United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Thursday, June 3, 1971*

The Senate met at 10:30 a.m. 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:

Holy Father, infinite, eternal, and unchangeable, give us here a vision of a better nation and a better world made by better men. Show us our place, define our duties, direct our energies, and guide us as we work. Spare us from scorn of the past or fear of the future. Help us to live bravely, wisely, and creatively in the present. While we work at solving big problems and creating big programs, help us never to forget the little people with their big wounds, their constant heartaches and their yearning for a higher life. Point us in the right direction and give us grace and wisdom to make the journey toward that perfect day of the coming of Thy kingdom.

We pray in the name of Him who went about doing good. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 31) entitled "An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes", with an amendment in the nature of a substitute.

The message also announced that the House insists upon its amendment and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. DANIELS of New Jersey, Mr. MEEDS, Mr. WILLIAM D. FORD, Mr. BURTON, Mr. HAWKINS, Mr. GAYDOS, Mr. SCHEUER, Mr. BIAGGI, Mrs. GRASSO, Mrs. HICKS of Massachusetts, Mrs. GREEN of Orgeon, Mr. QUIE, Mr. ESCH, Mr. STEIGER of Wisconsin, Mr. ESHLEMAN, Mr. RUTH, Mr. FORSYTHE, Mr. VEYSEY, and Mr. ERLENBORN were appointed managers of the conference, on the part of the House.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 2, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT UNTIL 9:30 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 9:30 tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the prayer and the recognition of the joint leadership, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR MUSKIE TOMORROW

Mr. MANSFIELD. And that following the distinguished Senator from Missouri, the distinguished Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 15 minutes.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from South Carolina (Mr. HOLLINGS) is recognized for 15 minutes.

(The remarks of Mr. HOLLINGS when he introduced S. 1986 are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now proceed to the consideration of routine morning business until 11 a.m., with statements by Senators limited to 3 minutes.

EXECUTIVE REORGANIZATION PLAN NO. 1

Mr. CURTIS. Mr. President, in a little while the Senate will vote on the President's reorganization plan. The proposed reorganization would combine a number of volunteer organizations into one organization called Action.

I support that reorganization. It would mean less confusion, more efficiency, and a better operation for the general public as well as those who partake in its services.

I might mention one change which particularly appeals to me. The VISTA program at the present time usually results in having people desirous of serving going to some distant point and attempting to help disadvantaged people there. Oftentimes it ends in friction; the volunteers are not accepted, and the accomplishment falls far short of the aim.

Under this new reorganization plan, the program will involve the local people, the States, and the localities, the universities and colleges right in the State where the Action people will serve. I think that would be a great step forward. It would bring this activity closer to the people. The people in a given State would direct their project, rather than having it subjected to the criticisms that are now voiced toward the VISTA program.

It was at the University of Nebraska last fall that President Nixon, in addressing the student body on many of the problems of the future, outlined this program of reorganization. It has met with enthusiasm, among not only young people but colleges and universities, State Governors, and others, because they would like to see more for their money, and they would like to see these volunteer activities be subject to local control.

In my opinion, a vote to support the reorganization is a vote for local control of the operation of these projects, as contrasted with what we have now in such programs as VISTA.

Mr. President, I yield the floor.

CHARITY BEGINS AT HOME

Mr. ALLEN. Mr. President, the May 24, 1971, issue of U.S. News & World Report contains an advertisement by the Warner & Swasey Co., which brings home a matter of great concern to me and which should be of concern to every Member of this body and to every citizen of the United States.

Using as its source public information available from the Agency for International Development, this advertisement cites the fact that between the years 1946 through 1969, the United States has given or "loaned" more than $138 billion to 143 foreign countries and regional organizations throughout the world. This figure does not include interest costs which, through July 1, 1969, totaled more than $60 billion.

Following World War II, taxpayers of the United States gave freely and abundantly to help rebuild war-torn nations throughout the world—friend and former foe alike. Today's booming economies in West Germany and Japan are striking evidence of the success of our efforts.

As a matter of fact, our subsidies to foreign nations have enabled many of them to build industrial empires that undersell our own industries in world markets. Through our giveaway programs and support of these other governments, some of these countries are able to dump their products on our own markets in the United States at lower prices than goods manufactured by home industries. Thousands of unemployed textile workers and steelworkers in my home State of Alabama and elsewhere throughout the Nation attest to the viciousness of such competition which has been developed through our own tax dollars.

But, even while the Government of the United States continues to borrow in order to continue our giveaway foreign aid programs, we find that many of those countries which have been receiving this aid have been trading freely with the Communist world and are prospering. We find that nations which have been happy to take our help are now forcing us to abandon important military positions, confiscating private American investments within their borders, and are engaging in the dangerous game of Russian roulette by threats to throw aside American friendship for the rosy promises of the Communist world.

It is almost unbelievable that while the economy of the United States is still foundering, while unemployment plagues our people, while our budget deficit soars this year to more than $20 billion, we are still being asked to support foreign giveaway programs.

Is it not ironic that while we give away more than $138 billion to foreign countries, the total indebtedness of all the State and local governments of this Nation put together is only $132 billion? This indebtedness results from money borrowed to provide schools and libraries, hospitals and clinics, water and sewerage systems, streets and highways, and other services required for the well-being of the American people.

We have tried for too long to buy friendship and support of the world, but what have we really gained? We have given away and loaned ourselves into near poverty.

I have said it before and I say again that it is time for us to see foreign aid in its true light. Instead of wasting our fast depleting resources, we need to devote our energies, our time and our tax dollars to insure the security and well-being of the American people.

Mr. President, I ask unanimous consent that the information contained in the Warner & Swasey Co. advertisement as appearing in the May 24, 1971, issue of U.S. News & World Report, be printed in the RECORD.

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

NO WONDER WE'RE BROKE

Here is the tragic list of 138 billion dollars (one hundred and thirty-eight *billion!*) this country has been giving or "loaning" to foreign countries, 1946 through 1969 (even higher today). We have *borrowed* billions so we could give them away—the interest alone on our debt is now in the billions of dollars every year! And we are *still* borrowing *more* to give *more* away.

Yet every few days we hear that another one of these nations has insulted Americans, stolen even more of our property, driven us out of its country which we saved and rebuilt.

What—*what*—have all these American billions accomplished?

Afghanistan	$407,000,000
Ceylon	165,600,000
Cyprus	22,200,000
Greece	3,886,500,000
India	8,246,700,000
Iran	2,336,000,000
Iraq	102,000,000
Israel	1,226,100,000
Jordan	643,000,000
Kuwait	50,000,000
Lebanon	93,000,000
Nepal	137,500,000
Pakistan	3,721,600,000
Saudi Arabia	93,200,000
Syrian Arab Republic	60,500,000
Turkey	5,600,400,000
United Arab Republic (Egypt)	912,200,000
Yemen	42,600,000
Central Treaty Organization	54,100,000
Near East and South Asia Regional	1,510,600,000
Argentina	888,000,000
Bahamas	35,100,000
Barbados	100,000
Bolivia	548,100,000
Brazil	3,779,300,000
British Honduras	5,300,000
Chile	1,704,300,000
Colombia	1,205,500,000
Costa Rica	191,500,000
Cuba	52,100,000
Dominican Republic	463,900,000
Ecuador	311,200,000
El Salvador	135,200,000
Guatemala	331,000,000
Guyana	61,000,000
Haiti	118,700,000
Honduras	119,000,000
Jamaica	74,800,000
Mexico	1,168,200,000
Nicaragua	176,000,000
Panama	246,300,000
Paraguay	135,700,000
Peru	759,400,000
Surinam	10,500,000
Trinidad and Tobago	62,900,000
Uruguay	$162,200,000
Venezuela	490,600,000
Other West Indies	8,000,000
Central America Regional	144,200,000
Latin America Regional	1,891,300,000
Vietnam	5,895,400,000
Burma	100,500,000
Cambodia	341,300,000
China (Republic of)	5,141,800,000
Hong Kong	43,700,000
Indochina, undistributed	1,535,200,000
Indonesia	1,128,300,000
Korea	7,829,000,000
Laos	641,100,000
Malaysia	90,200,000
Philippines	2,078,800,000
Ryukyu Islands	387,400,000
Singapore	40,000,000
Thailand	1,192,400,000
Western Samoa	1,500,000
East Asia Regional	767,100,000
Algeria	185,300,000
Botswana	16,500,000
Burundi	6,800,000
Cameroon	32,900,000
Central African Republic	5,000,000
Chad	8,700,000
Congo (Brazzaville)	2,100,000
Congo (Kinshasa)	430,700,000
Dahomey	12,200,000
Ethiopia	375,700,000
Gabon	7,500,000
Gambia	2,200,000
Ghana	267,300,000
Guinea	107,800,000
Ivory Coast	73,400,000
Kenya	66,200,000
Lesotho	4,800,000
Liberia	272,100,000
Libya	229,700,000
Malagasy Republic	13,200,000
Malawi	25,000,000
Mali, Republic of	25,300,000
Mauritania	3,300,000
Mauritius	1,500,000
Morocco	758,900,000
Niger	16,600,000
Nigeria	289,100,000
Rwanda	6,900,000
Senegal	38,100,000
Sierra Leone	43,100,000
Somali Republic	76,800,000
Southern Rhodesia	7,000,000
Sudan	104,800,000
Swaziland	700,000
Tanzania	65,000,000
Togo	15,100,000
Tunisia	627,100,000
Uganda	36,000,000
Upper Volta	12,700,000
Zambia	40,800,000
Central and West Africa Regional	8,000,000
East Africa Regional	26,400,000
Africa Regional	165,300,000
Malta	8,200,000
Spain	2,228,100,000
Yugoslavia	2,890,700,000
Oceania-Trust Territory of the Pacific Islands	230,800,000
British Oceania	1,500,000
Non-Regional	6,610,400,000
Albania	20,400,000
Austria	1,166,600,000
Belgium-Luxembourg	2,005,200,000
Czechoslovakia	193,000,000
Denmark	919,600,000
East Germany	800,000
Finland	151,500,000
France	9,415,900,000
Germany (Federal Republic)	5,020,300,000
Berlin	131,900,000
Hungary	31,500,000
Iceland	89,300,000
Ireland	193,000,000
Italy	6,043,000,000
Netherlands	2,470,300,000
Norway	1,253,300,000
Poland	577,300,000

Portugal	$534,400,000
Sweden	188,100,000
United Kingdom	9,697,500,000
U.S.S.R.	186,400,000
Europe Regional	2,763,900,000
Japan	4,137,900,000
Republic of South Africa*	150,600,000
Canada	51,600,000
Oceania-Australia	825,900,000
Oceania-New Zealand	88,100,000
Non-Regional	1,434,000,000
Grand total	138,028,500,000

Source: Agency for International Development, U.S. State Department.

*Repaid in full with interest. Some other countries have paid some interest and principal (18½ billion) on some of their borrowings from the United States.

"Charity begins at home," and that always seems to mean America. Maybe it should have stayed here.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED FACILITIES PROJECTS FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, proposed facilities projects to be undertaken for the Army National Guard; to the Committee on Armed Services.

REPORT ON PROPOSED DISPOSAL OF MATERIALS BY DUMPING AT SEA

A letter from the Assistant Secretary of the Army (Installations and Logistics), reporting, for the information of the Senate, on the proposed dispersal of certain materials by dumping at sea; to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting a report, pursuant to law, entitled "Economic Advantages of Using American Ingredients To Satisfy Milk Requirements in Western Europe" (with accompanying report); to the Committee on Government Operations.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service submitting, pursuant to law, orders entered in cases in which the authority of the Service was exercised in behalf of certain aliens (with accompaning papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the Legislature of the State of Florida; to the Committee on Appropriations:

"HOUSE MEMORIAL No. 427

"A memorial to the Congress of the United States requesting the appropriation and allocation of funds for surveillance radar equipment and the lengthening of the I.L.S. runway at the Tallahassee Municipal Airport

"Whereas, Tallahassee is the capital city of Florida, and its municipal airport is the only facility available for commercial air traffic into and from this vital center of state government, and

"Whereas, the Tallahassee Municipal Airport has attained a level of air traffic density which requires surveillance radar equipment to operate at a maximum level of safety and efficiency according to the standards of the Federal Aviation Administration, and

"Whereas, the said airport is now without such equipment and thus is not adequately equipped to provide the maximum safety required to regulate the flow of air traffic, and

"Whereas, the Federal Aviation Administration has requested the Congress to appropriate funds for this much-needed equipment, and

"Whereas, the longest runway at said airport, the Instrument Landing System (I.L.S.) runway, will not accommodate certain modern transcontinental commercial passenger aircraft and is barely long enough for the safe operation of certain airliners currently using said runway, and

"Whereas, on September 18, 1969, a commercial passenger aircraft ran off the end of the I.L.S. runway, subjecting the passengers aboard said aircraft to possible severe bodily harm and practically closing the airport for a number of hours and the functions of state and local government were greatly inconvenienced thereby, and

"Whereas, the commercial airlines and pilots serving Tallahassee have requested a lengthening of the I.L.S. runway to adequately insure the safety of their passengers, now, therefore,

"Be It Resolved by the Legislature of the State of Florida: That the Congress of the United States is hereby requested to immediately appropriate and allocate funds to provide surveillance radar equipment and lengthening of the Instrument Landing System runway at the Tallahassee Municipal Airport so as to enhance the safety of those persons using said airport and to promote maximum efficiency from the airport's facilities.

"Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the president of the United States senate, to the speaker of the United States house of representatives, and to each member of the Florida delegation to the United States Congress."

A resolution of the Great Neck Democratic Club; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6359. An act to amend the Water Resources Planning Act to authorize increased appropriations (Rept. No. 92–139).

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. STENNIS, from the Committee on Armed Services:

REGULAR AIR FORCE

Maj. Gen. Gordon T. Gould, Jr., to be assigned to a position of importance and responsibility designated by the President, to the grade of lieutenant general.

U.S. ARMY RESERVE

Col. Benjamin L. Hunton to be brigadier general.

ARMY NATIONAL GUARD

Brig. Gen. Robert L. McCrady, to be major general, Adjutant General Corps.

Col. William J. McCaddin, Col. Charles A. Rollo, and Col. Dana L. Stewart, to be brigadier general.

U.S. ARMY

Maj. Gen. Walter Edward Lotz, Jr., to be lieutenant general.

Maj. Gen. Welborn Griffin Dolvin, to be lieutenant general.

To be brigadier general

Col. Cecil Walton Hospelhorn, [redacted], U.S. Army.

Col. Alan Ross Toffler, [redacted] U.S. Army.

Col. Chester M. McKeen, Jr., [redacted], U.S. Army.

Col. Charles Raymond Sniffin, [redacted], U.S. Army.

Col. Sylvan Edwin Salter, [redacted], U.S. Army.

Col. Nikitas Constantin Manitsas, [redacted] U.S. Army.

Col. Joseph Edward McCarthy, [redacted], U.S. Army.

Col. Lawrence Edward Van Buskirk, [redacted] U.S. Army.

Col. Arthur Pancratius Hanket, [redacted] U.S. Army.

Col. George Washington Connell, Jr., [redacted] U.S. Army.

Col. Anthony Frank Daskevich, [redacted] U.S. Army.

Col. James Arthur Herbert, [redacted], U.S. Army.

Col. Gordon Sumner, Jr., [redacted], U.S. Army.

Col. Richard Luther West, [redacted], U.S. Army.

Col. Robert Wallace Fye, [redacted], U.S. Army.

Col. Lawrence Hall Williams, [redacted], U.S. Army.

Col. Roscoe Conklin Cartwright, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Orville Leroy Tobiason, [redacted], Army of the United States lieutenant colonel, U.S. Army).

Col. James Michael Templeman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Redman, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Joseph D'Ambrosio, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Frank Hamlet, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Marvin Don Fuller, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Thomas Pink, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William John Whelan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Warren Scott, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Savage Hathaway, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Allen Johnson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Miller Montague, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joshua Koch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Rutherford McGiffert II, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. John Love Gerrity, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Elwood Hoover, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Thomas Boerger, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Jacob Baer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Fremont Byron Hodson, Jr., xxx-xx-xx... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Col. John Robin Davis Cleland, Jr., xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Col. William Loyd Webb, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Vincent dePaul Gannon, Jr., xxx-xx-xx... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Dorward Weston Ogden, Jr., xxx-xx-xx... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert James Proudfoot, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Garland Andrews Ludy, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lucius Gordon Hill, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Norman Junior Salisbury, xxx-xx-xxxx xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Lee Kirwan, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Williams Dillard, xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Col. Wilton Burton Persons, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wayne Stanley Nichols, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry William Hill, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hugh James Bartley xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Amy).

Col. Pat William Crizer, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Anthony Bresnahan, xxx-xx-xx... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Dalton Turner, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Calvin McWhorter, Jr., xxx-xx-xx... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Ronald Escola, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Day Street III xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Robert Feir, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Marion Collier Ross, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Eugene Soucek, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Milton Eugene Key, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clay Thompson Buckingham, xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Samuel Long, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carroll Nance LeTellier, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Paul Kingston, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernst Edward Roberts, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Miller Timmerberg, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Billy Mills Vaughn, xxxx Army of the United States (lieutenant colonel, U.S. Army).

Col. Kirby Lamar, xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Lew Morton, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Michael Daniel Healy, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Davis O'Neill Morris, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Harry Boyes, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Francis Gorman xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. Albert Benjamin Crawford, Jr., xxx-... xxx-xx-xx... Army of the United States (major, U.S. Army).

Col. William Rowland Richardson, xxx-... xxx-xx-xxxx Army of the United States (major U.S. Army).

Col. Leslie Ray Sears, Jr. xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. Richard Lee Harris, xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. John Adams Wickham, Jr. xxx-xx-xx... xxx-... Army of the United States (major, U.S. Army).

Col. David Hardy Sudderth, Jr., xxx-xx-xxxx xxx-... Army of the United States (major, U.S. Army).

Col. Richard Horner Thompson, xxx-xx-xxxx xxx-x... Army of the United States (major, U.S. Army).

To be major general

Brig. Gen. George Gordon Cantlay, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Steward Canfield Meyer, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Maurice Wesley Kendall, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Adrian St. John II, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harley Lester Moore, Jr., xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Curtis Wheaton Chapman, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. George Arthur Godding, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Julian Richards, Jr., xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel Lafayette Reid, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Bryan Berry, Jr., xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. David Ewing Ott, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Bert Allison David, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Morin Shoemaker, xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frank Ambler Camm, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Ira Hayward, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Dennis Philip McAuliffe, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Arthur Kissinger, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Monroe Bush, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Quint Henion, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Trevor Sawyer, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Neale Mackinnon, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Hulbert Groves, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Alexander Meigs Haig, Jr., xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Einar Murray, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Anton Hinrichs, xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Leahy Fair, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Alfred Kjellstrom, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Ira Augustus Hunt, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Richard Del Mar, xxx-... xxx-xx-x... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Charles Hixon, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Carpenter Raaen, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. James Bradshaw Adamson, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. John Terrell Carley, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Burton Gibson, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Jeffrey Greenwood Smith, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Edward Fitzpatrick, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Dean Van Lydegraf, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Harley Lester Moore, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel Lafayette Reid, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. George Arthur Godding, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. James Leon Baldwin, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. Albert Ernest Milloy, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. John Reiley Gutherie, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. William Allen Knowlton, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Ambler Camm, xxx-xx-xx...

xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Creel Marshall, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Darrie Hewitt Richards, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Stewart Canfield Meyer, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Edward Michael Flanagan, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Julian Richards, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. John Carpenter Raaen, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Adrian St. John II, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Hubert Summers Cunningham, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Maurice Wesley Kendall, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Bernard William Rogers, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Parfitt, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Trevor Sawyer, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Gordon Cantley, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Woodland Morris, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarke Tileston Baldwin, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Allen Mitchell Burdett, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Alexander Russell Bolling, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Howard Harrison Cooksey, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Charles Hixon, xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. CJ Le Van, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Quint Henion, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Holloway Cushman, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. David Ewing Ott, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Samuel Blanchard, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Ira Hayward, xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. John Joseph Hennessey, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Alfred Kjellstrom, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. Verne Lyle Bowers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Einar Murray, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick James Kroesen, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. James Cliffton Smith, xxx-xx-xxxx xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Leahy Fair XXXX, Army of the United States (colonel, U.S. Army).

WOMEN'S ARMY CORPS

To be brigadier general

Col. Mildred Caroon Bailey.

ARMY NURSE CORPS

To be brigadier general

Col. Lillian Dunlap.

U.S. NAVY

Rear Adm. Philip A. Beshany, having been designated for commands and other duties, to the grade of vice admiral, while so serving.

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

Frank H. Price, Jr.	Marmaduke G. Bayne
Arthur G. Esch	Robert L. J. Long
Robert L. Baughan, Jr.	Thomas J. Christman
James B. Hildreth	Clarence A. Hill, Jr.
Mayo A. Hadden, Jr.	William R. Flanagan
Henry Suerstedt, Jr.	David H. Bagley
Edwin M. Rosenberg	Kent L. Lee
Philip P. Cole	Frederick C. Turner
Daniel E. Bergin, Jr.	Robert B. Baldwin
George L. Cassell	Julien J. LeBourgeois
Howard S. Moore	George P. Steele II
Philip S. McManus	Narvin O. Wittmann
Lawrence Heyworth, Jr.	Robert C. Gooding
	Charles N. Payne, Jr.
William T. Rapp	John L. Marocchi
John M. Barrett	Clarence R. Bryan

MEDICAL CORPS

Harry P. Mahin	Herbert G. Stoecklein
David O. Osborne	

SUPPLY CORPS

Douglas H. Lyness	Vincent A. Lascara
Wallace R. Dowd, Jr.	Edwin E. McMorries
John A. Scott	

DENTAL CORPS

Vernon L. Anderson

The following-named officers of the Navy for temporary promotion to the grade of rear admiral, in the staff corps indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Richard D. Nauman	Willard P. Arentzen

SUPPLY CORPS

Joe G. Schoggen	James E. Forrest
Edward E. Renfro III	

CHAPLAIN CORPS

Richardson G. Hutcheson, Jr.

CIVIL ENGINEER CORPS

Donald G. Iselin	Albion W. Walton, Jr.

DENTAL CORPS

Anthony K. Kaires.

Vice Adm. Francis J. Blouin, for appointment to the grade of vice admiral, when retired.

Rear Adm. Harry L. Harty, Jr., having been designated for commands and other duties for appointment to the grade of vice admiral while so serving; and

Rear Adm. Harry L. Harty, Jr., for appointment as Navy senior member of the Military Staff Committee of the United Nations.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of 29 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 1,722 promotions in the Army in the grade of lieutenant colonel and below; 339 appointments and promotions in the Navy in grade of captain and below; 1,873 appointments in the Marine Corps in grade of major and below; and 1,283 appointments in the Air Force in grade of major and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on May 13, 14, and 17, 1971.)

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. HOLLINGS (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. PELL, Mr. STEVENS, Mr. TUNNEY, and Mr. MAGNUSON):

S. 1986. A bill to foster a comprehensive, long range, and coordinated national program in marine science, technology, and resource development, and for other purposes. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 1987. A bill for the relief of Mr. Arsenio Jimenez Gomez. Referred to the Committee on the Judiciary.

By Mr. CANNON:

S. 1988. A bill to amend section 601 of title 38, United States Code, so as to authorize medical care in private facilities for veterans for service-connected disabilities in cases other than emergency cases. Referred to the Committee on Veterans' Affairs.

