisted men in the U.S., there are many welfare services available. Federal Food Stamps and public assistance are available in many states. Military commissaries in the U.S. have been authorized to accept Federal Food Stamps from military families. In Europe there are commissaries near almost all military units, yet there is no way provided for families to buy food stamps in Europe. Even though U.S. servicemen in Europe pay federal and state taxes, they do not receive the many helpful services of the Department of Health, Education and Welfare or the services of the state welfare agencies.

The points so far mentioned in this discussion place a great deal of emotional stress upon the soldier, his family and his marriage. Nearly all of the married, lower ranking enlisted men are in the early years of their marriage—the adjustment period. The problems of the enlisted men mentioned in this paper are deterrents to the marriage adjustment of the U.S. soldier in Europe. Prolonged separations and financial difficulties in marriage are recognized by mental health professionals as deterrents to a happy marriage in the great majority of cases.

4. Conclusions:

a. There are many military families living in poverty in Europe.

b. There are few jobs available in Europe for soldiers and American dependents to supplement family income.

c. There has been an ever-widening gap between the incomes of the lower ranking servicemen and that of the officers and NCO's.

d. Officers and NCO's receive many financial benefits that the lower ranking servicemen do not receive.

e. Welfare services for military families in Europe are few and inadequate.

f. The effectiveness of U.S. forces in Europe is being lowered by the social and emotional problems caused by the poverty of many of its members.

5. Recommendations:

a. A sizable pay increase for lower ranking enlisted men to raise all military families above the poverty level.

This is the heart of the amendment that is before the Senate at this time. This is, in fact, the Hughes-Schweiker amendment. That is what it is designed to do. That is what it does. It does what the House has already had the courage to do—add \$1.7 billion to this bill for pay. It is the essence of what the Gates Commission and the former Secretary of Defense from Pennsylvania recommended in their study. This is what everyone who has anything to do with the problem is considering and recommending. Yet, here we are, on the floor of the Senate, battling for the right to have decent pay for our enlisted men.

b. "Command sponsorship" for all married servicemen to include these financial benefits: dislocation allowance, travel pay for all dependents, station allowance for high cost housing areas, government shipment of household goods.

All of this we do not give them:

c. End of sending a soldier on two consecutive overseas assignments, unless requested by the soldier.

Believe me, this is not the exception; this is the rule. I have any number of

complaints coming into my office, as a Senator and as a member of the Committee on Armed Services, about men who have just gone through Vietnam and have been shipped to Germany, with no opportunity to see their families for any extended period of time, unless they pay the bill to take their families to Europe. How unfair can we get?

d. Unless all military families have their incomes raised above the poverty level, Federal Food Stamps and other financial welfare services should be provided to the military families in Europe.

e. Make changes in civilian jobs with the U.S. military in Europe so that all jobs possible will be given to American dependents instead of Europeans.

This study is the personal work and opinion of the undersigned and does not represent the views of the U.S. Army, Europe.

Most assuredly, it does not. It is signed by Capt. Fletcher Hamilton, Medical Service Corps, and Steven S. Simring, major and psychiatrist with the Medical Corps.

This brings me to one more point. Since uncovering the memorandum I brought out a few days ago and read again today, whereby the commanding general of the European exchange system, General Phipps, had recommended that only local nationals be considered for these jobs, the Assistant Secretary of the Army, Roger Kelley, has personally taken over the investigation of this matter. He has assured me that they are going to rectify that particular memorandum, that that memorandum will from now on correspond to the alleged policy that has been operating over there for some time, of giving American nationals some preference. Senators may rest assured that I will follow up and make sure that is done, because I think this is the greatest injustice of all.

I have in my hand a copy of the latest memorandum, which has gone out as a result of my bringing these facts out in committee just a few weeks ago. We hope this will begin to straighten out the mess and the terrible way in which we are treating GI's. It is a memorandum that has gone out to Germany and to European forces:

A. HQ EES Management Information Letter N. 30, February 1971, as amended by EES commanders Newsletter No. 37, April 1971.

1. This is a joint DA/DAF Message.
2. Department of Defense Policy announced 6 March 1961 requires that nonappropriated fund activities in foreign countries make maximum utilization of US dependents already in country and enlisted personnel employed during off-duty hours, in lieu of local foreign nationals. This policy remains in effect.

3. Referenced documents should be amended and other pertinent command instructions reviewed to insure continuing compliance with policy cited in Para 1, above.

4. You should anticipate additional instructions on this subject in the near future.

While this, according to the books of the Defense Department here, allegedly has been the policy since March of 1961, it obviously has not been. The policy has been followed more in the breaking of it than in the observance of it. Had it not been for Captain Hamilton and his leadership there, I doubt that we still would know that the Commanding General of Europe has sent out a policy totally con-

tradicting what the alleged policy of this Government supposedly has been since March of 1961. I do believe that Assistant Secretary Kelley is going to see that this mess is cleaned up. I commend him for his efforts.

I am sorry that it took all this trouble to do what our GI's are entitled to do in the first place. This, itself, tells us what we are doing wrong in Europe—the fact that we have to debate a situation such as this and have to consider it—the fact that I had to offer an amendment in committee, which was accepted by the chairman—and I commend the distinguished chairman of the Committee on Armed Services for accepting my amendment.

My amendment reads:

At the end of the bill add a new section as follows:

Sec. 15. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term facility or installation operated by the Department of Defense shall include any officers' club, non-commissioned club, post exchange, or commissary store.

I think it pretty well tells the story to know that a U.S. Senator has to write into a bill an amendment that says we will not discriminate against our GI's and our exchange bases with our pay or with servicemen's facilities. It is a pretty sad day in American history when a Senator has to present an amendment like that.

I commend the chairman for his willingness to tackle the problem and get it straightened out. To me, this shows the whole problem of why we had seriously to debate the NATO question, why we wonder about the cost of paying the bill there, and why we are facing up to the situation there. The debate was healthy and long overdue. It is another aspect of what has been happening.

It is our own GI's that are the guinea pigs. It is our own GI's who are, in fact, being discriminated against. It is our own GI's that a Senator has to write an amendment to protect so that they will not be discriminated against.

That pretty well sums up the case why we have to start to treat our GI's as citizens of the United States and give them the same kind of pay, the same kind of consideration, the same kind of emolument, the same kind of service and respect that all other people in our American society get today.

Mr. CASE. Mr. President, today I have joined in cosponsoring the Schweiker-Hughes amendments to the draft bill currently before the Senate.

The first of these amendments will provide for a 1-year extension of the draft, rather than the 2-year term requested by the administration and recommended by the Senate Armed Services Committee.

A 1-year extension will require the Congress to consider this issue next year and to exercise the responsibility which

we have to participate in this matter which so affects the lives and fortunes of all citizens.

This period of extension will also enable the Congress to have the benefit of 1 year's experience with those innovations contained in the bill that are designed to bring about an all-volunteer force before we are obliged again next year to decide whether the draft should be continued.