By Mr. HOLLINGS:

S. 1989. A bill to amend title 39, United States Code, to provide for the renewal of certain star route contracts. Referred to the Committee on Post Office and Civil Service.

By Mr. HOLLINGS (for himself and Mr. ERVIN):

S.1990. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON (by request):

S. 1991. A bill to asisst in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE (for himself and Mr. BAYH):

S. 1992. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 1993. A bill to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans. Referred to the Committee on Finance.

By Mr. McGEE:

S. 1994. A bill to adjust the pay of the police forces at Washington and Dulles Airports. Referred to the Committee on Post Office and Civil Service.

By Mr. TUNNEY (by request):

S. 1995. A bill to authorize the District of Columbia to enter into the Interstate Compact on Mental Health;

S. 1996. A bill to amend the act entitled

"An act to regulate the employment of minors within the District of Columbia";

S. 1997. A bill relating to education in the District of Columbia; and

S. 1998. A bill relating to educational personnel in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. HATFIELD:

S. 1999. A bill to allow for the imposition of restrictions on the imports of unshelled filberts. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S.J. Res. 109. A joint resolution establishing the birthplace of the Reverend Dr. Martin Luther King, Jr., in Atlanta, Ga., as a national historic site. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. CRANSTON, Mr. HUMPHREY, Mr. PELL, Mr. STEVENS, Mr. TUNNEY, and Mr. MAGNUSON):

S. 1986. A bill to foster a comprehensive, long-range, and coordinated national program in marine science, technology, and resource development, and for other purposes. Referred to the Committee on Commerce.

NATIONAL OCEANIC ACT OF 1971

Mr. HOLLINGS. Mr. President, I come before you today with a simple proposition—that a comprehensive and well-funded oceans program is an urgent necessity for the United States. Such a program would respond both to the immediate needs and the long-range objectives of this country. In a time of rising international competition on the high seas, it offers security. In a time of soaring joblessness, it offers work. In a time of rapidly disappearing technological superiority, it offers the prospect of innovation and renewal. In a time of national drift, it holds out challenge and opportunity. A sound oceans program would be a boon economically, technologically, and even spiritually.

Sometimes it seems that we have lost our capacity to seize opportunity. The times used to be much different. On the frontiers of old, challenge united us. We shared a spirit of community that bound us together as we struggled to settle a new continent, conquer the mountain barriers, and develop the vast frontier beyond. Maybe we are too big now and can never reinstill that sense of oneness that makes a nation great. Maybe we are too rich and complacent to respond to challenge. Or maybe we are just plain tired—weary to the bone—worn out by the many problems our generation has been forced to tackle, fatigued by the fast-paced lives we lead, fed up with moving from crisis to crisis with no time out for a rest. Whatever the cause of our national malaise, we are not responding to opportunity in the spirit of a forgotten America. We are failing to take the initiatives upon which a nation's greatness depends. Oh, yes—we can still make the 100-yard dash if need be—if the challenge is dramatic and immediate. But the real test of greatness, my friends, is not the ability to sprint the 100-yard dash—it is rather the willingness to engage in the long and hard contest of endurance.

The challenge of the 1950's and 1960's was in space, and it was brought home to America with the launching of the Russian sputnik in 1957. The challenge of the 1970's is in the oceans. It has been brewing a long time, but all too few in this country have recognized the crisis because we lack the sensational equivalent of sputnik. Yet the crisis of today is far more serious, because it challenges so many areas of our national life. The challenge is military, but it is also economic. It is political, but it also goes to the roots of America's will and commitment. Other nations have responded to the challenge of the oceans. They are acting to transform the promise of the oceans into reality. We are, to put it bluntly, behind.

Admiral Mahan said that he who rules the sea rules the world. Mahan spoke in the 1890's. But even today, in the age of rocketry and space, he is right. Seapower affects our transportation, our national security, our way of life—each day—every day. Are we just going to sit by while the Russians, and the Japanese too, launch well-conceived, well-planned, and lavishly financed oceans programs that spread their military and economic influence? If so, the future will belong not to America, but to others.

Look at what the Russians are doing. Within the past year, the Soviet force of nuclear-powered submarines has increased by 10, growing from 75 to 85. During that same period, the American nuclear sub force increased by only four, from 87 to 91. This year the Russians will without question pass us by, and by 1975 they will have a nuclear sub fleet of over 150 while ours will total only 109. And there figures do not include the 235 diesel submarines the Russians can put up against less than 50 for us.

With their growing armada, the Russians are flexing their naval muscles all around the globe. In the Mediterranean and in the Indian Ocean, they are making their presence felt, and the balance of power is tottering under the weight of Soviet sea power in these vital areas. The British have withdrawn from the Indian Ocean. The United States has a small base at the middle of the Indian Ocean for surveillance purposes but with no effective military or naval presence. As a result, the Russians have threatened the movement of oil not only to Western Europe, but also to Japan and everywhere else in the world. An oil pipeline across Israel will not help the situation. The Russians have a fleet in the Mediterranean that could easily interrupt the flow of oil by tanker to Mediterranean and Western European ports.

Mahan's dictum applies not only to fleets of the Navy. It applies to fishing, it applies to merchant fleets, it applies to ocean research. The Russian fishing fleets, and some of you have probably seen their ships off the coast, are highly organized and range the world. During the 1960's, the Russians not only drew abreast of the catch that American fishing fleets were bringing in annually, but they shot ahead—and now catch more than three times what we catch. The Russians are doing better in fishing off our coasts than our own American fishermen are. Their fishing fleet has the largest tonnage in the world—over 4,000 ships with a total gross tonnage of 6 million. What do we have? Thirteen thousand ships totaling 500,000 tons. In effect we are fishing with rowboats while the Russians roam the seas in up-to-date vessels and equipment.

The American merchant fleet shriveled to approximately 135 usable ships last year. National security has been needlessly jeopardized. We have sacrificed our once preeminent ability to move equipment and ordnance to American Armed Forces around the world. Yet in recent years, the growth of the Soviet merchant marine has been nothing less than spectacular. In 1950, it ranked 21st in tonnage among the world's merchant fleets; in 1958—12th; and in 1968—fifth. Compared to our merchant fleet of 135 vessels, the Soviet fleet today exceeds 1,766 ships. The growth in numbers of their tanker fleet has been faster than that of any other nation. So here we have a threat not only to national security, but also to America's commercial prosperity. And few of our leaders even pause to give a second thought to the problem. My friends, we had better wake up to the military and national security dimensions of the challenge in the seas.

America is also being challenged in the area of research involving the future development of the world's oceans. Last year, the National Oceanic and Atmospheric Administration commissioned the *Researcher*. This is a modern research vessel that can perform both oceanic and atmospheric studies. But in that same year the United States laid up several ocean research vessels and the Administration refused to build those for which money had already been appropriated by the Congress. And while we refuse to fund laboratories, the Soviets are quietly expanding their ocean research fleet and establishing new ocean research programs.

What about the Japanese? They are leading the way in opening up the oceans to the needs of the future. The Japanese are assembling an enormous ocean engineering capability to harvest the resources of the Pacific—and they are aiming at the Atlantic, too. Their projects have the strong and enthusiastic backing of the government. Their scientific and technological research capability is unquestioned. They have the industrial facilities and the managerial skills. They have unique backing from the Bank of Japan. They have the commitment, the will, and the determination to act. And they are acting.

This is the country that many people feel will be the most economically powerful country in the world by the year 2000. Yet it is a country with a poverty of natural resources. Its lack of the essential ingredients of modern industrialism contrasts starkly with the storehouse of natural abundance that has always been America's. Their poverty of resources has not discouraged the Japanese—it is instead encouraging them. They must go into the oceans, and they are going with a full-fledged and well-planned development program.

Twenty-five percent of the total Japanese output of coal is mined offshore. They are now searching the Pacific Ocean floor for manganese nodules—they are

interested in the nickel, cobalt, copper, and manganese content. They are searching for oil offshore and are working on a sea-floor remote controlled oil well drilling rig to operate at depths up to 800 feet, because right now the Japanese are forced to import more than 99 percent of the fuel they consume. Soon they will be offshore for powerplant siting. They are well ahead in developing the technology and know-how for constructing huge floating ocean platforms. These "floating islands" can be used as deep-water harbors and offshore terminals; they can be turned into airports, nuclear powerplants, and industrial centers. They can be used in the farming of the sea, in such a way that Japan will increase its lead over the rest of the world in fisheries—it is already in the No. 1 spot.

Japan's shipbuilding industry has led the world for years. During 1970, Japan had 22.5 million gross tons of ships under construction or on order—nearly four times that of its nearest competitor. Its two largest shipbuilding companies each produce annually more ships than the entire output of West Germany. The Japanese have 26 major shipbuilders and 52 shipyards. By comparison, the United States has 17 major builders and 39 yards, not all of which are building yards. Our country ranks 11th in shipbuilding.

When the Japanese want to move they can move fast and bring enormous leverage to bear. Most Japanese corporate capital requirements are supplied by bank loans. Nearly 85 percent of their capital is obtained through loans; they need not finance their growth out of retained earnings. In other countries such as the United States, this would be disastrous. In Japan it is a source of strength, for the government stands behind the debt position of major Japanese companies, through the Bank of Japan. Commercial banks can lend almost 100 percent of their deposits, and the Bank of Japan stands as a guarantor to the commercial banks and the borrowing corporations. It is just as Taylor Pryor of Hawaii told our subcommittee last year:

> We can all relax or at least just continue spinning our wheels, for soon the Japanese will have accomplished everything we ever dreamed of in the oceans.

The most cursory glance at the Japanese program of ocean development shows an impressive array of practical oceanic developments. While I am not advocating that we model our own program exactly as they have shaped theirs, there is much to admire in their sense of commitment to and cooperation on a forward-looking oceans policy. This commitment is based upon a sober assessment of their realistic needs and desires, adequate funding, and unique teamwork between the public and private sectors.

Science and technology, Mr. President, is the name of the game in the oceans, just as it is in space. We still have the potential of regaining our No. 1 spot in these areas, but today the American monopoly holds only in computers and aircraft. If we are to regain our preeminence, we will have to expand our research and development, and make a genuine national commitment to the oceans.

Let us face facts. Other nations have already seen the light, and are well on the way to opening up the vast treasures of the seven seas. It is only a matter of time until we must do the same thing. We can either do it now—rationally, comprehensively—or we can wait until we are pushed in by necessity and then we can imitate others and play the game of following rather than leading. The time is here to decide. It is not a question of can or cannot. It is a question of will or will not.

If we move ahead now, Mr. President, we will not only be planning wisely for the future—but we will also be enhancing the quality of present-day life. A national commitment to a sound oceans program would pay both long- and short-term dividends to the American people. The understanding, development, and protection of the marine environment and its priceless resources are essential tasks which this Nation must address if it is to maintain a healthy rate of growth consistent with our goals of improving the quality of life and maintaining our position of world influence. Today, 6.1 percent of the American labor force is out of work. The unemployment rolls include an armada of scientists, researchers, engineers, and technicians. People whose special talents could be harnessed to meet the challenges of the present are instead being sacrificed to the shopworn economic dogmas of the past. The administration, true to its performance in so many areas, treats the symptoms rather than the roots of our economic plight. There is talk of special service employment, Government assistance in the refinancing of home mortgages, and a few other palliatives. These are fine as interim measures, but certain it is that they fail to confront head on the complexity of the problem we face. All the while, the economy stumbles along, and those monthly economic indicators tell the sad story of continuing inflation amidst rising joblessness. How much better it would be to mobilize this vast pool of trained talent and send it into the worldwide competition for the oceans.

Fourteen months ago, I made a speech on the floor of this Chamber criticizing the Nixon administration for not taking the lead in oceans development. I urged then that the President adopt a proposal to create an independent National Oceanic and Atmospheric Agency. I later supported the administration's compromise for a smaller NOAA housed in the Department of Commerce—realizing that we could not at that time get more from the President. And I still believed that the President genuinely wanted a national commitment to the ocean programs. I was with him.

But looking over what has happened since, I cannot help but be disappointed. Nothing has basically changed. A new agency has been created, but it has run into the old, old problem of inadequate support. It is being sniped at and roadblocked by minions of the President who have a vested interest in the proposed new Department of Natural Resources. The department in which the oceans were organized last year is to be abolished this year and the oceans are then to be placed in a new bureaucracy yet to be created. Apparently we won the battle but lost the war. For fiscal year 1972, President Nixon has proposed a puny increase in the oceanic budget of NOAA, nowhere near the size needed to mount a full-scale program of development and implementation. The $40 million increase he offers would not even "dewater" a Navy submarine that sinks at dock. The sub that went down at Long Beach a few years ago cost $50 million to "dewater." How much better it would be if Mr. Nixon would focus his energies on developing and strengthening NOAA rather than on playing musical chairs with Government.

The National Oceanic and Atmospheric Agency brings together the Environmental Science Services Administration, with its major elements the Weather Bureau, the Coast and Geodetic Survey, Environmental Data Service, the National Environmental Satellite Service, and their research laboratories. It included the Bureau of Commercial Fisheries, the marine game fishery research program, and Marine Minerals and Technology Center from the Interior Department; the National Oceanographic Data Center and the National Oceanographic Instrumentation Center from the Navy; the national data buoy development project from the Coast Guard; the national sea grant program from the National Science Foundation; and elements of the U.S. lake survey from the Army Corps of Engineers. These are all housed in the Department of Commerce now.

NOAA brings together scientists, researchers, and technicians covering a broad spectrum of environmental and marine sciences. If properly funded, its vessels could conduct the research necessary to complement our commitment to the oceans. It can study and predict the weather. It can make a tremendous contribution in farming the oceans for food. It can study resource development through mapping and charting procedures. It can observe, predict, and perhaps one day control, the weather. It can monitor and predict the results of man's pollution of the air and water environs. But to do all these things in such a way as to fulfill the promise and potential of the agency, more money must be spent and more staff put on the job. As matters now stand, the administration has failed to follow through. The only conclusion must be that it is either unable or unwilling to develop the vast ocean resources which are within our reach. And all the while, Mr. President, other countries are rising to the challenge and the potential of the seven seas.

The time to act is now. We have waited too long. We have had in-depth studies, critical analyses, ad hoc task forces, uncountable conferences, congressional hearings, advisory councils, and administrative shuffling. We have talked so much that in professional circles the 1960's are known as the "Decade of Ocean Rhetoric." My friends, all across the board the American people are sick and tired of rhetoric. They want action—not words.

Congress must act. Countless times before the Congress has had to take the

lead in the oceans. ALTON LENNON took the lead. WARREN MAGNUSON took the lead. CHARLES MOSHER and NORRIS COTTON took the lead.

Last week, Mr. President, on May 26, I introduced S. 1963—the National Oceanic Act of 1971. It has since come to my attention that the original draft of this piece of legislation contained certain statistical errors which should not be allowed to stand. Therefore, I am today reintroducing the National Oceanic Act of 1971, in its corrected and proper form, in behalf of myself and Senators CRANSTON, PELL, TUNNEY, MAGNUSON, STEVENS, and HUMPHREY, and send it to the desk for appropriate reference.

It is a short bill, but one which I believe can get the job done. It would amend the Marine Resources and Engineering Development Act of 1966 to authorize more adequate money for marine science, technology, resource development and management, and other resource development and management, and other related programs. It would authorize nearly $25 billion of funds to be spread over the next 5 years in order to take advantage of the promise of the oceans and to rectify some of the awful abuse that man has been wreaking upon the sea for so many years. My proposal calls for the immediate infusion of over $1 billion beyond the President's fiscal year 1972 request. This will prime the pump. It will give immediate support to vital areas where money is needed and needed now. It will also permit the agencies to plan wisely for the road ahead. This is a sound and a realistic program, and I most earnestly recommend it to the attention of my colleagues. I ask unanimous consent that the text of the National Oceanic Act of 1971 be printed in the RECORD.

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

S. 1986

A bill to foster a comprehensive, long-range, and coordinated national program in marine science, technology, and resource development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, approved October 15, 1966, as amended (33 U.S.C. 1101 et seq.), is amended by adding at the end thereof the following new title:

TITLE III—OCEAN DEVELOPMENT

SEC. 301. This title may be cited as the National Oceanic Act of 1971.

SEC. 302. In order to further carry out the general purposes of the Act and to carry out marine science, technology, resource development and management and other programs in related oceanic areas under the general authorities of the departments or agencies concerned, there is authorized to be appropriated to each of the following departments, agencies, and institutions the following amounts for the five fiscal years beginning July 1, 1971:

a. National Oceanic and Atmospheric Administration, Department of Commerce—$7,853,700,000

b. Maritime Administration, Department of Commerce—$4,500,000,000

c. United States Coast Guard, Department of Transportation—$4,750,000,000

d. United States Navy, Department of Defense—$5,388,000,000

e. National Science Foundation—$1,060,000,000

f. Department of the Interior—$595,000,000

g. Atomic Energy Commission—$257,700,000

h. Environmental Protection Agency—$397,000,000

i. Smithsonian Institution—$100,000,000

Mr. HOLLINGS. At this point, Mr. President, I offer a breakdown of how the moneys might most appropriately be spent through fiscal year 1976. I ask unanimous consent that this table be printed in the RECORD at this point in my remarks.

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

NATIONAL OCEANIC ACT OF 1971

[In millions of dollars]

	President's budget request fiscal year 1972	Hollings proposal (fiscal year)					
		1972	1973	1974	1975	1976	5-year total
National Oceanic and Atmospheric Agency	335.7	835.7	984.0	1,486.0	2,008.0	2,540.0	7,853.7
Maritime Administration	499.0	650.0	850.0	1,000.0	1,000.0	1,000.0	4,500.0
Department of Defense	218.0	438.0	500.0	850.0	1,400.0	2,200.0	5,388.0
Department of Transportation (Coast Guard)	659.4	700.0	750.0	900.0	1,100.0	1,300.0	4,750.0
National Science Foundation	68.8	110.0	120.0	200.0	280.0	350.0	1,060.0
Department of Interior	33.8	60.0	75.0	100.0	160.0	200.0	595.0
Smithsonian Institution	3.1	6.0	7.0	12.0	25.0	50.0	100.0
Atomic Energy Commission	8.7	17.7	20.0	45.0	75.0	100.0	257.7
Environmental Protection Agency	17.0	37.0	40.0	60.0	100.0	160.0	397.0
Annual cost	1,843.5	2,854.0	3,346.0	4,653.0	6,148.0	7,900.0	24,901.4

Mr. HOLLINGS. I am not proposing just a program in ocean science. It is a program that covers the broad range of oceanic concerns. Its Federal spending would be spread through nine departments and agencies. The fourfold increase which would come in Government spending per year in the next 5 years would go a long way toward the assertion of American leadership in ocean development. We are talking about an assault on marine pollution. We are talking about new applications of marine science. We are talking about new growth in industry, in universities, in fisheries, and in resource management. We are talking about a coastal zone management program so that the 80 percent of our people who will live within 50 miles of the ocean and the Great Lakes by the turn of the century will have a habitable environment. We are talking about farming the ocean floor for food and fuel and minerals. And we are talking about utilizing our most precious resource—more precious even than the bounty of the seas. Man. Because this program envisions jobs and it provides challenge.

Jobs will come in areas like Burbank, Seattle, Long Island, Charleston, and many others. We ought to be planning the construction of a "floating island" in an area such as Seattle—it could be used as an airport, or to develop the food and energy resources of the sea. And over the long pull, jobs will be provided in cities and towns throughout the Nation.

In the final analysis, of course, the ultimate challenge to man concerns not the pocketbook but the motivation of the human spirit. The program I hope to see enacted holds before us the opportunity of the future—the chance for renewed greatness. In the oceans is the challenge of knowledge—man must go where he has never been; man must do what he has never done; man must dream dreams that his father never dreamed. Can we afford this program? My distinguished colleagues, we can afford nothing less if we are true to the spirit of America.

Mr. STEVENS. Mr. President, I am pleased to join as a cosponsor of the National Oceanic Act of 1971, for I believe as does Senator HOLLINGS that now is the time for the United States to implement a comprehensive, well-financed oceans program.

As the Senator from South Carolina eloquently points out in his introductory remarks, the benefits to be derived from such a program are immense. Our national security, which is so heavily dependent upon a strong Navy and merchant marine, would be enhanced. Moreover, jobs would be provided in a challenging new area of endeavor, thus, helping to alleviate the present unemployment situation. Of great importance, new technology and a comprehensive data base respecting the oceans would be developed. This information would enable us to utilize the resources of the oceans and the seabeds to satisfy the ever-growing needs of the world's people. In my State of Alaska, where commercial fishing is an extremely important industry, increased marine research would lead to greater harvests and protein food products to meet domestic and foreign nutritional requirements.

The bill which Senator HOLLINGS has introduced today would help to accomplish the goals that I have just enumerated. Specifically, it would amend the Marine Resources and Engineering Development Act of 1966 to authorize additional funds for marine science, technology, resource development and management, and related programs; $25 billion

would be allocated to nine departments and agencies over the next 5 years for these purposes. This money would be authorized for use by the National Oceanic and Atmospheric Administration, the Maritime Administration, Department of Defense, Department of Transportation—Coast Guard—National Science Foundation, Department of the Interior, Smithsonian Institution, Atomic Energy Commission, and Environmental Protection Agency.

In spite of my strong support for this legislation, I cannot agree with Senator HOLLINGS' criticism of the present administration for its alleged failure to implement a comprehensive marine development program. The present embryonic state of our oceans' technology, the sorry condition of our merchant marine, the underdeveloped commercial fishing industry, and so forth, are the product of long years of neglect by many administrations, both Democratic and Republican. The Merchant Marine Act of 1970, which was strongly supported by the Nixon administration, and the establishment last year of the National Oceanic and Atmospheric Administration in the Department of Commerce, among other things, show an awareness by the Nixon administration of the present unfortunate situation and a willingness to seek solutions that will enable the United States to continue as a world leader in marine transportation and resource development. We in the Congress must work as partners with the executive branch in resolving the present difficulties.

I agree with Senator HOLLINGS that one of the great challenges confronting this Nation is to make prudent use of the oceans, Outer Continental Shelf, and deep seabed for the benefit of ourselves and all the world's people. This challenge is emphasized by the fact that by the year 2000, 80 percent of our people will live within 50 miles of the oceans and the Great Lakes. I believe that we should not defer to any other nation in responding to the challenge and tremendous opportunities presented by the oceans. The implications of our failure to move ahead in marine resource development are too profound and the stakes too high. Our national security, our ability to feed America's people and to provide the resources necessary to fuel our economy, and our battle against water pollution, must not be jeopardized because of our failure to develop and implement the comprehensive programs necessary to utilize marine resources in a prudent manner. The enactment of Senator HOLLINGS' bill will help insure the success of such programs.

By Mr. CANNON:

S. 1988. A bill to amend section 601 of title 38, United States Code, so as to authorize medical care in private facilities for veterans for service-connected disabilities in cases other than emergency cases. Referred to the Committee on Veterans' Affairs.

Mr. CANNON. Mr. President, I send to the desk for appropriate reference a bill designed to remedy a long-standing inequity in the treatment of veterans who cannot find hospitalization in their area of residence. This bill would amend section 601 of title 38, United States Code, so as to authorize medical care in private facilities for veterans for service-connected disabilities in cases other than emergencies. The law as it is presently constituted provides for treatment under emergency conditions only. Deletion of the emergency proviso would do much to alleviate the present crowded conditions at VA facilities. In my State in particular, the State of Nevada, it would do a great deal to relieve the congestion caused by the recent destruction by earthquake of the VA Sylmar 514-bed hospital in the San Fernando Valley.