The most important of these innovations is reflected in the second amendment which I am cosponsoring. This amendment will substitute the amount of the \$2.7 billion pay increase as passed by the House for the approximately \$1 billion recommended by the administration.

As one who first called public attention to the spectacle of military families on welfare, I can do no less. For 13 years, from 1952 through 1964, the basic pay of enlisted men with less than 2 years service remained unchanged, and since 1966 personnel in this category have only received across-the-board increases which served to maintain their position of relative penury. Under the terms of the amendment which I am supporting, 86 percent of the increase authorized will go to enlisted men and junior officers with less than 2 years service, thus lifting virtually all in this category from below the poverty level of income.

If enacted, this pay increase, which will be close to the amount recommended by the Gates Commission as necessary to man a volunteer force, should also begin to test the assumption that increased compensation can in fact attract sufficient volunteers to man our Armed Forces.

It goes without saying that if the draft is to be retained, it must be made more equitable. A number of other amendments for this purpose will be offered, and I, of course, will support those which advance this purpose.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE SALT TALKS—PRESIDENT NIXON'S STATEMENT ON RADIO AND TELEVISION TODAY

Mr. HUMPHREY. Mr. President, today, at noon, the President of the United States made a brief statement on nationwide radio and television which is of singular importance to the Nation and, I think, to the world.

The President brought us a message of good news as it relates to the strategic arms limitation talks now being held in Vienna.

The substance of the President's statement is as follows:

The Governments of the United States and the Soviet Union, after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

The two sides are taking this course in the conviction that it will create more favorable conditions for further negotiations to limit all strategic arms. These negotiations will be actively pursued.

Mr. President, this is part of the President's statement. I ask unanimous consent that the entire statement be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT

Good afternoon, ladies and gentlemen.

As you know, the Soviet-American talks on limiting nuclear arms have been deadlocked for over a year. As a result of negotiations involving the highest level of both governments, I am announcing today a significant development in breaking the deadlock.

The statement that I shall now read is being issued simultaneously in Moscow and Washington; in Washington at 12:00 o'clock and in Moscow at 7:00 p.m.

The Governments of the United States and the Soviet Union, after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

The two sides are taking this course in the conviction that it will create more favorable conditions for further negotiations to limit all strategic arms. These negotiations will be actively pursued.

This agreement is a major step in breaking the stalemate on nuclear arms talks. Intensive negotiations, however, will be required to translate this understanding into a concrete agreement.

This statement that I have just read expresses the commitment of the Soviet and American Governments at the highest levels to achieve that goal. If we succeed, this joint statement that has been issued today may well be remembered as the beginning of a new era in which all nations will devote more of their energies and their resources not to the weapons of war, but to the works of peace.

Mr. HUMPHREY. Mr. President, I rise to commend this statement. The President's announcement concerning the SALT talks is encouraging. The understanding that we will proceed toward working out an agreement on limitation of the deployment of antiballistic missiles represents a significant first step in strategic nuclear arms control. The further understanding to seek an agreement on offensive weapons represents a major breakthrough in the SALT talks. These developments, I would point out, are in accord with the principles and suggestions which I made in my Senate speech on March 25.

The next step to slow down the arms race would be an understanding to freeze the deployment now of both offensive and defensive missiles.

On March 25, I was imploring the administration—the President and his representative at Vienna—to show considerable flexibility in the talks on strategic arms limitations.

I pointed out in the March 25 speech that the Soviet Union had indicated a desire or willingness to discuss a limitation on defensive missiles. At the time of the March 25 speech, the administration's position was that there had to be an agreement simultaneously on both offensive and defensive nuclear missiles.

Mr. President, it has been my view that progress in the strategic arms limitation talks should proceed step by step. I was of the mind, as I am now, that to try to arrive simultaneously at an agreement on both offensive and defensive weapons might be very difficult, if not impossible.

The President's announcement today subscribes to the procedure, first of all, of seeking an agreement within this year on defensive weaponry. This agreement, of course, is conditioned upon the understanding that following the agreement on defensive missiles there would be work toward an agreement on offensive missiles.

This is exactly the position I pursued in my argument of March 25. I said at that time that whatever agreement would be arrived at on defensive missiles, should be linked to future agreements on offensive missiles.

The President's statement today tells us that the Soviet Union and the United States have agreed to concentrate this year on working out an agreement for the deployment of anti-ballistic-missile systems. Then, as a second step, these two countries have also agreed on the necessity of concluding an agreement to limit offensive strategic weapons one to follow the other.

Mr. President, I am so pleased that the administration has shown this flexibility. I do believe that matters of foreign policy, and national security, particularly with respect to arms control must be considered over and beyond any partisan questions. I believed that in my votes of yesterday on matters dealing with our NATO forces. I believe that even more strongly with reference to arms control. The subject of arms control is one of the most serious ones facing this Government and, I think, one of the most important ones facing mankind.

It is my considered judgment that the building of weaponry does not gain new strength or new security, because it is matched by our adversary or, in this instance, the Soviet Union. In other words, there really is no way to get ahead. There is only a way, if we so desire, to elevate the level of danger by the arms race.

The other way is to lower the level of danger and the cost by a limitation on arms, what we call arms control agreements.

It should be noted that the statement of the President does not represent a unilateral reduction on our part. It represents a negotiation directed toward a mutual freeze of deployment or a mutual limitation on the deployment of anti-ballistic-missile systems. It represents an understanding to seek a mutual agreement on the limitation of

offensive weapons, so that we are in no way jeopardizing our security. Mr. President, it is my judgment that by pursuing this course we are enhancing it.

I do compliment the team we have in Vienna, particularly Mr. Smith, the head of our arms control delegation. Their work is highly sensitive, most difficult, and complex. I believe that we owe them a debt of gratitude for this beginning approach or this beginning success.

Let us hope that the understandings that have been arrived at thus far can be translated into concrete terms of a signed agreement.

May I add that it would be in the interest of all parties if, during the time an agreement is being sought or during the time of the negotiations on the hoped-for agreement on the anti-ballistic-missile system limitation, there could be a freeze on the further deployment of ABM's here and in the Soviet Union, and a freeze on further deployment of land-based missiles and the intercontinental ballistic missile-type—the Soviets with their SS-9's and the others of that family, and we with our Minuteman, Polaris, and Poseidons.

It is my judgment that the interest of the world's peace and security would be best served by not only having an understanding on limiting weaponry but also on freezing further deployment.

I am hopeful that the Committee on Appropriations, as it now looks at our defense requirements, will take very seriously the suggestion I made on March 25 of putting whatever funds we have for missilery—the ABM's and the MIRV-ICBM's—into escrow. That is not to say that the funds should not be appropriated; it is simply to say they should be set aside during the time we are working out an agreement. Why waste those dollars, particularly if we are going to have a limitation on strategic nuclear weapons. We can always protect ourselves simply because we have a technological lead, particularly in what we call the MIRV, the multiple independent retargetable reentry vehicle. We have a substantial technological lead over the Soviet Union in this area, thereby giving us that margin of safety we should require if we go into a freeze on deployment and if we put funds in escrow during the time we seek an iron-clad or firm agreement.

Mr. President, I take this time to thank the President of the United States for his message today and to encourage him to proceed as he is with even more determined effort. He will have my help and my support. I do not seek to make the life of a President difficult and trying in fields of national security. I feel it is our job to work with him; not to be a rubber stamp, but to be consulted and to be willing to be consulted, to be helpful, and to be willing to advise and to be advised.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE SALT TALKS—PRESIDENT NIXON'S STATEMENT ON RADIO AND TELEVISION TODAY

Mr. COOPER. Mr. President, the announcement by President Nixon made at noon today that an agreement had been reached at SALT to begin working out details on an ABM limitation and on the beginnings of an offensive weapons limitation has raised hope that it may be possible to reduce the danger of nuclear war and annihilation that hangs over the earth.

The President's efforts represents a step of the greatest statesmanship and wisdom. The deadlock appears to have been broken and we can hope that an agreement limiting the further deployment of nuclear weapons will be worked out in the near future.

I commend the President for his courage and hope that the progress he reported to the Nation today will result in curbing the nuclear arms race which is a growing danger to the security of this country and the world.

The attitude of the Soviet Union in joining the United States in this agreement is a sign that offers great hope for better future relations with that country.

I know I speak for many when I express my support for the step for peace in the world made by the President today.

Mr. President, I ask unanimous consent to have printed in the RECORD the nationwide radio and television statement which the President made at 12 noon today.

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

REMARKS OF THE PRESIDENT

Good afternoon, ladies and gentlemen. As you know, the Soviet-American talks on limiting nuclear arms have been deadlocked for over a year. As a result of negotiations involving the highest level of both governments, I am announcing today a significant development in breaking the deadlock.

The statement that I shall now read is being issued simultaneously in Moscow and Washington; in Washington at 12:00 o'clock and in Moscow at 7:00 p.m.

The Governments of the United States and the Soviet Union, after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

The two sides are taking this course in the conviction that it will create more favorable conditions for further negotiations to limit all strategic arms. These negotiations will be actively pursued.

This agreement is a major step in breaking the stalemate on nuclear arms talks. In-

tensive negotiations, however, will be required to translate this understanding into a concrete agreement.

This statement that I have just read expresses the commitment of the Soviet and American Governments at the highest levels to achieve that goal. If we succeed, this joint statement that has been issued today may well be remembered as the beginning of a new era in which all nations will devote more of their energies and their resources not to the weapons of war, but to the works of peace.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, various discussions have been had with the hope that we might be able to enter into a unanimous-consent agreement which would allow the Senate, after some additional debate, to dispose of the amendment offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and all amendments thereto by no later than Tuesday, June 1, which would be the first day following the Memorial Day recess.

The distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), and the equally distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and I—at the request of the distinguished majority leader—have prepared the following unanimous-consent proposal.

I have talked with the distinguished majority leader, and I have outlined the proposal to him. He has given it his approval, and that leads me to propose the request.

The Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Mississippi (Mr. STENNIS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from California (Mr. CRANSTON), and the distinguished leader are all present.

I shall propound the request.

Mr. President, I propose the following unanimous-consent agreement:

Ordered, That the Senate proceed to vote at 4 o'clock p.m. on Monday, May 24, on title IV of the pending amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER), No. 76, as modified, to amend the Military Selective Service Act of 1970, to increase military pay, to authorize military active duty strengths for fiscal year 1972, and for other purposes, with the time for debate, beginning after the bill is laid before the Senate on Friday, May 21, until the vote is taken, to be equally divided between the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Mississippi (Mr. STENNIS);

Ordered further, That the Senate vote at 4 o'clock p.m. on Wednesday, May 26, 1971,

on an amendment to be offered by the Senator from Oregon (Mr. HATFIELD) to title V of the pending amendment by the Senator from Pennsylvania (Mr. SCHWEIKER), with the time for debate on that amendment beginning after the foregoing vote, to be equally divided and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from Mississippi (Mr. STENNIS);

Provided further, That a vote be taken not later than 7 p.m. on Wednesday, May 26, 1971, on an amendment to be offered by the Senator from Colorado (Mr. DOMINICK) to title V of the pending amendment by the Senator from Pennsylvania (Mr. SCHWEIKER), with the time for debate, beginning after the vote on the amendment offered by the Senator from Oregon (Mr. HATFIELD), to be equally divided and controlled by the Senator from Colorado (Mr. DOMINICK) and the Senator from Mississippi (Mr. STENNIS);

Provided further, That a vote be taken at 4 o'clock p.m. on Tuesday, June 1, on title V of the amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER), as amended, if amended, with the time for debate, beginning after the vote on the amendment by the Senator from Colorado (Mr. DOMINICK), to be equally divided and controlled by the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Mississippi (Mr. STENNIS).

Mr. GRAVEL. I object.

Mr. BYRD of West Virginia. Will the Senator withhold his objection?

Mr. SCOTT. Will the Senator withhold his objection and give us an opportunity to make comment?

Mr. GRAVEL. I reserve the right to object.

Mr. SCOTT. Mr. President, will the distinguished assistant majority leader yield?

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, we are faced with the fact that we have only a certain number of weeks in the year in which to get the country's business done before we go out to the people to apologize for it. If we are going to spend 6, 7, 8, or 10 weeks on each bill we will be here until Christmas, with a lot of unfinished business. We will be confronted with the same sorry, shabby mess we had at the end of the last session, which was a disgrace, in my opinion, in the way it was shuffled about, without adequate or constructive treatment in many cases, and I am not speaking critically of any individual, but Congress did not give a good accounting of itself.

Here we are doing our best to work out some sort of satisfactory agreement with Senators who have every right to be assured of adequate time on the consideration of each of their amendments. Various suggestions have been made and these suggestions would carry us so far into June there would hardly be time for the conferees to gather or for action to be taken and, thereby, we would be confronted with the situation that the chairman of the Committee on Armed Services has pointed out, which would be extremely unfortunate for the continued operation of the military services.

So the distinguished assistant majority leader, the chairman of the Committee on Armed Services, and myself, with the approval of the distinguished majority leader, have proposed a unanimous-consent request. If that is not satisfactory, and the one suggested by some of the Senators does not seem to us to be

one which we could live with, speaking from the point of view of the party leadership, we do not feel we can indefinitely be a party to such delays in the Senate's business, as would bring the country down around our ears again.

Therefore, we are heading toward a situation, I regret to say, where we will have to present a cloture motion on the entire bill and all amendments thereto, and amendments to amendments, and see whether or not the Senate wants to get on with the business or whether the Senate is going to be confronted by continued and interminable delays. Again, I have no criticism of those Senators who agree to 3, 4, or even 5 hours on amendments. We are willing to accommodate ourselves to that end, but we cannot accommodate ourselves to the paralysis of the Senate's business. When it comes to that point, we are going to put the burden on the Senate. We are going to say to Senators, "We have done our best but we are going to be forced before very long to circulate a cloture motion and, if that fails, another and another and another, so that the country will know which Senators want to end the debate and which do not."