Unfortunately veterans living in the southern part of Nevada must travel 300 miles, to the Los Angeles area to receive treatment. I am sure there are many other areas of the United States where a similar situation prevails. Passage of this suggested legislation is essential to improve the care of our service-connected disabled veterans. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1988

A bill to amend section 601 of title 38, United States Code, so as to authorize medical care in private facilities for veterans for service-connected disabilities in cases other than emergency cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(4)(c) of title 38, United States Code, is amended by striking out "in emergency cases" in clause (1) thereof.

By Mr. HOLLINGS:

S. 1989. A bill to amend title 39, United States Code, to provide for the renewal of certain Star Route contracts. Referred to the Committee on Post Office and Civil Service.

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference, a bill to amend title 39, United States Code, to provide for the renewal without advertisement of certain Star Route contracts.

Under existing law, contained in 39 U.S.C. 6416, if a prime contractor has subcontracted to another person to perform service, and if he decides not to renew the prime contract with the post office, the Postmaster General is authorized to negotiate a renewal of the contract with the subcontractor who is actually performing the service if the service is satisfactory and if the subcontractor has been performing the service for at least 6 months. Under the new provisions of title 39, as Congress enacted Public Law 91-375, the Postal Reorganization Act of 1970, this authority to renew directly with the subcontractor was omitted. The only way to contract with the post office under the new law, which becomes effective July 1, 1971, is either by competitive advertising or negotiating after fair public notice.

I do not believe that Congress intended to repeal a provision of law which operates for the benefit of the postal service as well as those who provide transportation services satisfactorily for the postal service. The legislation which I introduce today will reenact that permissive authority. Because time is of the essence, I intend to hold a hearing on this legislation before the Subcommittee on Postal Operations in the near future at which time the subcommittee will also take testimony on H.R. 135, a bill relating to the postal savings system.

So that my colleagues on the committee and in the Senate, as well as our friends on the Committee on Post Office and Civil Service in the House of Representatives, will know, it is my intention to recommend to the subcommittee and the full committee that this Star Route contract amended be added to H.R. 135 so that expeditious action can insure enactment before July 1.

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

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

S. 1989

A bill to amend title 39, United States Code, to provide for the renewal of certain Star Route contracts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5005(b)(1) of title 39, United States Code (as enacted by section 2 of Public Law 91-375) is amended by adding the following at the end thereof:

"If a holder has sublet the service in accordance with law and does not indicate in writing to the Postal Service at least 90 days before the end of the contract term that he desires to renew the contract, the Posal Service may enter into a contract with the subcontractor then, and for six months prior thereto, performing the service under the contract to the satisfaction of the Postal Service. Contracts made under this subsection shall be upon the terms prevailing at the end of the preceding contract term and may be made without advertising."

By Mr. HOLLINGS (for himself and Mr. ERVIN):

S. 1990. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, today I am introducing along with my colleague, Senator ERVIN, a bill which will alter an inequity that has developed through administrative ruling. Since the fall of 1969, I have tried to cause a change in the attitude of the Farmers Home Administration concerning the use of attorneys to provide title, closing, or other legal services concerning Farmers Home Administration rural housing loans.

Prior to 1968, through the country all qualified attorneys were permitted to provide such legal services. However, from the latter part of 1968 to date in the State of South Carolina and other states, the Farmers Home Administration has taken a position of designating certain attorneys to provide such services, presumably based

upon the workload factors within particular counties. In my judgment, Mr. President, this is a political ruse of allowing selected attorneys to handle this business. No Federal program should be designed to preclude qualified attorneys from participating in programs requiring the services of private attorneys.

In the conference report of the Housing and Urban Development Act of 1970, I participated in drafting language with representatives of the Farmers Home Administration which stated:

> It is the intent of the conferees that all qualified attorneys be given equal opportunity to participate in providing title and loan closing services required in connection with Farmers Home Administration rural housing loans. Report No. 91–1784, p. 64.

It was the belief that this conference language would sufficiently erase any doubt that all qualified attorneys should have an equal opportunity to provide legal services so that there would be no unwarranted interference with the right of a citizen to select his own attorney. I have received numerous letters from constituents detailing their encounters with the rule which prevents them from using their family attorney to handle all the legal matters with Farmers Home. Presumably, new regulations were written based on this language but in practice the same result has followed. I sincerely hope that this legislation will receive the prompt attention of this Congress. I have literally hundreds of letters from attorneys in South Carolina who have been providing such services for a number of years but have been subsequently "disqualified" by this administrative action. I ask unanimous consent that a copy of the bill be placed in the RECORD.

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

S. 1990

A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Housing Act of 1949 is amended—

(1) by inserting "(a)" after "SEC. 510.";

(2) by redesignating paragraphs (a)–(g) as paragraphs (1)–(7), respectively;

(3) by redesignating subparagraphs (1) and (2) of paragraph (3) (as hereinabove redesignated) as subparagraphs (A) and (B) respectively; and

(4) by adding at the end thereof a new subsection as follows:

"(b) The Secretary shall accord to all qualified attorneys an equal opportunity to participate in providing such title, closing, or other legal services as may be required by persons receiving direct or insured loans under this title."

By Mr. MAGNUSON (by request):

S. 1991. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill which would amend the Public Utility Holding Company Act of 1935 to enable utility holding company systems to participate in federally assisted low- and moderate-income housing programs.

The bill would amend the Holding Company Act to empower the Securities and Exchange Commission by rule, regulation, or order to authorize companies subject to the act to construct, own, or operate low moderate-income housing either through investment in housing subsidiaries of the holding company system or through investment in individual housing projects in which corporations created or organized pursuant to title IX of the Housing and Urban Development Act of 1968—such as the National Corporation for Housing Partnerships—participate. The bill is narrowly drawn and would limit utility holding company housing investment to federally assisted low- and moderate-income housing projects within the service area of the holding company system and would retain for the Securities and Exchange Commission the authority to regulate the extent and nature of this investment thereby assuring continuing review by the SEC in the interests of the utility's consumers and investors.

This bill is designed to assist the Department of Housing and Urban Development in its efforts to encourage electric and gas utilities throughout the United States to participate in low- and moderate-income housing projects in the communities they serve. Additionally, utilities have been encouraged to invest in housing projects sponsored in part by the National Corporation for Housing Partnerships, a congressionally chartered corporation, created to facilitate private enterprise investments in low- and moderate-income housing projects on a limited partnership basis.

It should be recognized that public utility companies can play a unique and valuable role in providing critically needed low- and moderate-income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities they serve. They have the financial and managerial resources to construct low- and moderate-income housing. They are familiar with Government regulation and can work effectively under federally assisted housing programs. They occupy positions of prestige and stability in their own communities and can play a catalytic role in involving other local business leaders in housing and community development problems.

While many private businessmen are unwilling to subject themselves to Government controls and do not desire to participate in federally assisted low- and moderate-income housing programs, a number of utility holding-company systems have expressed a willingness to become involved in this much-needed housing construction, I believe that they can make a contribution to attaining our national housing goals and should be encouraged to do so.

This bill is needed because of a 1970 ruling by the SEC that the Holding Company Act does not empower the SEC to authorize utilities subject to the act to invest in federally assisted housing development. This decision of the SEC did not suggest, however, that holding-company system participation in low- and moderate-income housing is detrimental to the interests of the utility's consumers or investors. To the contrary, the SEC recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3-to-2 vote that utility holding-company activities in this field were not contemplated by the Holding Company Act as originally enacted in 1935.

On April 16, 1971, the U.S. Court of Appeals for the District of Columbia Circuit rendered its decision on the appeal taken by the Michigan Consolidated Gas Co., from the adverse holding of the SEC. The court affirmed the interpretation of the majority of the Commission that the existing language of the Public Utility Holding Company Act does not contain authority empowering the Commission to approve sponsorship of federally assisted housing for low- and moderate-income families by utilities that are part of a holding company. The opinion of the court, however, in a most unusual departure went out of its way to endorse the concept of such participation, by commending Michigan Consolidated and by suggesting that, although it was without authority to write the National Housing Act into the Public Utility Holding Company Act, Congress could and should. The pertinent paragraph of the opinion, which states the proposition succinctly and persuasively reads as follows:

> Though in administering our judicial duties we have somewhat chastized petitioners, it is with great reluctance that we do so, for their only sin seems to have been an overeager response to their social conscience as corporate citizens in Detroit. It has become common knowledge that many of our inner city woes can be traced directly to the numerous dilapidated and run-down apartments and houses that, though unfit for human habitation, are the homes of far too many people. The efforts of companies like Michigan Consolidated to react positively to the need should be encouraged. If these companies show by example it can be done, there might well be brought about an exponential increase in interest among private industries willing to lend a hand. We as a court, however, are unwilling and unable to write the National Housing Act into the Public Utility Holding Company Act of 1935. This can only be accomplished by Congress. We have been informed that the United States Senate, on September 23, 1970, passed a housing bill which contained an amendment that would have permitted the type of acquisition Michigan Consolidated is seeking. The bill became law but the relevant amendment was rejected by the conferees just before the last session of Congress terminated. Inasmuch as this amendment would seem to be an invaluable aid to the public and has the endorsement of the Secretary of HUD (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29602) and the Commission (Id.), it is hoped that our decision today will inspire further consideration of this matter by Congress as soon as its busy schedule allows.

Mr. President, as the quoted paragraph indicates, the Senate last September, after considerable debate, discussion, and colloquy refused by a division vote to delete the proposed amendment from the housing bill—S. 4368, 91st Congress—which had been incorporated into the bill by the Senate Banking and Currency Committee. The language of the bill I am introducing today is identical to that which was approved by the Senate last year.

It should also be noted that, despite the difference of view among the members of the SEC over the interpretation of the existing statute, the Commission unanimously endorsed the amendment which was drafted with the assistance of the Commission staff.

On March 16, 1971, Secretary Romney addressed to the President of the Senate a communication explaining the proposed amendment to the Holding Company Act and urging its enactment. Through inadvertence, the communication was referred to the Committee on Banking, Housing, and Urban Affairs, and on April 14, 1971, the communication was referred to the Committee on Commerce by unanimous consent.

In light of the Nation's great and acknowledged need for adequate housing for low- and moderate-income families, and in view of the special capability of utilities to serve as sponsors of such housing projects, I am hopeful that the Congress can very quickly adopt the necessary change to the Public Utility Holding Company Act. I shall make every effort to schedule hearings on the proposal at the earliest opportunity.

I ask unanimous consent that at this point in the RECORD there be inserted the communication from Secretary Romney, the text of the bill, and the full opinion of the Court of Appeals referred to earlier in my remarks. I want it understood that this bill is being introduced by request. I have no commitments at all but expect to help air the problem.

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

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., March 10, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income." There is also enclosed a memorandum concerning the background of and need for the legislation.

The bill would amend the Public Utility Holding Company Act of 1935 to permit such utilities to construct, own or operate Federally-assisted low and moderate income housing either individually or in partnership with a national housing corporation created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. Under the bill the Securities and Exchange Commission would retain the authority to regulate the extent and nature of participation by holding company systems in these housing activities, thereby assuring continuing review by the Commission in the interests of the utility's consumers and investors.

The legislation is necessary because of a recent ruling by the S.E.C. that the Holding Company Act does not empower the S.E.C. to authorize utilities subject to the Act to participate in such housing activities. The decision of the S.E.C. did not suggest, however, that utility participation in low and moderate income housing programs is contrary to the interests of utility consumers or investors. The S.E.C. recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3–2 vote, that utility holding-company activity in this field was not contemplated by the Holding Company Act as originally enacted in 1935. This reversed a previous 3–1 S.E.C. decision which had authorized a utility subject to the Act to construct low and moderate income housing.

The S.E.C. has participated in the drafting of the bill and last year stated that it had no objection to its passage. The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

GEORGE ROMNEY.

Enclosure.

MEMORANDUM ON PROPOSED AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 TO AUTHORIZE PARTICIPATION IN LOW AND MODERATE INCOME HOUSING PROGRAMS

PRELIMINARY STATEMENT

The Department of Housing and Urban Development (HUD), with the participation and concurrence of the Securities and Exchange Commission (S.E.C.), has recommended to the Congress an amendment of the Public Utility Holding Company Act of 1935 which would make clear the authority of the S.E.C. to permit companies regulated under that Act to participate in government-assisted low and moderate income housing programs. This memorandum will indicate the background and need for the proposed legislation.

BACKGROUND

In adopting the Public Utility Holding Company Act of 1935, Congress provided in Section 11(b)(1), 15 U.S.C. § 79k(b)(1), that holding company systems must be limited to the utility business in which they are engaged and "such other businesses as are reasonably incidental, or reasonably necessary or appropriate to the operations of such integrated public-utility systems."

In March of 1969, the S.E.C., by a divided vote, held that the participation by a holding-company subsidiary in low and moderate income housing programs administered by HUD satisfied the statutory standards of the Holding Company Act.[1] The majority held in this connection:

"This overwhelmingly necessary and yet relatively limited investment of private capital cannot, in our view, be considered 'detrimental to the carrying out' of the simplification and integration provisions of the Holding Company Act. Investment of private capital for such a purpose has been generally determined by Congress to be in the national interest and specifically determined by management to be in the corporate interest—and both determinations have been made on the basis of compelling and uncontroverted facts of great significance to both the country and the company."

However, in a recent ruling on the same question the S.E.C., again by a closely divided vote, reversed in position.[2] While not questioning the desirable social purpose served by utility holding-company participation in low and moderate income housing programs, the S.E.C. concluded that the Holding Company Act, as adopted in 1935, did not authorize this activity by companies subject to regulation thereunder. The purpose of the legislation now proposed is to clarify the language of the Holding Company Act in that regard.

THE NEED FOR BROAD PARTICIPATION BY PRIVATE INDUSTRY IN LOW AND MODERATE INCOME HOUSING PROGRAMS

In enacting the Housing and Urban Development Act of 1968, Congress declared as follows:

"The Congress affirms the national goal, as set forth in section 1441 of Title 42, of 'a decent home and a suitable living environment for every American family.'"

It is apparent, however, that this goal has not been accomplished and that the gap between supply and demand for decent housing has been growing at an alarming rate. In an effort to mobilize all sectors of the economy in the drive to provide adequate housing for our citizens, there has been an increasing awareness of the desirability of enlisting the efforts of private business in helping to solve the shortages of housing for low and moderate income families. In his message to Congress of February 22, 1968, accompanying the proposed Housing and Urban Development Act of 1968, President Johnson said in part:

"The Government's concern is to stimulate private energy and local action—to provide capital where needed, to guarantee financing, to offer assistance that encourages planning and construction.

"The real job belongs to local government and the private sector—the homebuilder, the mortgage banker, the contractors, the nonprofit sponsor, the industrialist who now sees in the challenge of the cities a new opportunity for American business."

Similarly, President Nixon, in his transmittal to the Congress of the Second Annual Report on Housing Goals on April 1, 1970, again emphasized that

"The Administration, the Congress, private industry, and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objectives within the framework of sustainable economic growth."

The Congress has likewise expressed its conviction that private industry must play an important role in meeting the Nation's housing needs. For example, the preamble to the Housing and Urban Development Act of 1968, after indicating that "highest priority" must be given to programs designed to meet the housing needs of low and moderate income families, states that

". . . in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques."

The principal vehicle for participation by private industry in low and moderate income housing programs is through the formation of "limited dividend" corporations, as authorized by the National Housing Act, as amended. A limited dividend corporation is limited as to its rate of return on its equity investment in the housing project, and HUD has broad regulatory control over its operations and accounting methods. In addition, HUD maintains complete control over the rents that may be charged to tenants and over construction costs, design, building methods, size of units and economic feasibility of each housing project constructed under these programs.

THE IMPORTANCE OF UTILITY PARTICIPATION IN LOW AND MODERATE INCOME HOUSING

Because of the regulation of rate of return and rents and the other restrictions necessarily imposed upon limited dividend corporations by the National Housing Act and HUD regulations, many businesses are unwilling to participate as sponsors of low and

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[1] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16331.

[2] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16763.

moderate income housing projects. However, HUD has found in recent years that public utilities are able and, in a number of instances, willing to participate in these programs, and HUD has been actively encouraging such participation.

The reasons that public utilities have responded to the call for greater participation by the private sector in low and moderate income housing programs are basically two:

First, the construction and operation of housing projects under HUD regulation is remarkably similar to utility regulation. As noted above, rents, like utility rates, are set by a government agency and may only be increased upon a showing of higher operating costs. The rate of return on the company's investment in a housing development is regulated, again like return on utility operations. A uniform system of accounts is prescribed for the housing operation which is similar to that prescribed for utility companies. A limited dividend corporation must file detailed reports on its operations, much like the utility's periodic reports to state and Federal regulatory bodies. In short, a utility is accustomed to operating within the regulated framework required by the Federal housing laws, which, to many businesses, would present a significant deterrent.

Second, utility companies serving urban areas are necessarily committed to the long-range welfare of those areas. Unlike many other businesses, a utility cannot simply move its plant and work force to an outlying area to avoid urban problems. A utility's investment in service facilities and its customers are located in the urban areas it serves. Its interest in the rebuilding and rehabilitation of those areas is thus direct and compelling. Thus, in addition to social incentives, the utility has an economic incentive in the rebuildng of the cities that makes it a logical and sometimes indispensible catalyst in the initiation and successful implementation of low and moderate housing programs.

Finally, HUD has found that utilities generally have the managerial and financial resources necessary to insure efficient construction and operation of low and moderate income housing projects. Under circumstances where time is money, and the prompt construction of projects is essential to carry out housing programs, such expertise is of real value.

THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP

Title IX of the Housing and Urban Development Act of 1968 authorized the creation of National Corporation for Housing Partnerships (NCHP) and The National Housing Partnership (NHP) as vehicles by which private businesses would be further encouraged to participate in providing low and moderate income housing using government-assisted programs. NHP will be managed by a general partner, NCHP. NHP's principal activity will be investing in local limited partnerships throughout the United States, each of which will construct and operate a housing project. In the usual case it is expected that these local projects will be financed under HUD programs. NHP would ordinarily become a limited partner in a local partnership and provide no more than 25 percent of the equity investment required for a project. Local investors interested in sponsoring low and moderate income housing projects would provide the remaining 75 percent.

Certain companies regulated by the S.E.C. under the Public Utility Holding Company Act have indicated that they desire to participate in the program proposed by NHP and NCHP as general or limited partners in local partnerships formed to construct and operate specific low and moderate income housing projects in their service areas.

EFFECT OF PROPOSED AMENDMENT

The proposed amendment would authorize the S.E.C. to permit companies subject to the Public Utility Holding Company Act to construct, own or operate low and moderate income housing under HUD-assisted housing programs either through housing subsidiaries of the holding-company system or through direct investment in local housing projects in which national corporations or partnerships created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968 participate. The proposed amendment would retain for the S.E.C. discretion over whether to approve each low and moderate income housing activity of a company subject to the Holding Company Act, but would make it clear that the S.E.C., if it elected to do so, would have the authority to approve such an activity.

S. 1991

A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79i(c)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof a new paragraph as follows:

"(4) (A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act or any Act supplementary thereto, or (B) securities of or interests in a company organized to participate in such housing programs within the service area of a holding-company system which receives financial or other assistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968. No such acquisitions shall be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may, by rules and regulations or order, permit as not detrimental to the pubic interest or the interest of investors or consumers."

PETITIONS FOR REVIEW OF ORDERS OF THE SECURITIES AND EXCHANGE COMMISSION

[In the United States Court of Appeals for the District of Columbia Circuit]

No. 24,564: Michigan Consolidated Gas Company and Michigan Consolidated Homes Corporation, petitioners v. Securities and Exchange Commission, respondent.

Nos. 24,663 and 24,664: Michigan Consolidated Gas Company et al., petitioners v. Securities and Exchange Commission, respondent.

(Decided April 16, 1971)

Mr. Arthur R. Seder, Jr., of the bar of the Supreme Court of Michigan, *pro hac vice,* by special leave of Court, with whom *Messrs. Gary L. Cowan* and *Richard J. Flynn* were on the brief, for petitioners.

Mr. Aaron Levy, Special Counsel, Securities and Exchange Commission, with whom *Messrs. Philip A. Loomis, Jr.,* General Counsel, *David Ferber,* Solicitor, and *Mrs. Kathryn B. McGrath,* Attorney, Securities and Exchange Commission, were on the brief, for respondent.

Before TAMM and ROBB, *Circuit Judges,* and SMITH,* *Chief Judge,* U.S. District Court for the District of Montana.

TAMM, *Circuit Judge*: These cases arise on petitions by Michigan Consolidated Gas Company (hereinafter "Michigan Consolidated") and Michigan Consolidated Homes Corporation (hereinafter "Homes Corporation") for review of three orders issued by the Securities and Exchange Commission (hereinafter "the Commission") under the Public Utility Holding Company Act of 1935 (hereinafter "the Act"), 15 U.S.C. §§ 79 *et seq.* (1964). Michigan Consolidated is a gas utility subsidiary company of American Natural Gas Company, a registered holding company regulated by the Commission under the Act. Michigan Consolidated distributes natural gas at retail in various cities in Michigan including Detroit. Homes Corporation is a wholly-owned subsidiary of Michigan Consolidated and was organized to construct and operate low and moderate income housing projects in and around Detroit pursuant to the National Housing Act, 12 U.S.C. §§ 1701 *et seq.* (1964).

The first of the three orders under review issued June 22, 1970 (App. 126) and was a denial by the Commission of an application in which Homes Corporation requested authority to issue, and Michigan Consolidated sought authority to acquire, up to $500,000 in Homes Corporation common stock and up to $6,000,000 in short-term Homes Corporation notes to finance construction of two housing projects (the "Elmwood I project" and the "Inkster project") in the Detroit area. (App. 1–8.) The order further provided that Homes Corporation divest itself of all its interests in the two projects and that Michigan Consolidated divest itself of all its interests in Homes Corporation. In two subsequent orders issued August 26, 1970 (App. 151–53) and September 22, 1970 (App. 164–65) the Commission denied petitioners' motions for an "interim order" and "limited relief" filed subsequent to issuance of the June 22 order. For the following reasons we affirm the orders of the Commission.

I

Since Michigan Consolidated is a subsidiary of a registered public utility holding company, it is required under section 9(a)(1) of the Act, 15 U.S.C. § 79i(a)(1) (1964), to receive prior approval from the Commission to acquire any securities or any other interest in any business. Before such approval may be granted, however, the contemplated acquisition must be found not "detrimental to the carrying out of the provisions of section [11] of [the Act]." 15 U.S.C. § 79j(c)(1) (1964). The provisions of section 11 pertinent to this case are as follows:

(b) It shall be the duty of the Commission . . . :

(1) To require by order . . . that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding-company system of which such company is a part to a single integrated public-utility system, and *to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system. . . . The Commission may permit as reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems the retention of an interest in any business . . . which the Commission shall find necessary or appropriate in the public interest. . . .* 15 U.S.C. § 79k(b)(1) (1964) (Emphasis added.)

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*Sitting by designation pursuant to 28 U.S.C. § 292(c) (1964).

The diverse interpretations attached to section 11(b)(1) by the Commission and the petitioners are the heart of the dispute before us. The Commission in construing this section has adopted what has been referred to as the "functional relationship" test in order to determine whether the retention of a particular business is permissible under the Act. To pass this test the holding company or its subsidiary must clear two hurdles. First, the company must show that its "other business" is "reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system." (*Id.*) Once a company has cleared this hurdle, the Commission then looks to see whether the second sentence of section 11(b)(1) is adhered to, *i.e.*, whether the retention of the "other business" is "necessary or appropriate in the public interest." (*Id.*) In this case the Commission held that petitioners failed even to clear the first hurdle and as a result felt it unnecessary to reach the "public interest" question.

The petitioners' construction of section 11(b)(1) is altogether different from that of the Commission's. Petitioners argue that an *independent* finding of "public interest" in the retention of the "other business" satisfies the requirements of section 11(b)(1), thereby making it unnecessary to find a relationship in the operations of the business involved. We think that prior judicial decisions, the principles of statutory construction, and the legislative history call for adoption of the Commission's interpretation.

An analysis of the wording of the Act substantiates the Commission's interpretation of section 11(b)(1). Section 1(c), 15 U.S.C. § 79a(c) (1964), states that *all the provisions* of the Act shall be interpreted "to meet the problems and eliminate the evils as enumerated in this section." After a carefully study, Congress listed in section 1(b)(4) one such evil to be present "when the growth and extension of holding companies bears *no relation to economy of management and operation or the integration and coordination of related operating properties.*" 15 U.S.C. § 79a(b)(4) (1964) (Emphasis added.) Further it is provided in section 11(a), 59 U.S.C. § 79k(a) (1964), that it is the duty of the Commission to examine the corporate structure of every registered holding company system with an eye toward confining the businesses thereof "to those necessary or appropriate to the operations of an integrated public-utility system." (*Id.*) The Commission interpretation also seems quite logical even if we were to focus only on section 11(b)(1). The second sentence or "public interest" sentences of section 11(b)(1) provides that:

> The Commission may permit *as reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems* the retention of an interest in any business . . . which the Commission shall find necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system or systems.

15 U.S.C. § 79k(b)(1) (1964) (Emphasis added.) Inclusion of the italicized portion of this sentence indicates that retention of a business deemed appropriate in the "public interest" must still be "reasonably incidental, or economically necessary or appropriate to the operations" of the public utility system. Any other interpretation of the second sentence would render the italicized portion meaningless.

Prior judicial decisions also support the Commission interpretation. In *Engineers Public Service Co. v. SEC*, 78 U.S. App. D.C. 199, 138 F.2d 936 (1943), *vacated as moot*, 332 U.S. 788 (1947) this court held the Commission's "functional relationship" interpretation of section 11(b)(1) to be incorrect. Earlier the same year, however, the Second Circuit in *North American Co. v. SEC*, 133 F.2d 148 (2d Cir. 1943), *aff'd on other grounds*, 327 U.S. 686 (1946) adopted the Commission's interpretation. The Supreme Court granted certiorari in both the *Engineers* case, 322 U.S. 723 (1944) and the *North American* case, 318 U.S. 750 (1943). The cases were argued together in the Supreme Court, but, after a voluntary divestment by the Engineers Public Service Company of the properties involved in its case, the judgment of this court was vacated for mootness. *Engineers Public Service Co. v. SEC, supra*, 332 U.S. 788. The Supreme Court in the *North American* case limited itself to the resolution of a constitutional question, but by way of dicta approved the "functional relationship" test. *North American Co. v. SEC, supra*, 327 U.S. at 697. More than three years after the Supreme Court decision in *North American* issued, this court had another opportunity to resolve the section 11(b)(1) dilemma. In *Philadelphia Co. v. SEC*, 85 U.S. App. D.C. 327, 333, 177 F.2d 720, 726 (1949), this court re-evaluated its prior stand on section 11(b)(1) and clearly adopted the Commission interpretation and the dicta of the Supreme Court. It is evident then that prior case law supports the Commission's position. Since the Commission interpretation of section 11(b)(1) is the correct one and since the operations of a low-rent housing project are not "reasonably incidental, or economically necessary or appropriate to the operations" of a natural gas company, the Commission was correct in not permitting Michigan Consolidated's retention of interest in Homes Corporation.

II

Petitioners advance a second argument in support of retention of Homes Corporation. The origin of petitioners' second contention dates back to an order of the Commission prior to the ones now at issue. In that order of March 31, 1969, the Commission authorized Michigan Consolidated to acquire a maximum of $500,000 in Homes Corporation common stock and up to $3,000,000 in its short-term promissory notes for the construction of a low-rent housing project in the Detroit inner city.[1] The Commission was informed that this was to be a "pilot project" and that if successful petitioners contemplated engaging in other housing projects in the future. It also developed that the amount actually expended on the "pilot project" was less than the amount authorized by the Commission. On the basis of these two facts the petitioners argue that the March 31, 1969 order authorized at least the initial financing of the two projects involved here. A careful reading, however, of the Commission's March 31 opinion indicates clearly only an approval of the one housing project, i.e., the "pilot project." (App. 103–13.) All that can be said for the petitioners is that they might well have reasonably anticipated Commission approval of the "Elmwood I" and "Inkster" projects since they were quite similar to the one already approved in the March 31 order. This, however, is no legal excuse for commencing the projects without the authorization required by the Act.[2]

III

Petitioners finally contend that they are entitled to authorization under section 9(c)(3) of the Act, 15 U.S.C. § 79i(c)(3), which would allow "certain acquisition of commercial paper and other securities, within such limitations, as the Commission may by rules and regulations or order prescribe as appropriate in the ordinary course of business" of the public utility company. The section 9(c)(3) exemption being sought here, however, as the petitioners admit (*see* Brief for Petitioners at 43), is "subject to dollar limits and is inapplicable where the acquisition of securities would result in control." (*Id.*) Section 9(c)(3) therefore cannot justify the retention requested in this case.

The remaining legal issue to be decided is the propriety of the Commission's denial of petitioners' motions for an "interim order" and "limited relief" filed subsequent to issuance of the June 22 order. We think reversal of the Commission's ruling in this regard would leave the Act with little or no teeth. Furthermore, there has been no prospective showing that denial of this relief would render any substantial harm to Michigan Consolidated, its investors, or any of its customers.

Though in administering our judicial duties we have somewhat chastized petitioners, it is with great reluctance that we do so, for their only sin seems to have been an overeager response to their social conscience as corporate citizens of the city of Detroit. It has become common knowledge that many of our inner city woes can be traced directly to the numerous dilapidated and run-down apartments and houses that, though unfit for human habitation, are the homes of far too many people. The efforts of companies like Michigan Consolidated to react positively to the need should be encouraged. If these companies show by example it can be done, there might well be brought about an exponential increase in interest among private industries willing to lend a hand. We as a court, however, are unwilling and unable to write the National Housing Act into the Public Utility Holding Company Act of 1935. This can only be accomplished by Congress. We have been informed that the United States Senate, on September 23, 1970, passed a housing bill[3] which contained an amendment that would have permitted the type of acquisition Michigan Consolidated is seeking. The bill became law[4] but the relevant amendment was rejected by the conferees[5] just before the last session of Congress terminated. Inasmuch as this amendment would seem to be an invaluable aid to the public and has the endorsement of the Secretary of HUD (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29602) and the Commission (*Id.*), it is hoped that our decision today will inspire further consideration of

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[1] At the time of this order the Commission had two members who were not proponents of the "functional relationship" test. One other member favored the acquisition on another ground. Unfortunately for the petitioners, since this decision the composition of the Commission has changed, with the result that it did not approved the similar acquisitions at issue now.

[2] Prior to July 29, 1969, when the 1969 application was filed, petitioners began construction of the Inkster project. (App. 3.) Construction of the "Elmwood I" project was started after the filing of the application, but before the Commission had acted on the matter. As of October 15, 1969, the "Inkster" project was 50 percent completed (App. 13); by January 16, 1970, the "Inkster" project was 75 percent completed and the "Elmwood I" project was 10 percent completed. (App. 17.)

[3] S. 4368 (CONGRESSIONAL RECORD, vol. 116, pt. 25, pps. 33501–33514).

[4] Housing and Urban Development Act of 1970, Pub. L. No. 91–609, 84 Stat. 1770, December 31, 1970.

[5] "The Senate bill contained a provision authorizing public utility holding companies to participate in the provision of low- and moderate-income housing. The House bill contained no such provision. Conferees rejected the provision because the House conferees were adamant that such authority in a conference report involving housing legislation would be subject to a point of order by the House of Representatives." CONGRESSIONAL RECORD, vol. 116, pt. 32, p. 42439.

this matter by Congress as soon as its busy schedule allows.

Affirmed.

By Mr. HARTKE (for himself and Mr. BAYH):

S. 1992. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products. Referred to the Committee on Commerce.

DECORATIVE WOOD AND SIMULATED WOOD PRODUCTS ACT

Mr. HARTKE. Mr. President, on behalf of my distinguished Hoosier colleague (Mr. BAYH) and myself, I introduce, for appropriate reference, a bill for an act to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products.

By Mr. HARTKE:

S. 1993. A bill to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans. Referred to the Committee on Finance.

PRIVATE PENSION PROTECTION PLAN

Mr. HARTKE. Mr. President, 40 years ago our country saw the collapse of our banking system. Franklin D. Roosevelt recognized that families needed money to pay the bills and acted to insure our bank deposits. Today pensions of workers are a big part of a man's possessions. In many cases when a man retires he probably has more in pension rights than he does in his bank account. His pension should be protected in the same way that his bank deposit is protected.

The purpose of the bill I introduce today is to establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable treatment under the Internal Revenue Code.

Congress has provided strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the number of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where an adequate program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years.

As a result, termination of a pension plan may mean that the funds accumulated are inadequate to pay full pensions even to those nearing retirement age, let alone to protect the benefits of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

The reinsurance proposal would insure to the worker the pension security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured in a savings bank or a savings and loan association by insurance through a Government corporation. It would also insure the obligation of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by the Federal Housing Administration.

My own interest in this problem dates from 1964 and the failure of the Studebaker Corp.'s pension program in South Bend. When Studebaker closed its doors in South Bend, Ind., the workers pensions plan had $25 million in assets, but there were more than 10,000 employees who had a claim on that amount. Of that 10,000 employees, there were 4,000 workers between the ages of 40 and 59 with at least 10 years of experience—sufficient to give them vested rights under the Studebaker plan—who received only 15 percent of the equity they had invested in the program. Even worse an additional 2,900 workers received absolutely nothing on their investment.

The tragedy of Studebaker is but the most striking example of a problem which is as bad today as it was in 1964. Today's economic uncertainties fairly well guarantee that there will be a dramatic upturn in the number of pension plan failures in the next few months. In the absence of some system of pension plan insurance, it is certain that the workers affected by these most recent failures will have their pension expectations for the future severely compounded.

Since the Studebaker closing, I have introduced legislation in each successive Congress designed to meet the problem. This legislation establishes a Federal insurance program which would be self-financing through premiums assessed on the unfunded liabilities of all eligible pension plans. A pension plan would be eligible for this Federal insurance protection only if it met present qualifying requirements of section 401 of the Internal Revenue Code. These are the same requirements which determine the eligibility of pension funds to tax exempt status.

The legislation provides that every eligible pension plan shall pay a uniform premium based upon the unfunded obligations of each insured fund, but in no case will this premium exceed one half of one percent for each dollar of unfunded obligations. The Secretary of Labor, whose department is given general jurisdiction over the reinsurance program is given general authority to set the premium rate. The program is placed under the direction of the Secretary of Labor, whose department is given general jurisdiction over the reinsurance program, is given general authority to set the premium rate. The program is placed under the direction of the Secretary of Labor since his department is already charged with the protection of workers' interests and already collects detailed annual information on assets, costs, and actuarial liabilities under the Pension and Welfare Plans Disclosure Act. It is recognized that close cooperation will be required with the Internal Revenue Service which would impose the sanction of disqualification on plans which do not participate in the program and which would make a plan ineligible for the reinsurance program if it failed to satisfy the minimum funding standards established by IRS.

By Mr. TUNNEY (by request):

S. 1995. A bill to authorize the District of Columbia to enter into the Interstate Compact on Mental Health;

S. 1996. A bill to amend the act entitled "An act to regulate the employment of minors within the District of Columbia";

S. 1997. A bill relating to education in the District of Columbia; and

S. 1998. A bill relating to educational personnel in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. TUNNEY. Mr. President, as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the District of Columbia, I introduce by request and for appropriate reference four bills which have been submitted by the District of Columbia government for consideration by the Congress. The four bills are in addition to the nine bills I introduced earlier as part of the District's legislative program under the jurisdiction of this subcommittee.

The bills I am introducing today would:

First, facilitate better accreditation procedures of junior colleges, authorize certain transfers of administrative functions relating to education, and authorize participation in the cadet high school cadet corps on a voluntary basis;

Second, revise the child labor laws of the District of Columbia to reflect present demands by youth for jobs and eliminate obsolete and restrictive provisions;

Third, authorize the District of Columbia to enter into the Interstate Compact on Mental Health; and

Fourth, benefit personnel employed in educational activities of the public school system through several provisions of an educational personnel bill.

I ask unanimous consent that these four bills, along with the letter of transmittal from the District of Columbia government to the President of the Senate, be printed at this point in the RECORD.

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

S. 1995

A bill to authorize the District of Columbia to enter into the Interstate Compact on Mental Health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Compact on Mental Health Act".

SEC. 2. The Commissioner of the District of Columbia is hereby authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON MENTAL HEALTH

"Article I—Purpose and Findings

"The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by

cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

"Article II—Definitions

"As used in this compact:

"(a) 'Sending state' shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

"(b) 'Receiving state' shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

"(c) 'Institution' shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency, and shall include Saint Elizabeth's Hospital in the District of Columbia.

"(d) 'Patient' shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

"(e) 'After-care' shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

"(f) 'Mental illness' shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

"(g) 'Mental deficiency' shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

"(h) 'State' shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"Article III—Eligibility and Placement of Patients

"(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

"(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

"(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

"(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

"(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

"Article IV—After-care or Supervision in the Receiving State

"(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

"(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

"(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

"Article V–Escape of Dangerous or Potentially Dangerous Patients

"Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

"Article VI—Transporting Patients through Party States

"The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

"Article VII—Payment of Costs

"(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

"(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

"(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilites therefor.

"(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

"(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

"Article VIII—Guardians

"(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for which he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

"(b) The term 'guardian' as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

"Article IX—Inapplicability of Compact to Persons Subject to Penal Sentence; Policy Against Placement of Patients in Prisons or Jails

"(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

"(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

"Article X—Compact Administrators

"(a) Each party state shall appoint a 'compact administrator' who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

"(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

"Article XI—Supplementary Agreements

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

"Article XII—Effective Date of Compact

"This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

"Article XIII—Withdrawal from Compact

"(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

"(b) Withdrawal from any agreement permitted by Article VII(b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

"Article XIV—Construction and Severability

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

SEC. 3. Pursuant to this compact, the Commissioner of the District of Columbia is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of party States, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies, and officers of and in the government of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by the District thereunder.

SEC. 4. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of party States pursuant to Articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of the District of Columbia or require or contemplate the provision of any service by the District of Columbia, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

SEC. 5. The compact administrator, subject to the approval of the Commissioner or his designated agent, may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into thereunder.

SEC. 6. The compact administrator is hereby directed to consult with the immediate family of any proposed transferee and, in the case of a proposed transferee from an institution in the District of Columbia to an institution in a party State, to take no final action without approval of the Superior Court of the District of Columbia.

SEC. 7. Duly authorized copies of this Act shall, upon its approval, be transmitted by the Commissioner or his designated agent to the governor of each State, the Attorney General and the Administrator of General Services of the United States, and the Council of State Governments.

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

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

MY DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit for consideration by the 92nd Congress a bill "To authorize the District of Columbia to enter into the Interstate Compact on Mental Health".

The purpose of the compact is fourfold. First, it guarantees that any person found to be mentally ill or mentally deficient within a party State will receive care and treatment in that State regardless of legal residence or domicile. Second, it permits the transfer of a mentally ill patient to an institution in another State when such transfer is found to be in the best interests of the patient. Third, it provides for interstate cooperation with regard to after-care, and supervision of patients on convalescent status or conditional release. And finally, the compact encourages supplementary agreements between two or more party States for the furnishing of care and treatment of patients on a cooperative basis.

Forty States are currently participating in the Interstate Compact on Mental Health. The District of Columbia is one of the few remaining jurisdictions in which eligibility for care and treatment of mental illness is based on the legal and technical definitions of residence or domicile, rather than on what is determined to be best for the patient from a medical and humanitarian point of view. The Commissioner is of the view that participation in the compact is necessary in order to update the District's approach to the problems of care and treatment, institutionalization and interstate transfer of mentally ill persons and to bring the District in step with the forty States already joined in this important example of interstate cooperation.

The Commissioner of the District of Columbia strongly urges favorable consideration of the attached draft legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

S. 1996

A bill to amend the Act entitled "An Act to regulate the employment of minors within the District of Columbia"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

(1) Section 1 of such Act (D.C. Code, sec. 36–201) is amended (A) by striking out "That no child" and inserting in lieu thereof "Except as provided in section 6, no minor", (C) by striking out "boys" and inserting in lieu thereof "minors", and (D) by striking out "17 to 24" and inserting in lieu thereof "15 to 21".

(2) Section 2 of such Act (D.C. Code, sec. 36–202) is amended (A) by striking out in the first sentence (i) "17" and inserting in lieu thereof "14", and (ii) "nor shall any girl under eighteen years of age or boy under sixteen years of age be so employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, nor shall any boy between sixteen and eighteen years of age be so employed before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day" and inserting in lieu thereof "nor shall any minor sixteen or seventeen years of age be employed, permitted, or suffered to work before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day, nor shall any minor fourteen or fifteen years of age be employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be nine o'clock", and (B) by striking out in the second sentence ", and the hours when the time allowed for meals begins and ends for said minors".

(3) The proviso of section 3 of such Act (D.C. Code, secs. 36–203) is amended (A) by striking out "to 7" and inserting in lieu thereof "through 6", and (B) by inserting immediately before the period at the end thereof a colon and the following: *"Provided further,* That no investigation or hearing shall be necessary when the order prohibits employment in any occupation found by the Secretary of Labor under the authority of the Fair Labor Standards Act to be particularly hazardous for minors under eighteen years of age or detrimental to their health and well-being".

(4) Section 5 of such Act (D.C. Code, sec. 36–205) is amended by striking out clause (1) and all that follows, and inserting in lieu thereof "at operating any freight or nonautomatic elevator, or in any tunnel or excavation."

(5) Section 6 of such Act (D. C. Code, sec. 36–206) is repealed.

(6) Section 7 of such Act (D. C. Code, sec. 36–207) is renumbered section 6 and amended to read as follows:

"SEC. 6. The Board of Education is authorized to issue a theatrical permit to any minor under eighteen years of age authoriz-

ing and permitting said minor to appear on the stage of a licensed legitimate or vaudeville theatre within the District of Columbia in any professional theatrical production or act, or in a musical or dance recital or concert, or to participate in a professional sports activity, circus, radio or television program, or to appear as a fashion model: *Provided,* That such minor shall not appear in more than two performances in any one day, nor more than eight performances in any one week, and shall not appear in any performance after the hour of eleven-thirty in the evening. Application for a theatrical permit shall be made by the parent or guardian or agent of such minor to the Board of Education. The Board may issue such a permit if satisfied that the parent or guardian of the minor has made adequate provision for his educational instruction, for safeguarding his health, and for his proper supervision."

(7) Section 8 of such Act (D. C. Code, sec. 36–208) is renumbered section 7 and amended (A) by striking out "his employer procures and keeps on file and accessible to any attendance officer, inspector, or other person authorized to enforce this Act a work or vacation permit" and inserting in lieu thereof "he shall have obtained a certificate of eligibility", (B) by striking out "children" and inserting in lieu thereof "minors", and (C) by striking out "permit" and inserting in lieu thereof "certificate of eligibility".

(8) Section 9 of such Act (D. C. Code, sec. 36–209) is renumbered section 8 and amended (A) by striking out in the first sentence (i) "The work or vacation permit required by this Act shall be issued only by the director of the department of school attendance and work permits created under the board of education according to the provisions of the Act of Congress, approved February 4, 1925, entitled 'An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes,' or by any person duly authorized by said director," and inserting in lieu thereof "The certificate of eligibility required by this Act shall be issued only by the Board of Education", and (ii) "sex, color," and "the grade last completed by said minor,", (B) by striking out in the second sentence "work or vacation permit" and inserting in lieu thereof "certificate of eligibility", (C) by striking out the third sentence, (D) by striking out in the fourth sentence "and shall be mailed to the employer by the issuing officer, and in no case given to the minor" and inserting in lieu thereof "and shall bear the signature of the parent or guardian if the minor is under sixteen years of age", (E) by amending the fifth sentence to read as follows: "An office record for each applicant containing the minor's name, date, and place of birth, evidence of age, residence, the name and address of the minor's parent, guardian, or custodian, and the grade and school last attended by the minor, shall be kept by the Board of Education.", and (F) by striking out the last sentence.

(9) Section 10 of such Act (D. C. Code, sec. 36–210) is renumbered section 9 and amended to read as follows:

"SEC. 9. The Board of Education shall issue a certificate of eligibility only upon the application in person of the minor desiring employment, accompanied, if the minor is under sixteen years of age and is withdrawing from school for purposes of employment, by his parent, guardian, or custodian, and upon submission to and approval by the Board of the following:

"(a) Evidence of age as provided in section 10 of this Act.

"(b) Written consent of the parent, guardian, or custodian, if the minor is under sixteen years of age, specifying permission for employment of such minor.

"(c) A school record, if the minor is under sixteen years of age, signed by the principal of the public, private, or parochial school last attended by the minor, or by a person duly authorized by said principal. The school record shall certify that the minor has completed the eighth grade or the equivalency thereof in a public school, or has regularly received in a private or parochial school, instruction deemed equivalent by the Board of Education to that prescribed for the completion of the eighth grade in the public schools of the District of Columbia. The school record shall contain also the full name, date of birth, grade last completed, and residence of the minor as shown on the records of the school."

(10) Section 11 of such Act (D.C. Code, section 36–211) is renumbered section 10 and amended (A) by striking out in paragraph (c) "director of the department of school attendance and work permits" and inserting in lieu thereof "Board of Education", (B) by striking out the colon and the provisos at the end of paragraph (c) and inserting in lieu thereof a period, (C) by striking out paragraph (d) and all that follows, and (D) by redesignating paragraphs (b) and (c), as amended by this section, as paragraphs (c) and (d), respectively, and adding after paragraph (a) the following new paragraph:

"(b) A record of age as given in the records of the school first attended by the minor, if obtainable, or in the earliest available school census."

(11) Section 12 of such Act (D.C. Code, section 36–212) is renumbered section 11 and amended (A) by striking out in the first sentence (i) "The director of the department of school attendance and work permits, or any person duly authorized by him, shall have authority to issue a vacation permit to a minor between the age of fourteen and sixteen years," and inserting in lieu thereof "The Board of Education is authorized to issue a certificate of eligibility to a minor under sixteen years of age", (ii) "11" and inserting in lieu thereof "10", and (iii) "work permit" and inserting in lieu thereof "certificate of eligibility", and (B) by striking out in the second sentence (i) "permits" and inserting in lieu thereof "certificates", and (ii) "work permit" and inserting in lieu thereof "certificate of eligibility".

(12) Section 13 of such Act (D.C. Code, sec. 36–213) is repealed.