It is an unfortunate situation. I hate to say it. I think the distinguished chairman of the Committee on Armed Services would not normally favor cloture. I think he believes, as I do, in free and extended debate, but I am bound to make the statement, because I cannot meet my duties as leader on one side of the aisle unless I say it.

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

Mr. SCOTT. The Senator from Alaska has the floor.

Mr. GRAVEL. I am happy to yield.

Mr. STENNIS. Mr. President, as our leaders have said here, we are faced with a situation where there must be action.

The power to induct under the Selective Service Act expires on June 30. Beginning with that date and counting back on the calendar I estimate that we must pass this bill not later than June 15, if we are to have adequate consideration, a conference, preparation of records, and the bill brought back here for final approval of the conference report, and then sent to the White House.

This subject matter is important, but it has been under consideration and debate off and on in this Chamber, in our committee, and elsewhere, since about June of last year when the major amendment was passed. We had most thorough and searching hearings. We have a complete report. There is unusual interest. In these amendments there is a question about sending draftees to Indochina; another question deals with withdrawal from Indochina by a certain date; another matter is the length and extension of the draft; and another question is the question of manpower levels. Those matters cannot be taken lightly.

As the leader has said there is no blood in my veins that wants to run in here and holler that a cloture motion will have to be applied for and voted. I have never voted for cloture. I have always made strong reservations in my mind and expressed them many times that if there

ever arose a situation where national security was involved I would be ready to make full acceptance.

There is no doubt in my mind that to carry on our military services, operations that are directly for the protection of our shorelines and our people—leaving out the war in Vietnam and troops in Europe, but only speaking of the operation of our missile bases, our carriers at sea, our polaris submarines, our ground missile groups, and many others—the record shows it is absolutely necessary under present conditions to have the inducement of the Selective Service Act. I feel I know what would happen if we did not have a continuation for a while; and I am willing to go all out, to a reasonable extent, to get it.

I appeal to the membership of this body. Let us join hands and settle our differences of opinion about the provisions of this bill in the right way, by argument, and then by vote, and put together whatever bill the majority of this body thinks we should.

May I just speak further now, I think in considering this bill, there are many amendments, and there is some choice about which ones will come up first. I do not control that, but we are going to spend the time here. However, I want to feel free, not to call up any amendment, but to debate it and discuss it after notifying the author that I want to discuss it. I want to get it in the RECORD, and before the press, and before the public, and I want to feel free to call up a Senator's amendment if necessary, and get it to be the pending business if possible, and start the debate on it if necessary. I do not want to do that, but something has to be done to get this bill passed.

I hope all Senators can agree now to some reasonable voting pattern. I will accommodate myself to almost anything. The leaders say they can accommodate themselves to the problem, but we will have to move the bill along. I put it up to our leaders in conference, and I put it to them now, and I know they are going to discharge it, but it falls on them as our chosen leaders to move this bill along as fast as they can, of course, in conformity with the rules and procedures of the Senate. I think a delay cannot be tolerated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. GRAVEL. Mr. President, I object—

Mr. BYRD of West Virginia. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. GRAVEL. Mr. President, I would like to make a few comments in answer to my distinguished colleague from Pennsylvania.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Alaska with the understanding that I retain my right to the floor.

Mr. GRAVEL. Mr. President, with respect to the comments of both distinguished Senators—and let me say for myself, I know the Senator from Pennsylvania (Mr. SCHWEIKER) and possibly the Senator from Iowa (Mr. HUGHES)

will speak for themselves with respect to the issue—I take exception to a couple of statements of my colleagues here.

If 10 weeks, or 15 weeks, or 20 weeks, is taken for the most important piece of legislation to come before this body, that will have an effect not only on hundreds of thousands of young men, but will affect the vector that this Nation will take, either as a peace-loving nation or a nation which puts forth a bellicose attitude in the world. That is nothing to be pressed into.

I do not think the end of the last session was a shabby mess. I think it was an exercise of the Senate in its finest hours, with this body deliberating here on New Year's Eve. There were not many people in the country who were forced to work on New Year's Eve, but we chose to work on that day. I myself presided, and I was proud to preside, and I was proud that this body took part in the leadership of this country.

Some may say it is shabby and a mess, but it is something that this body should have gotten into a long time ago, and should stay in it, and continue to do so.

With respect to delays of the Senate, that any Senator should stand here at this early hour and say, or imply, that some of us have been delaying the duties of the Senate or stalling the Nation's business, I find difficult to understand. This body, in addition to talking about draft legislation, has taken up the emergency in the railroads, the issue of the SST and the supplemental appropriation bill. It has taken up a whole host of business in a very regular and orderly manner. So obviously there has not been any holdup, and there is no intention of holding up anything.

Senator MANSFIELD, when I first came here as a freshman, was quick to say that every man here is equal. I believed it then, and I believe it now, but I cannot help but notice today and this afternoon that however specific the rules are about our individual equality, there has crept into this Chamber an aura and feeling of inequality. I would say it is the younger elements of the Senate that are sort of being given the bum's rush. It was not we who delayed the Senate this last week; it was an amendment by the majority leader, and it was an amendment that the Senator from Mississippi did not want to be voted on early. So this week's delay is not our delay.

It is difficult to understand how an agreement could be put forth and moved on this floor at this instant when, only through a happenstance did I acquire a copy of it. I think the negotiations, if that is what they are called, that have taken place this afternoon could be likened to a situation that exists in a fraternity between an upperclassman and a freshman that is being hazed. Negotiations take place when people sit down in a confraternity to discuss ideas in order to arrive at a decent proposal. This has not taken place. It has been a word here and a word there, and then finally a piece of paper is laid down, and it is said, "And that is the course of action, boys." That is not the course of action.

Some of my colleagues have indicated that they ought to invoke cloture. If my colleagues think that way, then the sooner we do it, the better off we will be. Then we can find out where everybody is and where everybody stands.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? The Senator has a right to be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. I thank my colleague from West Virginia.

I can think of no more important piece of legislation this year, and, looking back, can probably think of no more important piece of legislation in this decade, and perhaps in the whole history of the United States.

What is more important than a determination of whether or not this Nation continues its existence by pressing people into service when it is not needed? This is an impairment of freedom that goes to the crux of our Constitution, that goes to the basic reason why our Government came about. People left Europe because they were being pressed into service—not because their countries were being invaded, but because mischievous monarchs felt it in their interest to have large standing armies.

That is the situation we find ourselves in today, and it is the fundamental question to which we should wish to address ourselves. So that when someone comes in—anyone—saying we do not have time to deliberate intelligently and effectively, it is difficult to understand. We saw a situation here yesterday where the Senator from North Carolina, in what turned out to be a charade, could not get the floor to debate an issue that involved our whole foreign policy for Western Europe, and we had to sit here for three-quarters of an hour in a ridiculous situation of entrapment, where the result was that a Senator had to offer an amendment, speak, and then withdraw that amendment. What kind of games are these that grown men, talking of the problems affecting the colossal nation that we are, have to resort to.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

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

Mr. BYRD of West Virginia. Mr. President, retaining my right to the floor, I yield to the distinguished senior Senator from Pennsylvania.

Mr. SCOTT. I would like for the Senator from Alaska to indicate to me whether or not he does not agree that on May 6, 1971, at the very opening of this debate, he made the following statement, at pages 13911-13912. I bring this up because the Senator has been saying the delay is not his, that the delay is not that of the youth group in the Senate; but on May 6, the Senator said:

I can say very easily, so nothing will be misconstrued, that I chose to use the word "filibuster" and not "extended debate" because extended debate is the definition of filibuster, and it is very much a part of the rules of this body. I did not want any misunderstanding that I was going to engage in a filibuster.

My goal is very simple. The induction power of the President will expire on June 30 at midnight unless this body acts in concert with the House. It appears to me a very simple matter. After checking all the rules, it comes down to a minor thing. If 34 Senators "hang tough" on this issue the induction power of the President will expire and we will have no draft. That is all I seek. I do not seek to thwart the will of this body. This is a device that has been implemented in this body for many more years than I have been alive. I do not think I am doing anything out of the ordinary. This is an ordinary procedure.

Then the Senator went on to say:

As far as amendments are concerned, my approach will be very much one of being courteous. If a Senator has an amendment, he can bring it up for a vote. I hope there are 1,000 amendments that will occupy our time until June 30.

and so on.

I would like to ask the Senator if that is not an admission that he is conducting a filibuster, that he does not intend to let the rest of the Senate work its will; and when he says it may take 20 weeks because this is the most important issue before the Senate, what is to prevent two other Senators from defining some other issue as more important, and then three Senators out of 100 will have occupied considerably more weeks than there are in a year because they have elected to define what is the most important bill before the Senate. Is that not a fact?

Mr. GRAVEL. I think the Senator from Pennsylvania states it very well. That obviously is my view; I own up to it.

The only thing that I feel, as to the time at this point, is that we should be accorded 1 week's debate to speak to the development of the issue.

My goal is very simple. I sail under no false colors in that regard. But I think there is an obvious discrepancy and I shall let the Senator from Pennsylvania speak in his own regard and the Senator from Iowa in his own regard. We did accord the majority leader 1 week's debate on his amendment, at the insistence of the minority leader and the chairman of the Armed Services Committee.

So I let that case rest in itself. Perhaps the junior Senator from Pennsylvania might want to comment upon his abridgment of free speech in this body.

Mr. SCOTT. I am sure no one is abridging the free speech of any Senator here.

Mr. BYRD of West Virginia. Does the distinguished junior Senator from Pennsylvania desire to speak?

Mr. SCHWEIKER. Mr. President, reserving the right to object, I would just like to recount a little of the time schedule, because what I am going to do as to a filibuster or nonfilibuster I have not decided.

But I do want to say, as far as the time is concerned, that there were several Members of this body who urged our committee to face up to this issue last year and bring out a bill last year, so we would not have the kind of situation we are now confronted with, where we would not have adequate time to consider it.

Mr. President, this is the only bill I know of in this body that will actually determine whether or not a young man

goes out with a possibility of being killed at some time. I know of no other bill that says a man must be killed. I know of no other bill on the Calendar that says anything like that.

It seems that such a bill should receive more consideration than we seem to be willing to give it. Last year we had committee schedulings and other problems, I understand, and I do not care to comment on that now, but I think we should have time to debate it, because the opportunity to consider and bring a bill out last year was declined.

Furthermore, it was only Thursday a week ago that the Senator from Iowa and I went to our distinguished chairman and proposed to him at that time that we work out an arrangement on time at that time for the very two amendments we are now considering. I waited 3 hours on the floor to be able to offer it. The chairman, within his right, objected to our request to bring up the pay and the 1-year proposal; he did not want it considered at that time.

So it rings a little different bell now when it is said we are the people who are stalling, when in fact Thursday a week ago the Senator from Iowa and I proposed that we consider just such an arrangement and such a time schedule.

What have we here? We have the two gut issues in the whole draft extension matter, pay and 1 year. And, as the Senator from Alaska has pointed out, the request for the amendment of the Senator from Montana was made May 11. We did not vote until May 19. That is 8 days, on a nondraft issue.

We are not asking any more for the two big issues of the bill. We made a proposal to vote, that was rejected, on Wednesday the 26th for pay, and on June 4 and 8 for other amendments, and to conclude it all by then, which was no more time, on the two major issues of the bill, than they wanted on the NATO issue, which was not really a direct issue of the bill.

So I say we do seem to have a little bit of a double standard. There is no effort on the part of the Senator from Iowa and myself to delay, but we do think the one bill that requires people to be killed in the service of our country ought to have some special consideration.

We are agreeable to a time limit. We have offered a time limit, and it has been rejected.

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

Mr. BYRD of West Virginia. I yield to the distinguished junior Senator from Iowa.

Mr. HUGHES. Mr. President, I would like to reaffirm what the distinguished Senator from Pennsylvania has just said, that the pending amendment, section 401 of amendment 76, was the original Hughes amendment that was presented to this bill.

The Senator from Iowa and the junior Senator from Pennsylvania did, as a matter of fact, go to the distinguished chairman of the Armed Services Committee and offer to reach a time certain agreement on debate and a vote on both these critical issues of the pay increase and a 1-year extension of the draft.

We did not receive any information that would indicate to us that we would be allowed to reach a time certain on debate on these particular issues.

The junior Senator from Pennsylvania presented a united issue, which was later divided. And now it continues as the pay increase issue which is before this body as the pending amendment. We suddenly find ourselves confronted, with several other amendments, into a time certain limitation of debate, on which we were not, or at least I was not, consulted as to what was taking place.

I, for one, have no objection to voting on the pay increase amendment within a time certain. That can be negotiable. But we are placed in an arrangement with other amendments that have not been discussed before this body, and that may, in fact, in my opinion, not preserve the rights of Senators who are not present here this evening. Other Senators may also have an interest in their amendments that are before this body, but are not standing here. I would be forced to object, if the request is made, for that reason also.

I, too, think these matters are important, as has been pointed out by the junior Senator from Pennsylvania and by the Senator from Alaska. The chairman of the Armed Services Committee, our chairman, has been courteous as we considered this bill in the Armed Services Committee and over the course of the hearings. A year ago I opposed policies on ending the draft such as this, and was convinced, in the process of those hearings, to join in the minority report on this particular measure. We have, at this point, had only 1 full day of discussion. But we are presented now with a very comprehensive unanimous-consent request that, I believe, is going to be restrictive on the balance of the debate on this bill. We are willing to agree to a time certain to vote, based on a lengthier debate schedule. I think this does, in fact, prejudice our ability to present the cause and the case to this body on such an important issue.

Mr. BYRD of West Virginia. Mr. President, speaking on behalf of the leadership on this side of the aisle, may I say that I feel that the able junior Senator from Alaska has been most considerate of the demands and pressures that are on those of us who attempt to carry the burden of the leadership. He is certainly within his rights if he wishes to attempt to delay the passage of this bill beyond June 30. He can do that, if he can utilize the rules to that end; and if enough Senators support his position. He is absolutely within his rights. If he is conscious bound to do that, I admire him for it. I would do the same if I were in his shoes and felt as he does about the matter.