(13) Section 14 of such Act (D.C. Code, sec. 36–214) is renumbered section 12 and amended (A) by striking out in the first sentence (i) "permit" and inserting in lieu thereof "certificate of eligibility", (ii) "work permit or vacation permit" and inserting in lieu thereof "certificate", and (iii) "minor's employer that such employer shall either furnish him within ten days the evidence required for a work permit showing that the minor is in fact eighteen years of age, or shall refuse to employ or permit or suffer such child to work" and inserting in lieu thereof "minor for his certificate of eligibility", and (B) by striking out in the second sentence "evidence is not furnished to such person within ten days after such demand," and inserting in lieu thereof "certificate of eligibility or proof of age is not furnished,".

(14) Section 15 of such Act (D.C. Code, sec. 36–215) is renumbered section 13 and amended (A) by striking out "14" each place it appears and inserting in lieu thereof "12", (B) by striking out "department enforcing the child labor law" and inserting in lieu thereof "Board of Education", and (C) by striking out "$200" and inserting in lieu thereof "$300".

(15) Section 16 of such Act (D.C. Code, sec. 36–216) is renumbered section 14 and amended (A) by striking out in the first sentence "director of the department of school attendance and work permits organized under the Board of Education of the District of Columbia and of the authorized inspectors and agents of said department" and inserting in lieu thereof "Board of Education", (B) by striking out in the second sentence (i) "director of the said department" and inserting in lieu thereof "Board of Education", and (ii) "work or vacation permits kept on file by the employer and such other" and inserting in lieu thereof "such", and (C) by striking out the third sentence.

(16) Section 17 of such Act (D.C. Code, sec. 36–217) is renumbered section 15 and amended by striking out in the first sentence "boy" each place it appears and inserting in lieu thereof "minor".

(17) Section 18 of such Act (D.C. Code, sec. 36–218) is repealed.

(18) Section 19 of such Act (D.C. Code, sec. 36–219) is renumbered section 16 and amended (A) by striking out "boy" and inserting in lieu thereof "minor", (B) by striking out "17" and inserting in lieu thereof "15", and (C) by striking out "director of the department of school attendance and work permits, or some person duly authorized by him" and inserting in lieu thereof "Board of Education".

(19) Section 20 of such Act (D.C. Code, sec. 36–220) is renumbered section 17 and amended to read as follows:

"SEC. 17. The Board of Education shall issue a street-trades badge only upon the application of the minor desiring it, with the written consent of the parent, guardian, or custodian of such minor, and upon proof that the minor is of the age required by section 15 of this Act, which shall consist of the same evidence as is required for a certificate of eligibility under this Act. A certificate of eligibility issued as required by this Act may be accepted in lieu of any other requirements for said badge."

(20) Section 21 of such Act (D.C. Code, sec. 36–221) is renumbered section 18 and amended (A) by inserting immediately after "minors" in the first sentence thereof "name,", (B) by striking out in the second sentence (i) "the height and weight of the minor," and (ii) "in the office of the director of the department of school attendance and work permits" and inserting in lieu thereof "by the Board of Education", and (C) by striking out the fourth sentence and all that follows.

(21) Section 22 of such Act (D.C. Code, sec. 36–222) is renumbered section 19 and amended to read as follows:

"SEC. 19. The Board of Education shall order any minor found to be engaged in any of the trades or occupations mentioned in section 15, in violation of any of the provisions of sections 15 through 21 of this Act, to cease and desist from engaging in such trade or occupation, and the parent, guardian, or custodian of such minor shall be notified by the Board of its order. The Board of Education may also revoke the badge or certificate of eligibility of any minor who violates any provision of this Act, or who fails to comply with all the legal requirements concerning school attendance, for such period as the Board may require. Upon revocation the Board shall so notify the parent, guardian, or custodian having such minor in charge, and it shall thereupon become the duty of said parent, guardian, or custodian to surrender or require said minor to surrender said badge or certificate of eligibility to the Board. After notice to the minor and his parent, guardian, or custodian of the revocation of such badge or certificate of eligibility, he shall be deemed to be in the same status as a minor without a badge."

(22) Section 23 of such Act (D.C. Code, sec. 36–223) is renumbered section 20 and amended (A) by striking out "$200" and inserting in lieu thereof "$300", (B) by striking out "17 to 23" and inserting in lieu thereof "15 to 20", and (C) by striking out "$100" the second time it appears in the last sentence of such section and inserting in lieu thereof "$200".

(23) Section 24 of such Act (D.C. Code, sec.

36–224) is renumbered section 21 and amended to read as follows:

"SEC. 21. No minor under the age of sixteen years required by law to attend school shall be permitted by an owner or employee of any business establishment to loiter or remain around the premises of such establishment between the hours of the opening of school in the morning and the close of school in the afternoon on days when school is in session. Any owner or employee of any business establishment convicted of violating this section may be punished by a fine of not less than $25 nor more than $300 or by imprisonment for not less than ten days or more than thirty days."

(24) Section 25 of such Act (D.C. Code, sec. 36–225) is repealed.

(25) Section 26 of such Act (D.C. Code, sec. 36–228) is renumbered section 22 and amended to read as follows:

"SEC. 22. Prosecutions for violations of any of the provisions of this Act, or of any regulation made by the Board of Education under authority of this Act, shall be on information filed in the Superior Court of the District of Columbia in the name of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(26) Sections 27 and 28 of such Act (D.C. Code, sec. 36–226) are renumbered sections 23 and 24, respectively.

(27) Section 29 of such Act (D.C. Code, sec. 36–227) is renumbered section 25 and amended to read as follows:

"SEC. 25. The Board of Education of the District of Columbia is hereby empowered to carry out and enforce the provisions of this Act, and is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this Act. The Board of Education is further authorized to delegate the performance of any of its functions and duties under this Act to any officer, agent, or department of the Board."

(28) Such Act is amended by adding the following new section:

"SEC. 26. This Act may be cited as the 'District of Columbia Employment of Minors Act'."

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins thirty days after the date of its enactment.

THE DISTRICT OF COLUMBIA,
Washington, D.C., April 13, 1971.

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

MY DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit for consideration by the 92nd Congress a draft bill "To amend the Act entitled 'An Act to regulate the employment of minors within the District of Columbia'."

The purpose of the bill is to extensively revise the existing child labor laws of the District of Columbia (45 Stat. 998; D.C. Code, title 36, chap. 2), enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. At the same time, the bill would continue to protect, as does the present law, working youth from exploitation, and prohibit their employment in hazardous or dangerous occupations.

In order to increase employment opportunities for young men and women of the District, the amendments made by the draft bill would eliminate distinctions in employment based on sex by removing most of the barriers which restrict girls to certain occupations and circumscribe their hours of duty, and prohibit their employment in hazardous or dangerous occupations.

In order to increase employment opportunities for young men and women of the District, the amendments made by the draft bill would eliminate distinctions in employment based on sex by removing most of the barriers which restrict girls to certain occupations and circumscribe their hours of duty, and would expand the permitted working hours and areas of employment for all minors. The bill would substitute a certificate of eligibility, to be obtained and retained by the minor seeking employment, for the present work and vacation permits which are procured and kept on file by employers. It would eliminate obsolete job restrictions and establish standards more realistically related to modern working conditions and requirements. The bill would further authorize the issuance of a certificate permitting the employment of minors in sports activities, radio and television programs, as fashion models, and in theatrical, musical, and similar productions.

The procedures proposed by the bill for obtaining a certificate of eligibility will eliminate or modify many of the cumbersome, unnecessarily complex, and time-consuming aspects of obtaining the present work permit. Specifically, the bill will eliminate the requirement of a special physical examination for minors under sixteen years of age, and rely instead upon periodic school examinations, enable parents to give written consent to the employment of a minor in lieu of physically accompanying the minor each time he applies for a work permit as is precisely required, permit acceptance of a school record in lieu of a birth certificate as the primary proof of age, and obviate the need for obtaining a new permit for each subsequent job. It is believed that relaxation of the present detailed and stringent requirements for obtaining work permits will facilitate and encourage the prompt placement of youth in regular, short-term, and vacation jobs.

Other provisions of the bill increase the penalties for repeated violations of its prohibitions and forbid the loitering of minors under the age of sixteen years in any business establishment during school hours.

In light of the importance of youth employment in combatting juvenile delinquency and in channeling the energies of young people toward a productive end, beneficial to both the individual and the community, the Commissioner of the District of Columbia strongly urges favorable consideration by the Congress of the attached draft bill. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.
FOR: WALTER E. WASHINGTON,
Commissioner.

S. 1997

A bill relating to education in the District of Columbia

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 "District of Columbia Education Act."

TITLE I—REPEAL AUTHORITY OF BOARD OF EDUCATION TO ACCREDIT JUNIOR COLLEGES

SEC. 101. The Act entitled "An Act to enlarge and extend the power and jurisdiction of the Board of Education over degree-conferring institutions operating within the District of Columbia", approved July 2, 1940 (D.C. Code, sec. 31–120), is hereby repealed: *Provided,* That any accreditation of a junior college heretofore conferred by the Board of Education and still in force shall be continued in force for five years from the date of enactment of this title or until such junior college is otherwise accredited, whichever is earlier.

TITLE II—PAYMENT OF TUITION BY STUDENTS OF THE TEACHERS COLLEGE

SEC. 201. Section 7 of the District of Columbia Nonresident Tuition Act (D.C. Code, sec. 31–311) is amended by striking out "Board of Education" and inserting in lieu thereof "Board of Higher Education".

TITLE III—DELETION IN EXISTING STATUTES OF REFERENCES TO RACE

SEC. 301. (a) The following Acts or parts of Acts are hereby repealed:

(1) The fifth paragraph of section 3 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–110);

(2) The third paragraph of section 7 of such Act approved June 20, 1906 (D.C. Code, sec. 31–115);

(3) The following sections of the Revised Statutes of the United States relating to the District of Columbia:

(A) Section 319 (D.C. Code, sec. 31–807);
(B) Section 281 (D.C. Code, sec. 31–1110);
(C) Section 282 (D.C. Code, sec. 31–1111);
(D) Section 306 (D.C. Code, sec. 31–1112);
(E) Section 310 (D.C. Code, sec. 31–1113).

(b) Section 283 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 31–1109) is amended by striking out "schools for colored children by persons disposed to aid in the elevation of the colored population in the District" and inserting in lieu thereof "public schools of the District of Columbia".

TITLE IV—HIGH SCHOOL CADET CORPS

SEC. 401. The ninth paragraph under the subheading "Miscellaneous" of the heading relating to "Public Schools" of section 1 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes", approved March 2, 1907 (D.C. Code, sec. 31–1103) is amended to read as follows:

"The Board of Education is authorized and directed to establish and to include in the curricula of the senior high schools of the District of Columbia, as an elective course, a program in military science, which shall include a cadet corps. The course shall be available to any student enrolled in the high schools who is not found by the Board to be physically disqualified to participate in such a program. The same credit toward graduation shall be given for said course as is given for other elective courses in the high schools."

TITLE V—DISTRICT OF COLUMBIA PUBLIC EDUCATION ACT AMENDMENTS

SEC. 501. This title may be cited as the "District of Columbia Public Education Act Amendments".

SEC. 502. The District of Columbia Public Education Act is amended as follows:

(1) Paragraphs numbered (2) of sections 101 and 201 of the Act (D.C. Code, sec. 31–1601(2) and 31–1621(2)) are amended to read as follows:

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia."

(2) Titles I and II of the Act are amended by striking out "Commissioners" each place it appears and inserting in each such place "Commissioner".

(3) Section 102(a) of the Act (D.C. Code, sec. 31–1602(a)) is amended to read as follows:

"SEC. 102. (a) (1) The Federal City College shall be under the control of a Board of Higher Education, which shall be an agency of the Government of the District of Columbia, and which shall consist of nineteen members. The members of the Board (including all members appointed to fill vacancies on the Board) shall be appointed by the Com-

missioner. The members of the Board shall select a chairman from among their number.

"(2) The Board may include as members not more than two student representatives appointed from the student body or student bodies of the colleges over which the Board has control, who shall be students in good academic standing who have attended the college from which they are appointed for at least two school years. Nominees for appointment under this paragraph, not exceeding two from each student body, shall be certified to the Commissioner by such student body or bodies following an election called and held for this purpose, but such nominations shall not be binding on the Commissioner, who may appoint a nominee so certified, or a different student representative, or none, as he may from time to time decide. Any such student representative or representatives so appointed shall serve for a term of one year from the date of his appointment, and shall be eligible for reappointment: *Provided,* That in the event a student representative ceases to be a member of the student body from which he was appointed, or ceases to maintain his academic good standing, his appointment shall be deemed terminated and his position on the Board vacated. The Commissioner may appoint a successor to fill such a vacancy for the remainder of the one-year term.

"(3) The Board may also include as members not more than two faculty representatives appointed from the faculty or faculties of the colleges over which the Board has control, who shall have been members of the faculty from which appointed for at least two school years. Nominees for appointment under this paragraph, not exceeding two from each faculty, shall be certified to the Commissioner by such faculty or faculties following an election called and held for this purpose, but such nominations shall not be binding upon the Commissioner, who may appoint a nominee so certified, or a different faculty representative, or none, as he may from time to time decide. Any such faculty representative or representatives so appointed shall serve for a term of two years, and shall be eligible for reappointment: *Provided,* That in the event a faculty representative ceases to be a member of the faculty from which he was appointed, his appointment shall be deemed terminated, and his position on the Board vacated. The Commisisoner may appoint a successor to fill such a vacancy for the remainder of the two-year term.

"(4) Members of the Board not appointed as student or faculty representatives pursuant to paragraphs (2) and (3) of this subsection, shall serve for terms of three years. Any such members may continue to serve after the expiration of his term of office until his successor is appointed and qualifies. A majority of such members shall have been residents of the District of Columbia for a period of not less than three years immediately prior to their appointments. The terms of members of the Board who shall be in office on the effective date of this title shall not be affected, and such other members of the Board who shall be appointed pursuant to this paragraph shall be appointed initially for such terms as will cause the terms of approximately one-third of the members of the Board appointed under this paragraph to expire each year. Any member appointed to fill a vacancy occurring by reason of the death, resignation, or removal of any member of the Board appointed pursuant to this paragraph shall be appointed for the remainder of that term.

"(5) Members of the Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons serving the Government without compensation."

(4) Section 103(a)(3) of the Act (D.C. Code, sec. 31–1603(a)(3)) is amended to read as follows:

"(3) To appoint and compensate a president for the Federal City College."

(5) Section 103(a)(4) of the Act (D.C. Code sec. 31–1603(a)(4)) is amended by striking out the second sentence.

(6) Section 103(a)(5) of the Act (D.C. Code, sec. 31–1603(a)(5)) is amended to read as follows:

"(5) To employ and compensate noneducational employees of the Board of the Federal City College. Laws applicable to noneducational employees of the Board of Education shall apply to noneducational employees of the Board and of the Federal City College."

(7) The first sentence of section 202(a) of the Act (D.C. Code, sec. 31–1622(a)) is amended by inserting ", which shall be an agency of the government of the District of Columbia, and" immediately following "Board of Vocational Education".

(8) Section 203(a)(3) of the Act (D.C. Code, sec. 31–1623(a)(3)) is amended to read as follows:

"(3) To appoint and compensate a president for the Washington Technical Institute."

(9 Section 203(a)(4)) of the Act (D.C. Code, sec. 31–1623(a)(4)) is amended by striking out the second sentence.

(10) Section 203(a)(5) of the Act (D.C. Code, sec. 31–1623(a)(5)) is amended to read as follows:

"(5) To employ and compensate noneducational employees of the Vocational Board and of the Washington Technical Institute. Laws applicable to noneducational employees of the Board of Education shall apply to noneducational employees of the Vocational Board and of the Washington Technical Institute."

Sec. 503. Title 5, United States Code, is amended as follows:

(1) Section 5102(c)(4) is amended by inserting "presidents, officers, and educational employees of the Federal City College and the Washington Technical Institute;" immediately after the first semicolon.

(2) Section 5533(d)(7) is amended—

(A) by striking out "or" at the end of subparagraph (G);

(B) by striking out the period at the end of subparagraph (H) and inserting "; or" in lieu thereof; and

(C) by adding the following new subparagraph after subparagraph (H):

"(I) paragraph (3) or (4) of section 1603 of title 31, District of Columbia Code, or paragraph (3) or (4) of section 1603 of such title."

(3) Section 6301(2)(B)(i) is amended by inserting "; or a president, officer, or educational employee of the Federal City College or the Washington Technical Institute" immediately before the semicolon at the end thereof.

(4) Section 8331(1) is amended—

(A) by striking out "or" at the end of clause (viii);

(B) by striking out the period at the end of clause (ix) and inserting "; or" in lieu thereof; and

(C) by inserting the following new clause after clause (ix):

"(x) a president, officer, or educational employee of the Federal City College or the Washington Technical Institute."

THE DISTRICT OF COLUMBIA,
Washington, D.C., April 6, 1971.

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

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit for the consideration of the 92nd Congress a draft bill "Relating to education in the District of Columbia." The proposed legislation, which may be cited as the "District of Columbia Education Act", repeals legislation providing for the accrediting of junior colleges by the Board of Education of the District of Columbia and amends legislation affecting the Board of Higher Education and the Board of Vocational Education. The bill also transfers to the Board of Higher Education the function of requiring the payment of tuition by students of the District of Columbia Teachers College, provides for the repeal or amendment of existing statutes to delete references contained therein to race, and authorizes an elective high school cadet corps.

Title I of the bill repeals the Act of July 2, 1940 (D.C. Code, sec. 31–120) which authorizes and empowers the Board of Education to accredit junior colleges operating within the District of Columbia. The accreditation of institutions of higher learning, including junior colleges, as distinguished from licensing, is now carried out by private accrediting organizations, and since it is on the basis of accreditation by such organizations that an institution secures the standing which it needs for acceptance of its students by other institutions, there no longer appears any need for the Board of Education also to accredit junior colleges in the District. Consequently, both the Board of Education and the Board of Higher Education recommend the repeal of the Act approved July 2, 1940, subject to the qualification that any accreditation of a junior college heretofore conferred by the Board of Education and still in force be continued for a period of five years unless the institution is otherwise accredited prior to the expiration of such five-year period. The licensing of junior colleges in the District would continue to be performed by the Board of Higher Education pursuant to the Act of March 2, 1929 (D.C. Code, sec. 29–415 et seq.).

Title II amends section 7 of the District of Columbia Nonresident Tuition Act (D.C. Code, sec. 31–311) so as to transfer from the Board of Education to the Board of Higher Education the function of requiring the payment of tuition by students, both resident and nonresident, attending the District of Columbia Teachers College. Control of the Teachers College has now been assumed by the Board of Higher Education pursuant to an agreement between such Board and the Board of Education and approved by the Commissioner, as authorized by section 103(a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)). Accordingly, the Board of Higher Education should be vested with the responsibility of establishing tuition rates for persons enrolled in the Teachers College.

Title III repeals or amends a number of laws which specifically designate or classify school programs and facilities according to race, so as to eliminate all references to racial characterizations in the educational laws of the District. The affected provisions are archaic and outmoded, are no longer observed by the Board of Education in its conduct of the public school system, and are in conflict with decisions of the Supreme Court holding unconstitutional the educational separation of the races in State supported school facilities.

Existing law requires the participation of every male high school student in the cadet corps of the senior high schools of the District of Columbia unless excused by reason of physical disqualification or on the written request of his parent or guardian. Title IV of the bill would make participation in the cadet corps permissive rather than mandatory by authorizing the Board of Education to establish in the curricula of the senior high schools, as an elective course, a program of military science which shall include such a corps. The course would be made

available to any physically qualified student and credit toward graduation would be given for the course in the same manner as for other elective high school courses. The Board of Education is of the view that the mandatory requirements of the present law are unnecessarily restrictive, administratively time-consuming, and inconsistent with requirements and procedures affecting other educational courses and programs in the public schools.

Title V of the bill, cited as the "District of Columbia Public Education Act Amendments," makes several technical amendments of the legislation establishing the District of Columbia Federal City College and the Washington Technical Institute, approved November 7, 1967 (Public Law 89–791; D.C. Code, secs. 31–1601 et seq.). The amendments clarify the status of these institutions as agencies of the District of Columbia government, provide for their noneducational employees to be employed in the manner that noneducational employees of the District Board of Education are employed, delete unnecessary and inappropriate provisions dealing with the employment of the officers and educational employees of the institutions, and make other technical amendments of title 5, United States Code, in accordance with the provisions of the Act. These technical amendments have been prepared in cooperation with representatives of the Civil Service Commission and are endorsed by the Commission.

Section 502 of title V amends section 102 (a) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1602(a)), to make possible the appointment of faculty and student representatives to membership on the Board of Higher Education. The proposed amendments will increase the size of the Board from nine to nineteen members and authorize, but not require, the Commissioner of the District of Columbia to appoint as full-fledged, voting members of such Board two faculty and two student representatives from the colleges over which the Board of Higher Education exercises jurisdiction. The term of office of a student member of the Board is limited to one year, that of faculty members to two years, while other members will continue to serve for terms of three years. It is anticipated that the contributions of student and faculty representatives from the affected academic institutions and of an expanded public membership will result in a more viable and responsive Board of Higher Education.

For the foregoing reasons, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will contribute to the advancement of education in the District and he accordingly urges favorable consideration of this draft bill by the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.
For: WALTER E. WASHINGTON,
Commissioner.

S. 1998

A bill relating to educational personnel in the District of Columbia

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 "District of Columbia Educational Personnel Act."

TITLE I—INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

SEC. 101. The Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"Article I—Purpose, Findings, and Policy

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"Article II—Definitions

"As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"Article III—Interstate Educational Personnel Contracts

"1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"Article IV—Approved and Accepted Programs

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"Article V—Interstate Cooperation

"The party States agree that:

"1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"Article VI—Agreement Evaluation

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agree-

ment, and to formulate recommendations for changes.

"Article VII—Other Arrangements

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"Article VIII—Effect and Withdrawal

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal of the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"Article IX—Construction and Severability

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

SEC. 102. The "designated State official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 103. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 104. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

TITLE II—EMERGENCY LEAVE FOR TEMPORARY TEACHERS AND ATTENDANCE OFFICERS

SEC. 201. Section 4 of the District of Columbia Teachers' Leave Act of 1949 (63 Stat. 843), as amended (D. C. Code, sec. 31–694), is amended by striking out "probationary or permanent".

TITLE III—INCREASE IN SICK AND EMERGENCY LEAVES FOR TEACHERS

SEC. 301. The second sentence of the first section of the District of Columbia Teachers' Leave Act of 1949 (63 Stat. 842), as amended (D. C. Code, sec. 31–691), is amended by striking out "one day" and inserting in lieu thereof "one and three-tenths days."

TITLE IV—LIFE AND HEALTH INSURANCE BENEFITS FOR TEMPORARY TEACHERS

SEC. 401. Title 5 of the United States Code is amended as follows:

(a) Section 8716(b)(2) of such title is amended by striking out "two school years" and inserting in lieu thereof "one school year".

(b) Section 8913(b)(2) of such title is amended by striking out "two school years" and inserting in lieu thereof "one school year".

TITLE V—TRANSFER OF RETIREMENT COVERAGE FOR TEMPORARY TEACHERS

SEC. 501. (a) The first sentence of section 8 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D. C. Code, sec. 31–728), is amended by striking out "probationary".

(b) The first sentence of section 13 of such Act (D.C. Code, sec. 31–733) is amended by striking out "permanently".

(c) The first sentence of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1548) is amended by striking out "probationary and permanent".