So I speak only with great respect for him and for the other Senators who have spoken this afternoon in opposition to the unanimous-consent request.

As to the reference by the able Senator from Iowa to Senators who may not be here at this moment to protect their rights, it is my understanding that Senators who are authors of the amend-

ments that have been enumerated in the unanimous-consent request have been contacted; and although I am not positive that I am stating—

Mr. SCOTT. Mr. President, if the Senator will yield, I think that all Senators who were concerned were notified. The Senator from Colorado, who is not present at this moment, has indicated that he is satisfied with the unanimous-consent request.

Mr. BYRD of West Virginia. What about the Senator from Oregon (Mr. HATFIELD)?

Mr. SCOTT. He was notified by the junior Senator from Pennsylvania, and he would have to speak as to that. I believe he was given notice; was he not?

Mr. HUGHES. I contacted the Senator from Oregon, because the junior Senator from Pennsylvania was tied up; and the Senator from Oregon does object to this type of unanimous-consent request. He was unable to get back to the floor. I reached him by phone, and he could not be present here this afternoon to speak for himself.

Mr. BYRD of West Virginia. Certainly, the Senator from Iowa would be within his rights to object on behalf of the Senator from Oregon.

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

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. I said the Senator from Colorado had no objection and I understood that the Senator from Oregon had been notified. I also understood that the Senator from Oregon, if here, would probably have an objection.

Mr. BYRD of West Virginia. Mr. President, on behalf of the leadership, I shall say this, and then I will restate the unanimous-consent request. Those who wish to object may do so, of course.

The Selective Service Act will expire on June 30. It is my understanding, from the able manager of the bill, that there will have to be a conference on this bill; that it may be a difficult conference; that there will be problems that will require some time in conference. If the bill is to be taken to conference and adequate time allowed for a conference on the bill, permitting both houses to act on the conference report and its being messaged to the President, before the act expires on June 30, it would necessitate passage of the bill by the Senate quite soon after the Memorial Day holiday recess.

In view of the announced intention—I say it most respectfully, and I have already indicated that he has this right—of the junior Senator from Alaska to debate this bill until the Act expires, the able manager of the bill and the leadership are confronted with the necessity, at some point along the line, of trying to invoke cloture in order to bring about final action by the Senate in time for the conferees to act and the President to sign the bill before the law expires.

Taking into consideration all these things, it is felt by the leadership that we are at the point already at which a cloture motion will have to be filed at some point not too far down the road. But, in the meantime, the leadership feels that those who support the

Schweiker amendment and amendments thereto ought to have their day in court and be given a chance to vote on that amendment and all amendments thereto, without the strictures imposed by cloture.

So, it was with these thoughts in mind that the leadership presented the proposal as I have attempted to do on behalf of the majority leader today.

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

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. For the record, Mr. President, there has been an inference here that the chairman of the committee is responsible in some way for the situation with which the Senator from Pennsylvania, who is a very valuable member of our committee, is now confronted.

Senators will recall that when we brought the bill in and started to explain it, before it had been presented to the Senate or opening speeches had been made, or anything like that, by the majority and minority members of the committee, our genial friend, the Senator from Pennsylvania, proposed that the amendment he now has made be made the pending order of business and that we agree on some time then. He mentioned the Senator from Iowa, too, and he joined in within a few minutes.

This is a complicated bill, and it is highly unusual, too, not to have an explanation of the bill go into the Record. So I asked him to wait.

After the bill was explained, I spoke to the Senator from Pennsylvania and he notified the Senator from Iowa—I have forgotten just how—and I wanted him to put his amendment up. I wanted to get it up ahead of the Mansfield amendment. I thought this amendment was more pertinent, and I was more familiar with it. He did so. He put it up. He made it the pending order of business. Then he forgot to confer with me. He withdrew his amendment in open court here. That is why it is in the position it is in now.

The record shows that the distinguished Senator from Pennsylvania, being on very good terms with the majority leader, responded to his request and made great sacrifice, gave up his place on the docket. We went on with the Mansfield amendment. We had a week of that, and I am really glad now that we took up the Mansfield amendment first. But he surprised me again last night. He had one card in his deck when he came in here, and now he has five. That is all right. That is within the rules. But I do not want any charges of double standard treatment by the Senator from Alaska and the Senator from Pennsylvania, to go unanswered. They have not been here a great number of years, but they have won the esteem and affection of their colleagues—all of us. No parliamentary body in the world is as generous as the Senate toward new Members, especially when they earn the friendships they have.

I hope we can get back to the bill. I am going to discuss their situation tomorrow when the Senate convenes, or soon thereafter.

This is very serious business. Everyone is going to have plenty of time. Let us get back to the bill. It must be moved, if it is in the power of the Senate, and I feel that they will agree in time.

I thank the Senator from West Virginia for yielding to me.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator. I will restate the request in my own words, without utilizing the parliamentary language which I was using earlier. I ask unanimous consent that time on amendment No. 76, that portion of title IV of the amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER)—

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection?

Mr. BYRD of West Virginia. No, no—I ask unanimous consent that a vote occur on title IV of the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER) at 4 o'clock p.m. on Monday next, with the time thereon to be equally divided and controlled between the distinguished author of the amendment, the Senator from Pennsylvania (Mr. SCHWEIKER), and the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), the time to begin running on tomorrow when the unfinished business is laid before the Senate; ordered further, that immediately following the vote on title IV of the amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER), the amendment of the Senator from Oregon (Mr. HATFIELD) to title V become the pending order of business, and that time thereon be equally divided and controlled between the Senator from Oregon (Mr. HATFIELD) and the manager of the bill (Mr. STENNIS), with the vote to occur on the amendment at 4 o'clock p.m. on Wednesday next; that immediately following the vote on the amendment of the Senator from Oregon (Mr. HATFIELD), time begin running on the amendment of the Senator from Colorado (Mr. DOMINICK) to title V, with the time to be equally divided and controlled between the mover of the amendment, and the manager of the bill, with a vote to occur thereon at 7 o'clock p.m. on Wednesday next; and that following the vote on the Dominick amendment on Wednesday next, the Schweiker amendment, as amended, if amended, be made the pending business, with the time to be equally divided and controlled between the mover of the amendment and the manager of the bill, with a vote thereon to occur at 4 o'clock p.m. on Tuesday, June 1, 1971.

Mr. President, this request, as stated, will preclude any motions to table the specific amendments enumerated in the request, thus giving the distinguished authors of the amendments which have been enumerated the assurance that an up and down vote would be had on their respective amendments.

Mr. NELSON. Mr. President, will the Senator from West Virginia yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. NELSON. The Senator referred to

the Hatfield amendment. Does he refer to the Hatfield-McGovern amendment?

Mr. GRAVEL. No, no.