SEC. 502. All deductions from the salaries of temporary teachers on the rolls of the public schools of the District of Columbia on the effective date of this title and all deposits made by such temporary teachers by virtue of their service as temporary teachers, together with all matching contributions made by the Government of the District of Columbia on account of such deductions to the Civil Service Retirement and Disability Fund for annuity and retirement purposes are hereby transferred from such fund to the credit of the District of Columbia Teachers' Retirement and Annuity Fund. The teacher shall be deemed to consent and agree to the transfer provided for herein. The transfer of such funds shall be a complete discharge and acquitance of all claims and demands against the Civil Service Retirement and Disability Fund on account of service rendered prior to the effective date of such transfer.

SEC. 503. (a) Section 7 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1532) is amended by adding the following new subsection:

"(d) Notwithstanding the provisions of subsection (a)(1) of this section, any educational employee who was employed by the Board of Education at the District of Columbia Teachers College and who was transferred to the Board of Higher Education pursuant to the authority conferred by section 103(a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)), and who wishes to be reappointed to a position under the Board of Education shall receive salary placement credit for the intervening years of service at the District of Columbia Teachers College as if he had had continuous service with the Board of Education: *Provided*, That there is no break in service between the termination of employment by the Board of Higher Education and the reappointment by the Board of Education: *Provided further*, That such service is credited to the District of Columbia Teachers' Retirement and Annuity Fund, either by deductions made for such retirement system or by the purchase of credit for such service for deposit in said fund."

(b) Section 8 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia" (D.C. Code, sec. 31–728) is amended by adding the following new paragraph:

"Notwithstanding the provisions of this section, any teacher who is entitled to purchase service credit under the provisions of section 7(d) of the District of Columbia Teachers' Salary Act of 1955 (as added by section 503(a) of this Act) shall purchase such credit based on the salary received from the Board of Higher Education during the period of service to be credited."

TITLE VI—SUMMER EMPLOYMENT OF DISTRICT TEACHERS IN CONGRESSIONAL OFFICES

SEC. 601. Subsection (e) of section 5533 of title 5, United States Code, is amended (a) by inserting "(1)" immediately following "(e)"; and (b) by adding the following new paragraph:

"(2) Subsection (c) of this section does not apply to pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period.".

TITLE VII—EFFECTIVE DATE

SEC. 701. Sections 401, 501, and 502 of this Act shall become effective on the first day of the first pay period which begins on or after 60 days after the date of enactment of this Act.

DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

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

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill entitled the "District of Columbia Educational Personnel Act". The purposes of this proposed legislation, which are more fully set out in the attached summary and justification of the various titles of the bill, can be stated briefly as follows:

Title I authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel.

Title II authorizes the advancing of emergency leave to temporary teachers and attendance officers. Such advancement of leave is presently available only to permanent and probationary teachers and attendance officers.

Title III amends the District of Columbia Teachers' Leave Act of 1949 to increase from ten days to thirteen days the amount of cumulative sick and emergency leave available for use by school teachers during the school year.

Title IV allows temporary teachers in the District public school system to voluntarily apply for Federal life insurance and health benefits coverage after completion of one year's service, rather than after service of two years as required at present.

Title V amends existing law to transfer coverage of temporary teachers in the District public school system from the Civil Service Retirement System to the system established under the District of Columbia Public School Teachers Retirement Act. This title would also authorize the transfer of all retirement deductions from the salaries of such teachers and all matching funds made by the District Government from the Civil Service Retirement and Disability Fund to the District of Columbia Teachers Retirement and Annuity Fund.

Title VI authorizes summer employment of District school teachers in Congressional offices. This title negates a restrictive provision of law that the Commissioner believes was not intended by the Congress.

For the various reasons stated in the attached justification, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will be of substantial benefit to personnel employed in educational activities of the public school system and will contribute to the advancement of education in the District. He therefore urges favorable consideration of the bill by the Congress.

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

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner for Walter E. Washington, Commissioner.

SUMMARY AND JUSTIFICATION OF PROVISIONS OF THE DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

TITLE I—INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

Title I of the bill authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel. This title is designed to provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems.

Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enactment of title I will allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

Title I is in the nature of enabling legislation. It provides the necessary legal authority whereby the Board of Education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the Interstate Agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The Interstate Agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislatures of 17 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise.

The Commissioner believes that the enactment of title I will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation.

TITLE II—EMERGENCY LEAVE FOR TEMPORARY TEACHERS AND ATTENDANCE OFFICERS

Section 4 of the District of Columbia Teachers' Leave Act of 1949, as amended (D. C. Code, sec. 31–694) provides:

"In cases of serious disability or ailments and when required by the exigencies of the situation, and in accordance with such rules and regulations as the Board of Education may prescribe, the Superintendent of Schools may advance additional leave with pay not to exceed thirty days to *every probationary or permanent teacher or attendance officer* who may apply for such advanced leave." (Emphasis supplied.)

The Government of the District of Columbia, with the concurrence of the Board of Education, is recommending that this provision be expanded to include teachers and attendance officers classified as temporary employees. In view of the fact that some teachers or attendance officers may remain in a temporary status for some time while earning their accreditation for probationary status, while others classified as temporary teachers or attendance officers cannot for various reasons qualify for permanent appointment, the authority to advance emergency leave to permanent or probationary teachers or attendance officers should, in all fairness, be extended to temporary teachers and attendance officers. The amendment of section 6 of the Teachers' Leave Act proposed by title II would make temporary teachers and temporary attendance officers eligible for the advancement of emergency leave by the Superintendent of Schools, under the same rules as apply to other public school teachers and attendance officers.

TITLE III—INCREASE IN SICK AND EMERGENCY LEAVES FOR TEACHERS

Under existing law, teachers and other educational employees in class 15 of the teachers' salary schedule receive one day of cumulative sick and emergency leave with pay for each month from September through June, or ten days a year. The employee may use three days of such cumulative leave during the school year for any purpose, and unused leave may be accumulated without limitation.

In actual practice, the yearly leave entitlement of ten days represents only seven days of sick leave, since an estimated 75 percent of the teachers, by necessity, use all three days of general or emergency leave each school year. The latest available nationwide study of paid leave provisions for teachers indicates that ten days is the prevalent annual allowance for sick leave alone.

Title III of the bill would increase to thirteen days the annual allowance for cumulative leave to which teachers are entitled. After subtracting the three days of emergency leave that the majority of teachers use each year, ten days would remain for sick leave credit. This increase in the amount of allowable annual sick leave is justified not only in view of prevailing practices in other school systems, but in the need to provide a more reasonable sick leave reserve for teachers who become ill. In 1969 most teachers at the time of retirement had accumulated an average of only 23 days of sick leave. It is anticipated that enactment of title III will double the accumulation of sick leave, thereby giving teachers a greater sense of security in the event of frequent or lengthy loss of time because of illness.

The cost of the benefits provided by title III for a fiscal year is estimated at $200,000, based upon an assumed ten percent increase in the use of sick leave by teachers and the resultant added need for substitute teachers. The following additional annual costs, projected from fiscal year 1973 through fiscal year 1980, reflect the financial impact of the proposed increase in sick leave on the District's share of funding liberalized retirement benefits provided by the District of Columbia Teachers' Retirement Amendments of 1970 (Public Law 91–263) approved May 22, 1970:

Fiscal Year	*Cost*
1973	$2,800
1974	5,400
1975	8,000
1976	10,700
1977	13,400
1978	16,000
1979	18,600
1980	21,300

Section 1 of the Teachers' Retirement Amendments of 1970 provides that unused sick leave credited to a teacher at the time of eligibility for retirement shall be used in determining length of service for purposes of computing his annuity. Since, as previously indicated, the average accumulation of 23 days of sick leave is expected to double, the above additional yearly costs are anticipated.

TITLE IV—LIFE AND HEALTH INSURANCE BENEFITS FOR TEMPORARY TEACHERS

The purpose of title IV is to permit temporary teachers in the District public school system to elect coverage under the Federal life insurance and health insurance programs after completion of one school year of service. At present, temporary teachers may not apply for coverage under these programs until after the completion of two school years of service.

Section 9 of the District of Columbia Teachers Salary Act of 1955 (D.C. Code, sec. 31–1534) authorizes the Board of Education to appoint temporary employees for periods that do not extend past June 30 of the fiscal year in which the employee is appointed. However, temporary teachers can be and are reemployed in subsequent school years and constitute a substantial portion of the teaching force in District public schools. Of approximately 8,000 teachers employed in the school system, 1,020 are classified as temporary teachers. Of the 1,020 temporary teachers, approximately 637 or almost two-thirds have served for periods of time totaling two years and are thus eligible for coverage under the life insurance and health benefits programs.

Temporary employees in other positions in other positions in the Federal and District governments are not eligible for life or health insurance coverage when employed for periods of less than one year regardless of how many such periods they serve. The amendment proposed by title IV recognizes the unique status of temporary teachers who, in contrast to other temporary employees, are not hired to fill positions which are expected to be of short duration. Temporary teachers do not possess all of the qualifications needed to receive probationary appointments, but nevertheless fill continuing positions in the school system in the absence of fully qualified teachers. Title IV does not, therefore, establish a new principle of law but expands an existing exception for temporary teachers who, by completing one school year and commencing a second one, indicate their intention to enter into a continuing employment relationship.

Presently 145 temporary teachers with more than one year but less than two years of service in the public schools would become eligible for life insurance and health benefits coverage upon enactment of title IV. Although participation in both plans is voluntary, should all of the eligible temporary teachers elect coverage, costs to the District of Columbia for the first full fiscal year is estimated as follows:

	Average annual cost per teacher	Number of teachers	Full fiscal year cost
Health insurance	$90	145	$13,000
Life insurance	36	145	5,200
Total			18,200

This cost figure has not been adjusted to reflect the fact that temporary teachers in the group who attain two years of school service during the fiscal year would become eligible for coverage under existing law. Nor has it been determined how many of the 238 temporary teachers with less than one year's service who would attain eligibility upon enactment of title IV after completion of service of one year will be employed during ensuing school years.

TITLE V—TRANSFER OF RETIREMENT COVERAGE FOR TEMPORARY TEACHERS

Title V of the bill amends existing law by striking references to "probationary" and "permanent" teachers and employees of the Board of Education, thereby effecting the inclusion of "temporary" teachers (i.e., those teachers whose employment contracts do not exceed periods of one year) in the teachers' retirement system. Pursuant to provisions of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1548), the teachers' retirement system is made applicable only to permanent and probationary employees of the public schools and thus excludes temporary teachers who do not fall within either of these classes. Temporary teachers are presently subject to coverage under the Civil Service retirement program, pursuant to paragraph (ii) of section 8331 (1) of title 5 of the U.S. Code, since they are employees not subject to another retirement system for Government employees.

Section 502 of the bill would authorize the transfer of all retirement deductions and deposits from the salaries of temporary teachers and all matching funds contributed by the District Government for such teachers from the Civil Service Retirement and Disability Fund to the credit of the District of Columbia Teachers Retirement and Annuity Fund. The transfer of funds would be made only with respect to deductions and contributions affecting those temporary teachers on the rolls of the public schools as of the effective date of such section 502.

The replacement of Civil Service retirement coverage with the system established for teachers in the public schools will result in a reduction of an estimated $1,000,000 annually in the amount now paid by the District Government into the Civil Service retirement system. Upon receiving a probationary or permanent appointment, or upon leaving the employment of the District Government, most temporary teachers withdraw their contributions to the Civil Service retirement fund, a practice which causes a loss of the matching amounts contributed by the District for each such employee. Coverage under the teachers' retirement system does not require the contribution of matching amounts by the District of Columbia.

In addition to the monetary savings, the proposed transfer of retirement coverage will reduce the administrative paper work involved in transferring retirement monies between the respective funds when a temporary teacher qualifies for a probationary appointment. It is estimated that the transfer of coverage from the Civil Service system to the teachers' retirement system will eliminate one thousand paper transactions a year.

Section 503 of title V is designed to correct an inequity caused by current salary placement provisions in the District of Columbia Teachers' Salary Act as applied to educational personnel employed at the District of Columbia Teachers College who, pursuant to an agreement consumated under the authority of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)), were transferred from the control of the Board of Education to that of the Board of Higher Education. Teachers currently above step 10 in salary class 15 of the Teachers' Salary Act who wish to accept appointment in the public schools without a break in service can only be reappointed at step 10. Section 503 provides that these employees will be treated for salary placement and retirement purposes as if they had never left the employ of the Board of Education.

Section 504 provides an effective date for sections 501 and 502 of the bill with the first pay period which begins on or after 60 days after enactment of title V.

TITLE VI—SUMMER EMPLOYMENT OF DISTRICT TEACHERS IN CONGRESSIONAL OFFICES

Title VI would amend section 5533 of title 5 of the United States Code, as amended by section 477(d) of the Legislative Reorganization Act of 1970 (84 Stat. 1195), so as to negate a restrictive provision contained in subsection (c) of such section which has the effect of precluding the employment of District public school teachers in Congressional offices during the summer months of the school year.

Section 5533(c) of title 5 of the United States Code provides in pertinent part as follows:

"(c)(1) Unless otherwise authorized by law . . . appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year,

"(3) For the purposes of this subsection 'gross pay' means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.".

A position is defined by section 5531(2) of title 5, as a civilian office or position in the legislative, executive, or judicial branch of the United States Government or in the municipal government of the District of Columbia. Inasmuch as the basic annual pay of District school teachers exceeds the limitation contained in section 5533(c), this latter provision effecively precludes their employment in positions in the offices listed in paragraph (1) of such subsection (c) during the summer vacation period, at a time when many such teachers are not drawing salary from the District Government and are not actually engaged in teaching in the school system.

It would appear that this is not one of the results intended or anticipated by Congress, especially in view of the fact that under paragraph (c) of section 5533(d) of title 5, the Congress specifically excepted pay received by teachers for employment in a position during the summer from the prohibition in section 5533(a) against the receipt of basic pay from more than one position for more than an aggregate of forty hours of work in one calendar week. The anomaly of existing law, therefore, is that District teachers may, during the summer months, work anywhere in the District Government and in the executive or judicial branches of the Federal Government, but may not work for the legislative branch.

Under the temporary authority provided in annual District of Columbia Appropriation Acts, public school teachers working for Congress during the summer months are now exempted from the provisions of section 5533(c) of title 5.

In view of the matters recited above, the Commissioner believes it is fair and equitable to provide permanent authority for District school teachers to obtain employment in Congressional offices during the summer vacation period when they are not engaged in teaching activities, and, therefore, recommends the amendment of section 5533 of title 5, United States Code, as provided by title VI.

TITLE VII—EFFECTIVE DATE

Title VII provides an effective date for sections 401, 501, and 502 of the bill on the first day of the first pay period which begins on or after sixty days after the date of enactment.

By Mr. HUMPHREY:

S.J. Res. 109. A joint resolution establishing the birthplace of the Reverend Dr. Martin Luther King, Jr., in Atlanta, Ga., as a national historic site. Referred to the Committee on Interior and Insular Affairs.

MARTIN LUTHER KING BIRTHPLACE

Mr. HUMPHREY. Mr. President, I believe it is of the greatest importance that Martin Luther King's profound contribution to the moral and social growth of America be recognized and kept before our attention. His absolute dedication to the achievement of human freedom and equality has left a permanent imprint upon the history and the conscience of our Nation.

Martin Luther King's life of 39 years was one of solid accomplishment, worldwide acclaim, and great promise. Born on January 15, 1929, he attended the Atlanta public schools and received degrees from Morehouse College, Crozer Theological Seminary, and Boston University. But the discriminatory injustices visited upon an entire people caused him to move from the Ebenezer Baptist Church in Atlanta, where he was serving as copastor with his father, into the organization of what came to be symbolic of the Nation's nonviolent struggle for social progress. His appeal for mutual understanding and equal opportunity was carried from Montgomery, Ala., in 1956, to the organization of the Southern Christian Leadership Conference, to the profoundly moving Freedom March in Washington in 1963, to the slums of Chicago in 1966, and finally to Memphis, Tenn., in the effort to translate legal rights into economic justice.

On April 4, 1968, this Nation and the world lost a great man, one who was both a true leader and a servant of all people. Recipient of the Nobel Peace Prize in 1964, he symbolized the genuine greatness to which all men should aspire. He could have been content with such international recognition, with repeated requests to confer with heads of state, and with counsels to wait and let time now take its course. But he was determined to summon the courage of an entire people of a great nation to follow the course of reconciliation and to reject the descent into violence.

It remains for us to honor Martin Luther King, Jr., by words and acts of courage, in standing up for human dignity and freedom in our daily lives, and in rooting out discrimination and inequality in schools and employment, in housing and in public office. The cause of social justice in this country demands a decent, honorable nonviolent patriotic dedication from each and every citizen of this great land.

We are now approaching the 200th anniversary of the birth of a nation promising liberty and justice for all. It is entirely appropriate, in working toward a rebirth of this Nation in the firm estab-

lishment of equal rights and opportunities for all our people, that we honor the birthplace of one man who clearly showed us the way to this goal.

Mr. President, I ask unanimous consent that the text of the joint resolution which I have introduced, to establish the birthplace of the Reverend Dr. Martin Luther King, Jr., in Atlanta, Ga., as a national historic site, be printed at this point in the RECORD.

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

S.J. RES. 109

Whereas the Reverend Doctor Martin Luther King, Junior, dedicated his life to the achievement of freedom and equality for all people in the United States of America;

Whereas Doctor King's appeal for mutual understanding and equal opportunity became symbolic of this Nation's non-violent struggle for social progress;

Whereas Doctor King's leadership in the cause of establishing civil rights and economic justice in America generated the respect and commitment of millions of our people and received international recognition and honor;

Whereas appropriate recognition should be accorded to the important place of Martin Luther King, Junior, in the history of this Nation, in fostering a genuine commitment by its people to fulfilling the promise of liberty and justice for all and ending all forms of discrimination and inequality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire by gift or by purchase with appropriated or donated funds such lands, including improvements thereon, in Atlanta, Georgia, comprising the birthplace of the Reverend Doctor Martin Luther King, Junior, as the Secretary may deem necessary for the purpose of establishing such birthplace as a national historic site.

SEC. 2. The property acquired by the Secretary of the Interior under the first section of this joint resolution shall constitute the Martin Luther King, Junior, Birthplace National Historic Site. Such historic site shall be administered by the Secretary of the Interior, through the National Park Service, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1335

At the request of Mr. HARTKE, the Senator from Arizona (Mr. GOLDWATER), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 1335, a bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1534

At the request of Mr. HUMPHREY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1534, a bill to provide care for pregnant wives of former members of the armed services.

S. 1580 THROUGH S. 1591

At the request of Mr. PERCY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1580, a bill providing increased employment opportunities for middle-aged and older workers, and for other purposes;

The Senator from Wisconsin (Mr. NELSON) and the Senator from Minnesota (Mr. MONDALE) were added as consponsors of S. 1581, a bill to provide a training serve as medical assistants in long-term health care facilities;

The Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1582, providing for grants for the training and retraining of nurses' aides and orderlies;

The Senator from Wisconsin (Mr. NELSON) and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 1583, to train certain veterans to serve as medical assistants in longterm health care facilities;

The Senator from Wisconsin (Mr. NELSON) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1584, a bill to assist in the provision of housing for the elderly;

The Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1585 to provide for coverage under Part A of title XVIII of the Social Security Act of certain drugs which are prescribed by generic name; S. 1586, providing for more uniform standards for determining eligibility for assistance under various Federal programs for long-term health care; and S. 1587, providing for a study of care to individuals in long-term health care facilities;

The Senator from Wisconsin (Mr. NELSON) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1588, the Senior Citizens Community Centers and Services Act; S. 1589, authorizing grants for projects to rehabilitate elderly patients of long-term health care facilities;

And the Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1590, permitting the deduction of all expenses for medical care of a taxpayer and his spouse at age 65; and S. 1591, the Senior Citizens' Transportation Services Act.

S. 1614

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1614, the Nursing Education Act of 1971.

S. 1615

At the request of Mr. BIBLE, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of S. 1615, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1830

At the request of Mr. HATFIELD for Mr. JAVITS, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1830, to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system.

S. 1846

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that at its next printing, the names of the senior Senator from Alaska (Mr. STEVENS), the senior Senator from North Dakota (Mr. YOUNG), and the senior Senator from Utah (Mr. BENNETT), be added as cosponsors of S. 1846, a bill to establish a coal gasification corporation.

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

S. 1872

At the request of Mr. CASE, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 1872, a bill for the relief of Soviet Jews.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Connecticut (Mr. WEICKER), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of Senate Joint Resolution 79, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 131—SUBMISSION OF A RESOLUTION RELATING TO THE IMPOUNDMENT OF HOUSING AND URBAN DEVELOPMENT FUNDS

Mr. HUMPHREY. Mr. President, I submit a resolution directed toward the release of funds that are impounded by the President of the United States, thereby seriously injuring urban renewal and urban development and seriously impeding the relief of the urban crisis.

All of us are familiar with the metropolitan nature of the United States. Our country now has 233 standard metropolitan statistical areas; over 65 percent of our population lives within these SMSA's. Our metropolitan population is growing and will continue to grow; census figures indicate that nearly 85 percent of the population growth between 1960 and 1970 occurred in metropolitan areas.

The undeniable fact, Mr. President, is that our urban areas are faced with a demand for increasing services while lacking the resources to finance this demand.

There are no simple solutions to the complex problems of our cities. There are, however, programs that have begun to deal with these problems: low-income housing, urban renewal, neighborhood development, mass transportation aid, new communities assistance, just to name a few.

But, without sufficient Federal funds, these programs, which have been authorized by Congress, will remain only Federal statutes—in other words, Federal memorials. I would be the last to argue that the answer to all of these problems is more money. I do maintain, though, that it is a key ingredient that will help

determine whether or not these programs accomplish their goals.

Mr. President, the present administration claims that it has a commitment to the cities. The administration claims it understands the troubles of the cities and wants to help solve those troubles. This is a healthy attitude.

Unfortunately, the administration has not seen the urgency to match its rhetoric with a flow of dollars. It has impounded nearly $800 million in funds for four major urban oriented programs, which Congress expressly approved to be spent in fiscal year 1971 and that fiscal year ends on June 30, this month.

This freezing of funds, by order of the Office of Management and Budget, has prevented the Department of Housing and Urban Development from releasing $200 million for urban renewal, $200 million for water and sewer grants, and $192.5 million for public housing. In addition, the Department of Transportation has been prohibited from spending $200 million for mass transit.

I find this withholding of funds totally indefensible. As the National League of Cities-U.S. Conference of Mayors have argued, these programs are "part of the major national commitments made by the Federal Government to help solve some of the critical problems of our urban areas."

There is a staggering backlog of applications from our cities for critically needed assistance under these programs. The unmet demand for urban renewal amounts to more than $2.75 billion for 900 projects. The backlog on water and sewer facility construction has reached $2.5 billion.

Mr. President, I recall that we had a special Presidential message not long ago about the urgency of cleaning up the waters of this land, and great things were going to be done. Great words were said, but little things are being done.

The program backlog in public housing totals $560 million—with 474 localities calling for the construction of some 350,000 units, according to recent testimony by the National Association of Housing and Redevelopment officials. And our States and cities have submitted some 103 new and 14 amendatory applications for capital grants and loans to improve their mass transit systems, with a total project cost estimated at over $7.1 billion, including a Federal share of more than $2.3 billion.

Yet, the administration says it has a commitment to urban areas. The fiscal 1972 budget message, for example, claims that community development revenue sharing would "recognize the Federal Government's responsibility to provide funds to deal with the problems of our cities in an amount which more than matches that previously made available for this purpose through categorical grants."

I say to this administration: "Share some of that revenue now. Release the impounded funds for fiscal 1971 now. Make good on those promises now, instead of waiting for the election year of 1972."

If this administration persists in its policy of withholding Federal moneys appropriated, the mayors and the Congress can justly conclude that it is less than serious about urban problems, and the quality of life in our cities.

I submit for the RECORD a table outlining the withholding of funds.

I also submit a brief breakout of the National League of Cities—Conference of Mayors proposed fiscal year 1972 budget for urban areas. The disparity between what the cities need and what the Nixon administration has requested is very great. That disparity makes the impoundment of these 1971 funds appalling. I will do all that I can to see that adequate funds are appropriated to our cities, and that these funds are spent as promised. And I ask for some action on the part of the President of the United States.

Mr. President, I ask unanimous consent that the tables which have been cited be printed in the RECORD following the printing of the resolution.

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

The resolution (S. Res. 131), which was referred to the Committee on Banking, Housing and Urban Affairs, reads as follows:

S. RES. 131

Whereas, over 65 per cent of the population of the United States lives in predominantly urban areas;

Whereas, trend data indicate that the urban areas of the United States will continue to be the growth centers of our Nation;

Whereas, the urban areas are faced with an increasing demand for services while lacking the resources to pay for those services;

Whereas, the Congress of the United States has recognized that the problems of our cities demand immediate and effective action;

Whereas, the national Administration has impounded $200 million of the $1.2 billion appropriated by Congress for fiscal year 1971 for urban renewal programs;

Whereas, the national Administration has impounded $200 million of the $350 million appropriated by Congress for fiscal year 1971 for water and sewer grants;

Whereas, the national Administration has impounded $192.5 million of the $320 million appropriated by Congress for fiscal year 1971 for public housing;

Whereas, the national Administration has impounded $200 million of the $600 million appropriated by Congress for fiscal year 1971 for mass transit programs;

Whereas, this continued underfunding and impounding of funds can only perpetuate the severe problems of our urban areas; and

Whereas, this impounding of funds constitutes a deliberate thwarting of the expressed will of Congress and threatens the balance and separation of powers as set forth in the Constitution; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States forthwith release, for immediate usage, all such funds appropriated but not released.

TABLE I.—IMPOUNDED FUNDS FOR URBAN AREAS, FISCAL 1971 [1]

[In millions of dollars]

Program	Funds appropriated	Funds withheld
Urban renewal	1,200	200.0
Water/sewer	350	200.0
Public housing	320	192.5
Mass transit	600	200.0

[1] Source: Hearings before the Senate Subcommittee on Housing, Urban Affairs, 92d Cong., 1st sess., Mar. 3 and 4, 1971. "Withholding of Funds for Housing and Urban Development Programs, Fiscal year 1971." P. 18.

TABLE II.—AUTHORIZATIONS UNREQUESTED, FISCAL 1971

[In millions of dollars]

Program	Authorized funds	Administration request	Unrequested
Assisting housing (235-236)	315	265	50
Rent supplements	168	55	113
Neighborhood facilities	66	40	26
Comprehensive planning	105	50	55

[1] Source: Hearings before the Senate Subcommittee on Housing Urban Affairs, 92d Cong., 1st sess., Mar. 3 and 4, 1971. "Withholding of Funds for Housing and Urban Development Programs, Fiscal Year 1971." P. 18.

TABLE III

[In millions of dollars]

Program	Fiscal year 1971 (actual)	Fiscal year 1972 Administration request	Fiscal year 1972 NLC/USCM request
Urban renewal	1,200.0	[1] 600	[2] 2,587
Model cities	575.0	[1] 0	575
Rehabilitation loans	35.0	[1] 40	[3] 150
Neighborhood facilities	40.0	40	[3] 76
Open space	75.0	200	[4] 109
Sec. 235	130.0	175	[5] 225
Sec. 236	135.0	175	[5] 225
Rent supplements	55.0	60	[4] 153
New communities:			
Supplementary grants		5	36
Public service grants		0	5
Special planning assistance		0	5
Research and technology	45.0	45	45
Housing allowance program		0	10
Abandoned properties demonstration		0	20
S. 701: Comprehensive planning	50.0	100	[6] 85
Urban studies fellowships	.5	0	2
Lead-based Paint Poisoning Prevention Act	(7)	0	5

[1] ½ year request (July to Dec. 31, 1971). $200,000,000 in impounded fiscal year 1971 urban renewal funds would be added to $600,000,000 request for fiscal year 1972 to make a total 6-month program level of $800,000,000.
[2] Total authorization available including model cities add-on, for fiscal year 1972.
[3] Total authorization available.
[4] Total authorization available.
[5] NLC/USCM have requested $25,000,000 fiscal year 1971 supplemental appropriation for both sec. 235 and 236. If supplemental is approved, then our fiscal year 1972 request for both programs would decrease to $200,000,000 each.
[6] Authorization available is $85,000,000.
[7] Not available.

Source: Testimony by the National League of Cities and U.S. Conference of Mayors before the House Appropriations Subcommittee on HUD, Space, and Science, May 11, 1971.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972—AMENDMENT

AMENDMENT NO. 121

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. GRAVEL. Mr. President, I rise today to submit an amendment to the military construction authorization bill which will be coming before this body in the not-too-distant future and upon which hearings will be held in the near future.

The amendment deals with the authorization of an appropriation for the Department of the Navy for up to $50 million for the construction of a small island in the Caribbean. This island would replace the target range the Navy is now using on the island of Culebra.

On the island of Culebra 700 Spanish-American souls live, and for the last 20 years their island has been used as a target by the Navy. The situation there is almost unbelievable. Some people who live on the island, including children, have been maimed.

I can liken the situation on Culebra to a movie I saw some time ago entitled "The Mouse That Roared." In that movie a small country, in order to get recognition of a problem they felt was important, declared war on the United States, or a large superpower. They had fought, and their plan was to lose the war and receive foreign aid. Obviously this was a charade and they actually won the war.

The situation here is almost that ridiculous. It is a sad situation because we are talking about human beings who are getting hurt. These people are without representation in Congress.

The reason I feel some kinship in this matter is that we have an island in the Pacific named Amchitka, and the Government is about to explode a 5-megaton bomb on Amchitka. That is an invasion of our property and could offer danger to life and limb there.

The island of Culebra has been used as a target area for the past 35 years. I have taken this on as my cause. I hope that Congress acts responsibly in this matter and compels the Navy to go elsewhere for its practice.

These people have a God-given right to secede from the United States, and if they want foreign aid they could declare war on the Navy. Since the Navy has zeroed in on that island, as was the plan in the film "The Mouse That Roared," they would lose. I hope the Navy will use some other island as a target area.

I offer these thoughts in a facetious vein in one respect, but not in another respect because we are dealing with human beings who have been shot at for 30 years. I hope this measure revitalizes some interest in Congress and the Committee on Armed Services in order to bring about responsible action.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENTS NOS. 122 THROUGH 126

Mr. GRAVEL submitted five amendments intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which were ordered to be printed and to lie on the table.

AMENDMENTS NOS. 127 THROUGH 138

Mr. HATFIELD submitted 12 amendments intended to be proposed by him to the same bill (H.R. 6531), which were ordered to be printed and to lie on the table.

AMENDMENT NO. 139

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting an amendment today for myself and Senator JAVITS to provide procedural rights to Selective Service registrants. The need for these changes in the law have been testified to at hearings held by the Administrative Practices Subcommittee of the Judiciary Committee which I chaired in 1969. The Subcommittee report specifically recommended these provisions.

The amendment would do the following:

First. It would afford each registrant the opportunity to appear in person before both local and appeal boards. Currently, he is only afforded an opportunity to appear at the local board level.

Second. It would afford all registrants the opportunity to present witnesses during personal appearances. Currently, that opportunity is available only at the discretion of the local board. This means that registrants in one local board jurisdiction have additional rights than those in others.

Third. It would require that a quorum of both the local board and appellate boards be present during personal appearances. This is necessary because currently a quorum must be present only when final decisions are made. Since the sincerity of a registrant is so vital for conscientious objector and hardship deferments, a registrant should have the benefit of having a quorum of the local board consider his presentation during personal appearances.

Fourth. This would require a written statement explaining the reasons for a decision. A registrant is severely limited in his ability to make an appeal when he is unable to have a written explanation for a board or appeals board action.

Fifth. A registrant would be afforded the right to counsel and indigent registrants would have attorney's fees paid. In our legal system, the right to an attorney is basic and has been reiterated by the Supreme Court on many occasions. Yet, in Selective Service matters, where a decision can directly affect the life of an individual, he currently is denied the right to counsel.

I believe these procedural guarantees are basic to a system of law and that they are necessary both to protect the rights of registrants and to fully appraise the board of each registrant's situation.

AMENDMENT NO. 140

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting an amendment today which seeks to give students who are drafted from college the same rights and privileges that are now accorded to workers who are drafted from their jobs.

The amendment provides: first, that the returning veteran is accorded preference in reenrollment in a school where he previously was enrolled.

Second, it provides that the student shall be given preference in obtaining any financial aid which he held prior to entering the Armed Forces and for which he still is eligible.

This amendment is necessary because of the provision currently in the committee bill giving the President discretion to remove undergraduate deferments. This is a recommendation that I long advocated. Although I would prefer that an end to student deferments was a mandate under the law rather than an enabling provision, I shall support the committee's recommendation on this matter.

Also, it should be noted that the committee has refused to give the President authority to make an end to student deferments retroactive to last April.

As I recommended in my draft bill this year, there would be a gross unfairness were the Congress to adopt an ex post facto attitude on this subject. The committee has appropriately ensured that the end to student deferments will be prospective, beginning upon enactment of this measure.

However, with the passage of this legislation and hopefully, the immediate issuance of an Executive order announcing an end to future student deferments, the possibility of entering freshmen being drafted will be substantial.

In that situation, I believe we have a responsibility to assure them the same protection that we now provide to persons who are drafted from their jobs.

Under section 9 of the Military Selective Service Act of 1967, an absolute requirement is placed on all Federal agencies and all private employers to rehire an individual who has been drafted from his job while in good standing and who seeks to return, following his military service. Under this provision, the individual is accorded all rights and privileges that he previously had.

Also, in the case of State agencies, the law establishes the sense of Congress that the same rights and privileges should be accorded any State employee.

The amendment provides for a 6-month leeway following discharge from the service or from a service hospital during which time the individual may re-apply to his university. Current law limits that time period to 90 days for employees.

However, because of the September and February opening of semesters in most schools, the 6-month period was suggested as the appropriate period for an ex-draftee to make up his mind whether he wants to reenter a school.

Mr. President, the basic right and privilege which is accorded individuals under this amendment is to take up where they left off following induction into the Armed Forces.

Surely, if we are going to force a young man to interrupt his studies, we can assure him that when he returns, he will be able to return to the same course of

studies he left and with the same ability to meet the expenses of a college education.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 115

At the request of Mr. ALLOTT, the Senator from New York (Mr. BUCKLEY), the Senator from Alaska (Mr. STEVENS), the Senator from South Dakota (Mr. McGOVERN), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Amendment No. 115, intended to be proposed to H.R. 6531, the Military Selective Service Act.

ANNOUNCEMENT OF HEARINGS BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. STEVENSON. Mr. President, as chairman of the Senate District of Columbia Subcommittee on Business, Commerce and Judiciary I would like to announce hearings on Friday, June 11, 1971, at 9:30 a.m. on the following bills:

H.R. 2594.—Relating to the distribution of a minor's share which does not exceed $1,000 in a decedent's estate.

H.R. 2894.—To incorporate the Paralyzed Veterans of America.

H.R. 5638.—To provide criminal penalties for interfering with a fireman performing duties (same as for police).

H.R. 6105.—To incorporate the Merchant Marine Association.

H.R. 7931 (S. 1369).—Amending Code for administration of small estates.

S. 1370 (H.R. 1370).—To standardize procedures for testing of utility meters and add penalty provisions in order to qualify under Natural Gas Pipeline Safety Act.

Any interested person who wants to file a statement or to appear as a witness on these matters should notify Mr. Gene Godley, General Counsel of the District of Columbia Committee in Room 6222, New Senate Office Building.

NOTICE OF HEARINGS RELATING TO ARMS CONTROL

Mr. MUSKIE. Mr. President, I wish to announce that the Arms Control, International Law and Organization Subcommittee of the Senate Foreign Relations Committee will begin its series of hearings on the arms control implications of various U.S. weapons systems and strategic doctrines on June 16 and 17 at 10 a.m. in room 4221.

These first 2 days will be concerned with the effects on the arms race of the American nuclear deterrent triad: our submarine-launched missiles, land-based missiles, and intercontinental bomber forces.

I gave a detailed description to the Senate of the subject matter of these entire hearings on May 6.

We hope to hear both from administration and outside witnesses on the question of whether our strategic nuclear deterrent can be modified to help stabilize the arms race, increase American security, and save billions of taxpayers' dollars, without in any way lessening our ability to deter any adversary from initiating a nuclear war.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

On June 10, 1971:

S. 1152—Percy—to facilitate the preservation of historic monument and:

S. 1245—Moss et al.—relating to the preservation of historical and archeological data.

On June 15, 1971:

Oversight and informational hearing on the National Park Service—To cover such subjects as security, traffic management, public safety, vandalism, etc.

NOTICE OF HEARINGS ON THE ESTABLISHMENT OF A COAL GASIFICATION CORPORATION

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate that the Committee on Interior and Insular Affairs will hold open hearings on July 27 and 28 on S. 1846, a bill introduced by Senator Moss and myself to establish a coal gasification corporation. Several other Members of the Senate have asked to join with us in sponsoring this measure which is intended to provide a framework for Government and industry to cooperate in the essential job of bringing technology for the production of gas from coal to commercial reality.

This hearing will be held in the committee room, 3110 New Senate Office Building, and will begin at 10 a.m., each day.

ADDITIONAL STATEMENTS

PROPERTY TAXATION: A STUDY BY THE CONGRESSIONAL RESEARCH SERVICE

Mr. MUSKIE. Mr. President, the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations, has released for public use a committee print entitled, "Property Taxation: Effects on Land Use and Local Government Revenues."

This is a background study prepared for the subcommittee by the staff of the Congressional Research Service. It is a very thorough paper reviewing the shortcomings of present property taxation policies and practices as they affect Government revenues and land use, and it examines in depth some of the major intergovernmental relations involved. It also explores alternative methods of property taxation and methods of making such a tax more efficient and equitable.

Copies of the study will be made available upon request to Members of Congress, congressional commitees, and officials of Federal, State, and local governments, as long as the subcommittee's supply lasts. Copies are also on sale at the U.S. Government Printing Office.

NATIONAL PEACE CORPS WEEK

Mr. HUMPHREY. Mr. President, as the sponsor of and as one of the Senators who worked with President John F. Kennedy to pass the first Peace Corps bill in 1961, it is with some personal joy and pride I salute the Peace Corps during National Peace Corps Week, May 30 to June 5.

The Peace Corps as we know has dispatched both young people and older citizens around the world as citizen ambassadors.

In the past 10 years, 45,000 Americans have served in more than 60 countries as educators—in schools, on farms, in hospitals, and in the homes of our many foreign neighbors.

Our American Peace Corps volunteers have tried to provide a little better living for our friends abroad as well as to make them a little happier.

When a Peace Corps volunteer left his assignment he often could look back in pride over the work he did—improving farming methods, teaching young children and adults how to read and write and offering health care advice.

In the minds of the people he helped, the Peace Corps volunteer was an adopted citizen.

He gave new hope and inspiration to the families in far off villages in Africa or Latin America. He encouraged peoples to develop their potential to the maximum.

His special skills, insights, and sensitivities to the needs and desires of foreign neighbors made him a friend.

During the past 10 years, the Peace Corps also has shown it can provide a new source of ideas and talent to Government, industry, and private enterprise in this country.

Former volunteers are making their contributions to this country in many ways.

A former Peace Corps volunteer recently was elected to the Ohio Legislature. Another volunteer has become deputy city manager of Little Rock, Ark.

Others are involved in various model cities programs. Many more are working as teachers, nurses, and doctors.

All of these people are using the wisdom, experience, and creativity at home after first giving of themselves to other peoples of the world.

I am proud to have played a role in getting the Peace Corps started and keeping it active as a Senator and former Vice President.

As we salute the Peace Corps this week, there also is much to look forward to in the new public spirit of volunteers.

This spirit is evident in the increased number of persons applying for assignments with the Peace Corps.

In March alone, there were 5,195 applications submitted to the Peace Corps offices in Washington, the largest number for 1 month since 1966.

So far this year 21,000 persons have applied to the Peace Corps compared with 14,000 applications received in 1970.

With this enthusiasm for the Peace Corps, it is with great pleasure that I congratulate the thousands of men and women who have given a helping hand to the peoples of the world in maintaining our tradition and concern for others.

TAXES AND PROSPERITY—THE PRODUCTIVITY GAP

Mr. TAFT. Mr. President, for many years American industry has been able to overcome the wage differential enjoyed by foreign competitors through more productive machinery and equipment. At the present time, however, our productivity advantage is well on the way toward being lost. If we do not take prompt steps to restore the competitive efficiency of American Industry, we will surely face a productivity gap with major industrial competitors which will be more serious than even a missile gap.

As we examine the social priorities of this country we see the need for better health care, improved housing, and better educational facilities. The fulfillment of these needs, however, is absolutely dependent upon the productivity of American industry. Unless we are able to maintain our world leadership in foreign trade and in our own markets as well, the United States will be unable to pay the bill for the better standard of living which all Americans expect to enjoy. We can not fence ourselves in to such a standard with a wall of protection.

If we do not maintain America's productivity advantage there will be a sharp reduction in the purchasing power of the American worker, a further loss of jobs through foreign competition, a loss of export markets, and a loss of large portions of our domestic markets through foreign imports.

Since World War II American industry has increased its productivity at a rate of more than 3 percent per year. During the last 4 years, however, this rate of productivity growth has declined to 1.7 percent but compensation per man hour during the last 2 years rose at an annual rate of 7 percent. As a consequence, unit labor costs have increased at a rate of 5.3 percent per year. This increase in unit labor costs has had a direct effect upon the economic problems which now beset this country.

The significance of productivity is illustrated by the fact that an increase of 0.4 percent in the productivity growth rate for American industry would result in an additional $250 billion in additional gross national product during the next decade. This increase would mean not only higher profits but more purchasing power for the American worker and more job security for those who are now threatened by foreign competition.

What steps must we take to overcome the productivity gap? In my judgment we must undertake a national crusade to modernize the tools of American industry and eliminate restrictive and antiproductive work practices.

With respect to our tools of production—between 1968 and 1970, the percentage of outmoded manufacturing equipment increased over 7 percent. This obsolescence has had a direct relation to the American balance of trade and the loss of American jobs. Between 1968 and 1970 our balance of trade declined 70 percent, American goods are now becoming less competitive in both foreign and domestic markets and this trend threatens the jobs and buying power of every American wage earner.

Why is American industry losing its productivity advantage?

At the present time the United States reinvests a smaller portion of its gross national product in productive equipment than any other major industrial nation.

To provide needed capital and incentive to modernize American industry we must provide accelerated depreciation and restore the investment tax credit.

One of the principal reasons why American industry has not retained its competitive advantage is that every other industrial nation permits its industries to recover the cost of machinery and equipment over a much shorter period of time. The first year cost recovery allowances average 20 percent in Belgium, 20 percent in Canada, 31 percent in France, 21 percent in Italy, 34 percent in Japan, 28 percent in Luxembourg, 30 percent in Sweden, and 57 percent in the United Kingdom, but in the United States this average is only 7.7 percent.

By shortening recovery periods, the President's proposed asset depreciation range—ADR—would bring the American tax structure more into line with the tax structures of other industrial nations.

In this context it is astounding that certain Democratic presidential hopefuls and high labor officials would sacrifice the jobs and buying power of American workers by attacking ADR. Do they really believe that they can gain favor with the American worker by placing him at a competitive disadvantage so that his job may be taken by a foreign worker?

Is the scent of the White House rose garden so alluring that these candidates would keep the American worker in front of outmoded and obsolete equipment?

The attempts by labor leaders to take a political swipe at the President on the issue of ADR have simply undercut the hopes of union employees to protect their jobs against foreign competition. The dilemma which labor leaders have created for themselves is illustrated by the News-Tribune, a labor newspaper in Columbus, Ohio. On May 24 this labor paper attacked the President for his proposals for accelerated depreciation. Then in the very same issue these labor officials urged sweeping new investment legislation to curb the export of American jobs. Do not these labor officials realize that their shortsighted attacks upon the President are simply undercutting the job security of their own members?

I ask unanimous consent that these two articles appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. TAFT. To improve the productivity of the American worker and American industry we must also restore the investment tax credit now so that American manufacturing facilities will be modernized. There is a direct relationship historically between the investment tax credit and actual expenditures for modernized tools of production. The United States has dominated the machine tool industry since before World War I. The 1971 projected machine tool shipments show, however, that West Germany will more than double U.S. shipments. The Soviet Union will almost double ours. Japan will almost double ours, and we will only be slightly ahead of the United Kingdom, Italy, and France. The sad figures for April just published—34.8 percent down from last year—show the continuing trend.

For every industry there is a preferred operating rate, which is that percent of capacity at which production should be maintained. For the American metalworking industry as a whole, the preferred rate is 91 percent, but in February of this year it operated at only 66½ percent. While the machine tool industry is, of itself, important, it is not nearly so significant as the efficiency of all American industry. The machinery industry instead of operating at 94 percent is down to 62 percent, the electrical machinery instead of 91 percent is at 59 percent, the aircraft industry instead of 93 percent is down to 53 percent, and the instrument industry is down from 92 to 60 percent.

Losses in productivity mean lost orders—lost orders mean lost profits and lost jobs. It is vital that the tools of production of American industry be modernized so that we can continue to pay the American worker more than his foreign counterpart and still remain competitive on the world market.

Second, let me just mention that we must also undertake to strike down unproductive work rules. Illustrative of this problem is the railway industry. On February 11, 1971, the trustees of the Penn Central said that 10,000 of its employees were retained solely because of arbitrary and archaic work rules. These work rules mean not just a loss of profits for stockholders but more importantly restrictive work practices mean higher costs for consumers and lower wages for employees.

At the present time railroads have to change crews and in some cases cabooses every 100 miles. Switching limits restrict the area where yard crews and rate crews can operate. Other work rules restrict the use of radio communication among railroad employees. Radios are used for communication among airplanes, ships, taxicabs and TV repairmen, but certain railway employees, because of outdated work rules, must communicate with flags and hand signals.

If the crew of one railroad takes cars on to another railroad for interchange, it cannot pick up the cars returning to its own line. Unfortunately, restrictive work practices are not solely limited to the railroads. They are far too prevalent in much of American industry. Wherever they exist they increase the price that

the consumer must pay and they cut back on the buying power of the American worker.

You have heard a great deal about the missile gap and I suggest that we are facing a productivity gap which threatens our Nation's economy and the hopes that we all share for a better standard of living. Unless we change our national policies to modernize our tools of production and eradicate restrictive work practices, the dreams for better health care, education, housing, and retirement benefits will be dreams and nothing more.

EXHIBIT 1

LABOR HITS BUSINESS "TAX GIVEAWAY"

The Nixon Administration's plan to cut business taxes by allowing firms to claim bigger depreciation allowances on equipment is "dead-wrong" economic theory and of questionable legality, the AFL–CIO charged.