Mr. NELSON. I have been attempting, since the first day, to bring up an amendment that does not run to the substance of the draft act itself. It is an amendment which I had thought, because of the conference among 12 to 14 of us in the office of the Senator from Arkansas (Mr. FULBRIGHT), representing major and minor amendments we knew of that would be permitted to come up prior to the major amendments that go to the very substance of the draft act itself.

At that conference, I think that every major amendment the Senator from West Virginia is talking about, representative of all the viewpoints, of Democrats and Republicans alike, all except the Mansfield amendment, were discussed. We thought we were going to proceed to take up relatively minor amendments and those that were not so minor, running to "hay," before we got down to the other major amendments, so that I withheld calling up my relatively minor amendment on Monday, the first day the bill was pending; then suddenly we were faced with the Mansfield amendment, and the Schweiker amendment which is a very important amendment, and now we have this unanimous-consent request for a whole series of other amendments.

So I would like to propound this question: I had talked with the majority leader and the minority leader, the Senator from Alaska and the Senator from Mississippi, asking when we could take up this amendment which only proposes that draftees may not be required to serve in combat roles in Vietnam after December 31, 1971; and the minority leader and the majority leader and I understood that the Senator from Alaska, from my questioning, had no objection.

So I am wondering whether I could propound here a unanimous-consent request that after the next vote, we bring up my amendment and agree on an hour to a side, so far as I am concerned, with no purpose of delaying, in order to get a vote on this.

Mr. BYRD of West Virginia. Would the Senator kindly withhold his request temporarily. I would inquire of the Chair, will the Chair—

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the unanimous-consent request propounded by the Senator from West Virginia?

Mr. GRAVEL. Mr. President, I would like the RECORD to show—

Mr. SCHWEIKER. Mr. President, I object.

Mr. GRAVEL. The objections. The names should be in the RECORD, that if no objection is heard, that now objections would be voiced by the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Iowa (Mr. HUGHES) on behalf of the Schweiker-Hughes amendment, and the Senator from Oregon (Mr. HATFIELD), on behalf of his amendment and my colleague who is now the Presiding Officer in the Chair, the Senator from California (Mr. CRANSTON), and myself.

Mr. BYRD of West Virginia. I would have to object to that. That would be setting a bad precedent if we allowed the RECORD to show objections by Senators not here. The Senators who are here may very well wish to object on behalf of a Senator who is absent.

Mr. GRAVEL. In view of the fact that the Senator from Oregon (Mr. HATFIELD) who has voiced an objection—

Mr. BYRD of West Virginia. The Senator may object on behalf of the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon not being on the floor.

Mr. GRAVEL. Mr. President, I withdraw my request with reference to the Senator from Oregon (Mr. HATFIELD), and leave the rest.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—with the understanding that the Senate would be in session on this coming Saturday—that on tomorrow, when the unfinished business is laid before the Senate, time begin running on the title IV portion of the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), the so-called pay increase amendment; that the time be equally divided and controlled between the mover of the amendment, the Senator from Pennsylvania (Mr. SCHWEIKER), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS); that the vote occur on that amendment at 4 o'clock p.m. on Monday next; immediately following which, time begin running on the amendment of the Senator from Oregon (Mr. HATFIELD), with the time to be equally divided between the author of the amendment, the Senator from Oregon (Mr. HATFIELD), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS); the vote to occur on that amendment at 4 o'clock on Wednesday; and ordered further, that immediately following the vote on that amendment, the time begin running on the so-called Dominick amendment, with the time to be equally divided and controlled between the mover of the amendment, the Senator from Colorado (Mr. DOMINICK), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS); the vote to occur on the amendment at 7 o'clock p.m. on Wednesday next; provided further, that immediately thereafter, time begin running on the title V amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), the time to be equally divided and controlled between the author of the amendment, the Senator from Pennsylvania (Mr. SCHWEIKER), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), with the vote to occur thereon at 4 o'clock p.m. on Tuesday, June 1, 1971.

Mr. GRAVEL. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I make the following unanimous-consent request, with the understanding that the Senate would be in session on this coming Saturday.

I ask unanimous consent, that immediately following the laying before the

Senate of the unfinished business on tomorrow, time on the title IV amendment offered by the Senator from Pennsylvania (Mr. SCHWEIKER) begin to run, to be equally divided and controlled by the author of the amendment and the manager of the bill, voting to occur thereon at 4 o'clock p.m. on Monday next; that immediately following the vote, the time begin running on the Hatfield amendment, to be equally divided and controlled by the mover of the amendment and the manager of the bill, with the vote on that amendment to occur at 4 o'clock p.m. on Wednesday next; ordered further, that immediately following the vote on the Hatfield amendment, the Dominick amendment be laid before the Senate, that time began running thereon and that the time be equally divided and controlled by the mover of the amendment and the manager of the bill, with the vote to occur on the amendment at 7 o'clock p.m. on Wednesday next; provided further, that immediately thereafter, the so-called Schweiker amendment on title V to be laid before the Senate, the time begin to run thereon and be equally divided and controlled by the mover of the amendment and the manager of the bill, with the vote to occur on that amendment at 4 o'clock p.m. on Thursday, June 3, 1971.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I object.

Mr. SCHWEIKER. I object.

Mr. GRAVEL. Mr. President, I would like to suggest to the leadership that probably a good way to handle this would be for the chairman of the Armed Services Committee to sit down with the Senator from Pennsylvania and the Senator from Iowa and work out mutually acceptable time limits. They are here and can speak for themselves.

They have certainly led me to believe that they are prepared to vote at the time set. I would hope that the negotiations would take place during the evening or on tomorrow.

The majority whip could have some indication of what would be acceptable.

I could say for myself, and not for the other Senators, that I am prepared to object to any limitation on time.

I was not aware that we were to come in on Saturday. I do not think my colleagues are aware of it. I see no logjam on the calendar.

I would like, not to register an objection, but an indication that I am prepared to object to any Saturday session until there is a logjam on the calendar that would call for a Saturday session.

Mr. BYRD of West Virginia. Mr. President, I hope that the able Senator would not take upon himself the onus of objecting to Saturday sessions. The leadership, of course, has a responsibility in that regard. If the leadership should decide to have a Saturday session, I would want to assume that the majority of the Senators on both sides of the aisle would support the leadership. If a unanimous-consent request to meet on a Saturday were objected to, the leadership could move to do so.

I assure the Senator and all Senators who stand with him on this side of the question that the leaders on both sides of the aisle would be willing to come in on this Saturday to allow an additional day for debate only in the event the Senators were willing to accept the unanimous-consent package proposed.

I do not imply that the leadership is going to have a Saturday session in any event. It is not the plan to have a Saturday session. But I merely included the suggestion in the proposal in an effort to offer an additional day for the Senators to debate.

Mr. SCOTT. Mr. President, would the distinguished Senator yield so that I might clarify something?

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, I understood the distinguished Senator from Alaska to say that, while he was noting some objections today, he hoped that those Senators who had the amendments we have discussed at such length would meet with the distinguished chairman of the Armed Services Committee to work out a time.

There is no point in doing that unless we can understand that if such an agreement were reached, the junior Senator from Alaska would not object to the agreement reached by the Senator from Pennsylvania, the Senator from Iowa, and the Senator from Oregon and the other Senators who might want to meet with the chairman of the Armed Services Committee.

Mr. BYRD of West Virginia. Mr. President, the Senator from Alaska has been very fair in stating categorically that it is his intention to object to any further unanimous-consent requests offered today. And he has indicated a willingness to sit down with the manager of the bill and others overnight in an effort to arrive at some unanimous-consent proposal that can be agreed upon. He has been very fair in saying that he would object to any further proposal by the leadership.

So I shall make no further proposals. I would hope, however, that when such a discussion is had, the Senator from Wisconsin (Mr. NELSON) will have his request considered and included at that time so that if any package proposal is submitted, it will take cognizance of his request.

Mr. SCOTT. Mr. President, if the Senator would yield further, I believe he has clarified what I wanted to be sure of.

I understand, and the Senator can correct me if I am wrong, that his suggestion that various Senators meet together with the chairman of the Armed Services Committee did assume that it would not end up with the Senator from Alaska objecting to any agreement that might be made. Is that correct?

Mr. GRAVEL. Mr. President, I can assure my colleagues that if the Senator from Pennsylvania or the Senator from Iowa would sit down with the chairman of the Armed Services Committee and arrive at a time, I would be very happy to agree to that.

I understand the difficulties and the bind the leadership is placed in in this

regard. I am sympathetic, and I am chagrined.

Mr. SCOTT. Mr. President, may I conclude the sentence, which is that without violating any confidences, some of the proposals have been discussed with the distinguished chairman of the Armed Services Committee. We have mentioned some voting dates which have gone over as far as the 8th of June. I see no reason why we should not continue to attempt to arrive at an agreement.

I want to indicate that the chairman of the Armed Services Committee has been consulted. And I say that in fairness, in his absence.

Mr. BYRD of West Virginia. Mr. President, I think there has been a full airing of this matter.

The Senator from Alaska has indicated a willingness to consider the matter overnight. I think if the manager of the bill and the other Senators would try to get together during the evening and come up with a proposal which would be mutually agreeable, that would be satisfactory.

Mr. SCOTT. I think it would be welcomed by the Senate generally. They will all be back here tomorrow, and some of the Senators may be absent later tonight at what I believe is a Louisiana hayride which is being held here for the benefit of some of the alumni of Tulane University.

As to those who might not be immediately available tonight, they will be on tomorrow morning.

Mr. NELSON. Mr. President, I want to observe and repeat that I have not made an objection to any unanimous-consent request on the floor of the Senate in the almost 8 years that I have been a Member. However, I am about to get ready to start. So the Senators may reach all kinds of unanimous-consent agreements. However, I repeat that I sat in at the meetings with 10 or 12 Senators.

The Senator from Alaska said that with respect to minor amendments, he was not going to object to agreements. That was generous in view of his objections to all of these amendments. He did note an objection to a time limitation on all amendments.

The Senator from Alaska sat and listened to every amendment presented at the meeting. This was on a Friday, as I recall. I said that I had a minor amendment and that my intention was to call it up on Monday.

The understanding among all Senators was that we would take up these few amendments, including the amendment of the Senator from Iowa and the others, and we would get down to those that went to the substance of the act.

I realize that a meeting like that does not bind anyone else. However, I discussed this amendment with the Senator from Alaska. He said he hoped I would not call it up quite that soon. All of those who participated at that meeting, or a good percentage of them, are now calling up their major amendments in violation of the gentlemen's understanding that we had. So, I serve notice that I think I intend to make objections myself to unanimous-consent agreements.

Mr. SCHWEIKER. Mr. President, I would like to renew the unanimous-consent request made in good faith earlier that we do vote on title IV, dealing with pay, on Wednesday next, the 26th; that we then proceed to take up the Hatfield amendment on the zero draft and vote on June 4; and limit amendments to that portion of the bill, the title V section, with the final vote on June 8.

I wish to say to the Senator from Wisconsin (Mr. NELSON) that I am very receptive to taking up his amendment on Tuesday in compliance with his request, if we can work out something, which would be Tuesday, ahead of the others. I will not propose an agreement now because the distinguished chairman of the committee had to leave and it would not be fair to press it now. But that is the proposal and we will renew it tomorrow and be glad to include the distinguished Senator from Wisconsin for Tuesday consideration of his proposal.

Mr. NELSON. Tuesday?

Mr. SCHWEIKER. Tuesday next, before all the other votes start.

Mr. President, in deference to the distinguished chairman of my committee, I withdraw my request, but we will renew it tomorrow.

Mr. BYRD of West Virginia. Mr. President, I hope in the meantime all parties will consult and try to arrive at some mutually agreeable solution to this problem.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 7:30 p.m. today.

The motion was agreed to; and (at 6 o'clock and 26 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

At 7:30 p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. GRAVEL).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, the Senate is awaiting the action of the House of Representatives on the conference report on the second supplemental appropriation bill. It is for that purpose that the Senate continues to be in session this evening, and so, until action is completed by the House on the second supplemental appropriation bill this evening, the Senate expects to be kept in session.

PROBABILITY OF A YEA-AND-NAY VOTE FRIDAY MORNING

Mr. BYRD of West Virginia. Mr. President, it is anticipated that there will be a rollcall vote Friday morning, and all Senators should be on notice.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 8 p.m. today.

The motion was agreed to; and (7 o'clock and 31 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

At 7:59 p.m. the Senate reassembled, and was called to order by the Presiding Officer (Mr. GRAVEL).

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 8 o'clock p.m.) the Senate took a recess, subject to the call of the Chair.

At 8:15 p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. GRAVEL).

AUTHORITY FOR SECRETARY OF SENATE TO RECEIVE MESSAGE FROM HOUSE ON SECOND SUPPLEMENTAL CONFERENCE REPORT DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, the other body is still considering the conference report on the second supplemental appropriations bill; therefore, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on the second supplemental appropriations bill during the adjournment of the Senate until 10 a.m., tomorrow, and that the message, if received, be made the pending business and be laid before the Senate immediately upon the conclusion of the routine morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered. The Secretary will be authorized to receive the message from the House on the second supplemental appropriations bill.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Immediately following the 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 pending business, to

wit, the conference report on the second supplemental appropriations bill—if the message thereon is received, as expected, from the House of Representatives during the adjournment—will be laid before the Senate for its consideration. At least one rollcall vote is anticipated on the conference report tomorrow.

Following action on the conference report, the unfinished business will be laid before the Senate.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 21, 1971, at 10 o'clock.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1971:

FEDERAL POWER COMMISSION

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

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1977:

Ernest G. Spivey, of Mississippi.
Earl S. Smittcamp, of California.

U.S. CIRCUIT COURTS

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

U.S. DISTRICT COURTS

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.

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

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

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

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

DEPARTMENT OF JUSTICE

Jack T. Stuart, of Mississippi, to be U.S. marshal for the southern district of Mississippi for the term of 4 years.

U.S. MINT

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