Labor protested the "tax giveaway" of from $3 billion to nearly $5 billion a year at Internal Revenue Service hearings on the proposed new regulations.

Most of the revenue lost by the government if the plan goes through will be pocketed by the nation's largest and richest corporations, AFL–CIO Research Director Nat Goldfinger testified.

He termed this "19th Century trickle-down economics" and stressed that it "runs directly counter to the urgent need for tax reform."

The new Treasury rules would permit business firms to write off the cost of machines and equipment at a rate 20 percent faster than permitted under existing guidelines. Furthermore, they would no longer have to show that they are actually replacing machines and equipment at about the rate they are being written off.

Sen. Birch Bayh (D-Ind.), the first witness at the Internal Revenue Service hearings, termed the entire proceedings "an elaborate charade" since Treasury officials had made it clear that the new rules will go into effect "regardless of what is said or done at these hearings."

Besides being of dubious legality, the Treasury's new rules are poor policy, Goldfinger said.

"The proposed multi-billion dollar tax bonanza to business will produce very little, if any, significant lift to the economy in the short run," he said. "It will add to economic instability in the long run and provide additional after-tax funds to business for investments in foreign subsidiaries, which displace U.S. production and export American jobs."

There is no shortage of productive capacity to justify the proposed tax stimulus, Goldfinger noted.

America's problem, he said, is "not enough sales, not enough customers, not enough public investment, not enough consumer buying power and consumer confidence about the future of jobs and income."

If business firms get a multi-billion dollar tax windfall, someone has to make up the revenue loss. And the victims, Goldfinger suggested, will be the middle-income and low-income taxpayers.

"It will add yet another loophole to the federal tax structure at the expense of urgently-needed public facilities, utterly ignoring the decay of America's cities and urban life."

The AFL–CIO will continue the fight in Congress if the Administration goes ahead with its plan, Goldfinger declared. He called on the Treasury Dept. to rescind its proposed ruling "and to get on with the unfinished business of tax reform."

And the $3 billion to $5 billion in revenue the Administration is prepared to give up should be used instead "to help meet the American people's urgent needs for improved and expanded public facilities and services."

URGE HALT TO EXPORT OF JOBS

ATLANTA.—Sweeping new trade and investment legislation to meet the problems and realities of the 1970s has been called for by the AFL–CIO, with the major attention focused on control of the growing power of the multi-national corporation.

The AFL–CIO Executive Council proposed new legislation covering nine basic points, many of them dealing with methods of curbing the export of American jobs and capital.

"Rapid changes in international economic relationships have deteriorated America's position in world trade and affected the world standing of the American dollar." While other nations have adjusted their policies "the U.S. has failed to adjust."

The council pointed out that multinational firms and banks, usually U.S. based, "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."

In the past decade investments of U.S. firms in their foreign subsidiaries have risen from $3.8 to $13.2 billion and this year outlays are expected to be more than $15 billion.

"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," the council said.

New legislation should include the following concepts, the council said:

New tax measures to halt the export of U.S. jobs, remove the incentive to establish production and assembly facilities abroad and curb expanded production abroad.

Regulation, supervision and curbing of the outflows, of U.S. capital. Present controls on foreign investment are loose, inadequate and not related to trade and production.

Presidential authority to regulate, supervise and curb the export of technology via licensing and patent agreements.

International fair labor standards in trade agreements.

Quantitive restraints, with a base year of 1965–69, should be applied to products and parts imported into the U.S.

Truth in labelling to establish the country of origin of components and parts as well as the final product.

Consumer protection so that all imports conform strictly to all laws designed to protect the safety and health of American consumers.

Federal standards for international accounting by U.S. firms with foreign operations.

Modernization of existing anti-dumping and escape clauses in trade legislation.

THE ALASKA STATE HOUSE OF REPRESENTATIVES COMMENDS U.S. ARMY AND ITS PRESENT ALASKA COMMANDER

Mr. GRAVEL. Mr. President, the principal mission for our military forces is the protection of our national integrity and our democratic way of life.

In the discharge of that mission, the military often finds itself in a position to help the civilian community in countless ways.

Nowhere is this role more evident than in Alaska. Because of Alaska's vast size and its limited facilities, the military is often called upon to assist in air and ground rescue missions; we often need military assistance to help people in need of medical care.

Alaskans have found through the years that when help is needed all branches of the military willingly cooperate with civilian authorities whose resources may be more limited.

Recently, the Alaska State House of Representatives called special attention to the role of the U.S. Army in Alaska in providing medical care to people in Alaska's rural areas. By formal resolution, the house commended the U.S. Army and its present Alaska commander, Maj. Gen. James F. Hollingsworth.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

HOUSE RESOLUTION NO. 10: COMMENDING U.S. ARMY EFFORTS IN THE BUSH AREAS OF ALASKA

Be it resolved by the House of Representatives:

Whereas it is universally recognized that emergency conditions in Alaska's bush areas have been greatly alleviated by the continued vigilance, perseverance, and self-sacrifice of the U.S. Army in Alaska; and

Whereas nothing typifies these efforts more than the provision of vital medical services to needy outlying villages; and

Whereas illustrative of the recent medical effort is the design and employment of a helicopter "medical pod", a virtually complete medical facility in mobile form, designed and employed through the concerned efforts of Major General James F. Hollingsworth;

Be it resolved that the House of Representatives sincerely commends the general continuing efforts by the U.S. Army in Alaska to alleviate bush medical conditions and particularly acknowledges and commends the efforts of Major General James F. Hollingsworth in bringing the helicopter "medical pod" into Alaskan operation.

Copies of this Resolution shall be sent to Major General Hollingsworth, Commander, U.S. Army Alaska, Fort Richardson, Alaska; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

REVENUE SHARING

Mr. DOMINICK. Mr. President, the June 1, 1971, Washington Post contained an extremely perceptive article on revenue sharing and the alternatives by Mr. David Broder. In his column opposite the editorial page, Mr. Broder pointed out that there is reason to think that the President's program will not succumb to a quiet burial. He points out some political and economic considerations in favor of revenue sharing which are worthy of the attention of my colleagues.

I ask unanimous consent that the entire text of the article, "Tax Sharing Is Not Dead," be printed in the RECORD.

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

TAX SHARING IS NOT DEAD

(By David S. Broder)

As congressional hearings begin on the proposal for federal revenue sharing with the states and cities, prospects for passage of this keystone of President Nixon's domestic program appear to be very dim.

Chairman Wilbur Mills of the House Ways and Means Committee, which has original

jurisdiction over the bill, has declared that his purpose in holding hearings is to kill it. At the moment, only six of the committee's 25 members can be counted as supporters of the Nixon plan.

Nonetheless, there are reasons to think that the revenue-sharing idea may not succumb to the quick, quiet burial Mills has in mind.

Indeed, if you are venturesome, you might even make a small wager that killing off revenue sharing may entail a rather high political price—perhaps too high a price for some Democrats to want to pay for the pleasure of handing Mr. Nixon a legislative defeat.

The reasons for that heretical thought are threefold. First, the Democrats have not yet come up with a satisfactory substitute for revenue sharing. For months, Mills permitted his friends and publicists to circulate the notion that the Arkansas wizard was going to produce a plan for "federalizing welfare" that would provide just as much fiscal relief for local governments as the Nixon scheme, with no loss of Congress' cherished control of federal spending.

Well, Mills' mountain has labored and brought forth a mouse. The welfare reform-Social Security bill he has sent to the House offers only $1.5 billion to $2 billion of budgetary relief to the states, almost none of which would be passed on to the hard-pressed cities, compared to $5 billion of assistance in the administration measure, half of it ticketed directly for the cities.

Second, the implications of Mills' plan for the average family's tax bill are finally beginning to be understood, and they are making the Democrats squirm. The little-publicized fact, discussed at length in this space last week, was capsuled over the weekend by the Associated Press's Edmond LeBreton. He wrote that "there is a fiscal and political time bomb" in the Mills bill's requirement of an 86 per cent increase in payroll taxes in the next six years.

That payroll tax increase will hit hardest at the low and middle-income families on whom the Democrats depend for votes. For many of them, it will more than wipe out the income tax cuts the Democratic Congress voted into effect for last year, this year and next.

But that is not the end of it. Backers of the administration bill, like Rep. Barber B. Conable Jr. (R-N.Y.), are prepared to use the Ways and Means hearings to drive home another little-understood point about the tax equities of revenue sharing.

Very simply, revenue sharing is a device for financing vitally needed local services through the progressive federal income tax. If it is killed, as Mills intends, the rising costs of those services—law enforcement, sanitation, education and the rest—will have to be met by still-higher local property taxes and sales taxes, which, like the payroll tax, favor the rich and clobber the workingman.

Then, there is a third reason to think that revenue-sharing may be a tough idea to kill. The mayors of America, particularly the big-city mayors, are desperate for the help it will provide.

No one knows how much strength they can muster when the showdown comes, but it is a fact that half the Democratic members of Ways and Means come from the major metropolitan areas of New York, Chicago, Los Angeles, Philadelphia, Detroit, Cleveland and Boston.

Some important Democrats clearly are having qualms over Mills' dogmatic opposition to revenue-sharing. It is not sheer coincidence, for example, that this morning, one day before Mills begins his hearings, Sen. Edmund S. Muskie (D-Maine) will open up a Senate subcommittee for three days of arguments on behalf of revenue-sharing, an idea whose popularity, he says, entitles it to "careful consideration from Congress."

Two months ago, Muskie caught unshirted hell from the mayors, when they thought he was backing away from his long-held support of revenue sharing. To remedy that impression, he has come up wth his own variant on the Nixon plan, which may be superior to it in some important respects.

There is plenty of time to determine that. For now, the important thing, Muskie says, is that "those of us on both sides of the aisle who support the concept of revenue sharing join forces to work for its passage."

An unthinkable thought: Could Wilbur Mills have decided to wring the wrong chicken's neck?

THADDEUS KOSCIUSKO HOME

Mr. MUSKIE. Mr. President, I am pleased to cosponsor Senator HARTKE's bill to establish the Thaddeus Kosciusko home at 301 Pine Street in Philadelphia as a national historic site. In paying tribute to General Kosciusko in this way, we will be doing more than honoring one of the military geniuses of the American Revolution. We will be doing more than officially recognizing the contributions of a beloved son of Poland. We will be honoring a man whose entire life was a testimony to freedom for which he fought.

Thaddeus Kosciusko was one of the many outstanding sons of Europe who journeyed to the New World to aid the cause of American independence. He served that cause brilliantly—first, by designing the fortifications at West Point and Saratoga, and later by fighting gallantly in General Greene's Carolina campaign.

Not content merely to participate in a struggle against tyranny in a foreign land, Kosciusko returned home to Poland in 1784 to lead his people in their unsuccessful uprisings against foreign domination. His leadership in that rebellion established him as a Polish national hero.

But, Mr. President, there is a lesser known fact of Kosciusko's life in America that I wish to honor at this time. Just before he left America for the last time in 1798, he drew up a will disposing of his American property. In part, it read:

I, Thaddeus Kosciusko, being just in my departure from America, do hereby declare and direct that should I make no other testamentary disposition of my property in the United States thereby authorize my friend Thomas Jefferson to employ the whole thereof in purchasing negroes from among his own as any others and giving them liberty in my name, in giving them an education in trades or otherwise, and in having them instructed for their new condition in the duties of morality which may make them good neighbors, good fathers or mothers, husbands or wives, and in their duties as citizens, teaching them to be defenders of their liberty and country and of the good order of society and in whatsoever may make them happy and useful. And I make said Thomas Jefferson my executor of this.

Mr. President, Senator HARTKE's bill would authorize what I believe would be the first national memorial to a great son of Poland. I urge speedy action on the bill so that the Thaddeus Kosciusko National Historic Site will be a reality long before Philadelphia and the Nation celebrate our 200th anniversary.

NATIONALIZATION OF RAILROADS IS NO SOLUTION

Mr. TAFT. Mr. President, the nationalization of America's railroads is being suggested as a possible solution to the present economic problems of this vital industry.

In my judgment nationalization would be a great mistake. I believe that it would be far more preferable for the National Government to undertake policies which would permit the American railway industry to regain its competitive posture and regenerate itself without nationalization and major subsidy. For that reason I have introduced S. 1092 the Modern Railway Transportation Act and S. 1093 a bill to amend the Railway Labor Act. These measures would permit the railway industry to abandon unproductive branch lines, to have ratemaking freedom and to eliminate restrictive and unproductive work practices.

These measures would protect the jobs of existing railway employees and increase the pay of operating employees by assuring them a share of the cost savings derived through the elimination of restrictive work rules.

In many quarters, however, it is suggested that if we could only have nationalized railroads, such as exist in other parts of the world, that we would be in much better shape.

A recent study undertaken by the Union Pacific Railroad Co., shows that this is totally untrue. The American railway industry does not incur the massive losses borne by the taxpayers of other countries but has rates which are far lower than most nationalized systems. The result is that the American railway industry provides better pay for its employees and lower rates for its shippers, all without major governmental subsidy.

I ask unanimous consent that the introduction and summary of this study be printed at this point in the RECORD.

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

INTRODUCTION AND SUMMARY

Federal ownership of the American railroads has been proposed by various groups from time to time during the past century. The rail industry's recurring labor problems and the recent bankruptcy of the Penn Central Transportation Company have created renewed interest in the subject. However, only sketchy factual information has been available in this country on the operation of foreign railroads under Government ownership.

This study was undertaken to determine the current position of rail systems in principal industrial countries, most of which have been nationalized for many years. The survey includes the railroads of seven nations other than the United States, and concentrates primarily on the period between 1964 and 1968. The latter year is the latest period for which detailed financial results are generally available. Comparative data is included on the Union Pacific Railroad Company.

As this is essentially a statistical survey, it is not possible to comment on the quality of rail service available in the various countries. However, it would appear that the highly publicized modern passenger routes, such as

the "Tokaido Line" in Japan and the "Mistral" in France, are to a large extent showcase projects as is the "Metroliner" service in this country, and do not mirror the state of the overall transportation system in the particular countries.

Economists agree that the growth of industrial nations is heavily dependent upon the existence of an efficient and economic transportation network. In the United States, as well as most of the other major industrial countries, the railroads make up the most important segment of the transportation system. For example, in this country railroads carry more freight traffic than trucks, barge and airplanes combined.

The important relationship of rail service to economic growth would lead one to presume that the transportation policy of the leading industrial countries would be directed toward fostering an efficient and self-sufficient railroad system. However, the results of this survey indicate that such a system is a very elusive goal, even though most railroads are directly owned, managed and financed by national governments.

Of the rail systems studied, only the Canadian Pacific and the United States railroads are privately owned. It should be noted that these were the only systems where income exceeded expenses.

TABLE I.—*Rail systems, profit or loss—1968, excluding subsidies*

	Millions
United States (All Class I)	$565
Canadian Pacific Railway	21
Netherlands Railways	(41)
Canadian National Railways	(116)
British Railways	(354)
Japanese National Railways	(376)
Italian State Railways	(578)
German Federal Railway	(704)
French National Railways	(901)

The nationalized railroads also continue to struggle with the problems of efficiency and "featherbedding" as the following comparison indicates:

TABLE II.—*Employees per track mile, 1968*

United States (All Class I)	2.8
Canadian National Railways	3.5
Canadian Pacific Railway	3.6
Netherlands Railways	13.3
French National Railways	13.5
Italian State Railways	18.7
German Federal Railway	21.6
British Railways	25.5
Japanese National Railways	36.0

The most surprising result of this survey was the comparison of revenue per ton-mile. The cost to the customer of moving a ton-mile of freight is higher on all the nationalized railroads than in the United States, and in some cases, significantly higher.

TABLE III.—*Average freight revenue per ton mile, 1968*

	Cents
Canadian Pacific Railway	1.28
United States (All Class I)	1.31
Canadian National Railways	1.32
Japanese National Railways	1.66
Netherlands Railways	2.07
Italian State Railways	2.40
French National Railway	2.83
German Federal Railway	2.88
British Railways	3.34

The above comparison is even more startling when you take into account the significantly higher labor rates in effect in the United States. It is also pertinent to point out that in many cases, the nationalized systems have complete freedom to establish their own rate structure.

While the scope of this inquiry was limited, the findings support the conclusion that nationalization in itself is no panacea for the problems of the rail industry. It is also quite evident that nationalization in other countries has not produced lower rates for shippers.

The table that follows summarizes selected statistics on the railroads included in this survey.

UNITED STATES AND FOREIGN RAILROADS SELECTED STATISTICS—1968

	Union Pacific	United States—all class I	British Railways	Canadian National Railways	Canadian Pacific Railway	French National Railways	German Federal Railway	Italian State Railways	Japanese National Railways	Netherlands Railways
Railway operating revenues (millions): [1]										
Freight	$550	$9,750	$491	$672	$443	$1,217	$1,136	$282	$669	$72
Passenger	15	444	444	65	12	766	606	324	1,714	104
Other	30	661	161	102	29	233	451	25	180	28
Total	595	10,855	1,096	839	484	2,216	2,193	631	2,563	204
Net income or loss (millions) [1]	103	565	(354)	(116)	21	(901)	(704)	(578)	(376)	(41)
Route length (miles)	9,488	208,648	12,448	24,500	16,652	23,885	18,630	10,160	12,941	1,955
Number of employees	31,887	590,536	317,478	85,240	59,661	323,100	403,168	189,977	466,351	25,953
Average number of employees per track mile	3.4	2.8	25.5	3.5	3.6	13.5	21.6	18.7	36.0	13.3
Average railway operating revenues per employee	$18,661	$18,381	$3,451	$9,841	$8,119	$6,858	$5,438	$3,322	$5,496	$7,865
Total labor cost (millions) [2]	$313	$5,829	$872	$546	$281	$1,915	$1,884	$701	$1,210	$128
Labor cost to railway operating revenues [2] (percent)	52.7	53.7	79.6	61.1	58.1	86.4	85.9	111	47.2	62.8
Average benefits per employee:										
Salary	$8,395	$8,654	$2,554	$5,645	$5,749	$3,271	$3,216	$2,989	$2,073	$3,357
Social benefits	1,430	1,217	193	762	915	2,655	1,457	699	522	1,581
Total	9,825	9,871	2,747	6,407	6,664	5,926	4,673	3,688	2,595	4,938
Freight ton-miles (millions)	44,133	744,023	14,693	49,664	34,582	43,039	39,524	11,732	40,387	2,242
Average freight revenue per ton-mile (cents)	1.28	1.31	3.34	1.32	1.28	2.83	2.88	2.40	1.66	2.07
Passenger miles (millions)	592	13,110	17,835	2,046	494	22,290	21,212	17,972	114,834	4,570
Average revenue per passenger mile (cents)	2.47	3.39	2.49	3.19	2.51	3.44	2.86	1.80	1.49	2.28

[1] Excluding Government subsidies.

[2] Labor cost including social benefits.

RURAL ELECTRIC COOPERATIVES IMPROVING THE QUALITY OF LIFE IN AMERICA

Mr. HUMPHREY. Mr. President, all of us know of the tremendous contribution which the rural electric cooperatives have made to improve the quality of life in America's countryside.

But now, many of the cooperatives have begun to deliver somewhat more than electricity to the people of rural community America. They are engaged in helping country people with dying communities redevelop their hometowns, improve housing, and attract industry.

Since two-thirds of this Nation's substandard housing is located in rural America, the task ahead is clearly bigger than what the cooperatives can accomplish alone.

But their efforts to save what is left, and improve the lot of our rural community Americans is more than to be commended.

Mr. President, I ask that an article from the Wall Street Journal of May 28, 1971, on the fine job being done by the electric cooperatives be printed in the RECORD.

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

BRANCHING OUT—RURAL ELECTRIC CO-OPS DIVERSIFY IN ATTEMPT TO KEEP MORE CUSTOMERS DOWN ON THE FARM

(By James C. Tanner)

LAFAYETTE, LA.—An aggressive new business is beginning to surface in small-town America. It is called a rural electric cooperative.

By name at least, the nonprofit consumer-owned co-ops known as rural electrics are old-timers. Farmers started them in the 1930s with 2% loans from the Rural Electrification Administration. They drove the kerosene lamp from the countryside, only to find that more than bright lights were needed to keep people down on the farm.

But now the rural electrics are making a comeback—by shedding the farmer image and by becoming activists in their communities.

This new approach by the rural electrics has made a homeowner out of Rodney Savoy. The 23-year-old truckdriver from nearby Scott, La., had given up on getting a home loan until he attended one of the meetings on housing being held in this area by Southwest Louisiana Electric Membership Corp., or Slemco, of Lafayette. The co-op steered him to the Farmers Home Administration for financing and told him how to apply. Mr. Savoy now is building a three-bedroom brick house.

Thanks also to Slemco's efforts, a new school for mentally retarted children is being built in the little town of Iota. At the town's request, Slemco helped Iota make a pitch in the Louisiana legislature for the school.

BOOSTS PLANT, HANDLES HIRING

The Lafayette co-op gets considerable credit, too, for a yarn products plant under construction at Martinville. The plant will provide 1,000 jobs for the area, reports U. J. Gajan, general manager of Slemco. He should know. After helping St. Martinville get the new industry, he sent Slemco staffers to the town to screen job applicants for the plant.

Around the oil fields, rice paddies and crayfish and catfish farms of Cajunland—this French-speaking part of south Louisiana—Slemco is considered somewhat of a swinger. Its annual meeting of consumer-members draws more than 10,000 and is considered one of the biggest fetes of the year in Lafayette.

Slemco isn't a typical co-op. With 38,000 consumer members, it is one of the largest, if not the biggest, in the nation. But its change in emphasis to community development is being shared increasingly by the other rural electrics.

The co-ops are sponsoring and promoting, and in some cases building, new houses, schools, parks, golf courses, swimming pools, hospitals, resorts and factories in the rural areas. Samplings of scores of the nation's 1,000 rural electrics indicate that at least three out of every 10 are involved in such manpower projects in the regions they serve, and the trend appears to be snowballing.

"We've got to make the rural areas more palatable to stop the migration to the cities," says W. V. Thomas, general manager of the Wisconsin state association of rural electrics.

Growing evidence suggests the migration already has stopped and perhaps reversed. With new highways and the clean air of the countryside beckoning, more urbanites are moving to smaller towns and commuting to jobs in the cities. Many others are building weekend and vacation homes in the rural areas. "Everybody wants his five acres in the country," says a Texas co-op official.

Obviously, the rural electrics are beginning to benefit. Nationally, these co-ops have 6.5 million meters linked to their lines and are expected to add at least 150,000 more this year. More than half of the 20 million to 25 million people provided power by the co-ops, based on four persons per meter, already are "nonfarm" (electricity users who may live on the farm but don't make their living there), and seven out of eight new customers of the co-ops fall in this category.

The metamorphosis in membership rolls is reflected in part by the changing attitudes of the co-ops. "To say we took the lantern off the farm means nothing to most of our members now," says Ronald J. Knouse, manager of member and community services for Blue Ridge Electric Membership Corp., Lenoir, N.C. He notes that only 10% of Blue Ridge's customers derive most of their income from farming today, versus 90% 25 years ago.

Even so, the so-called investor-owned and municipal power companies are continuing to cut into the territories of the co-ops, leaving many of them only with still-sparsely settled regions. And many of the residents of these regions are among the nation's poorest.

UNIQUELY EQUIPPED CATALYSTS

An estimated 14 million impoverished Americans live in the rural areas. Some 50% of all rural housing is said to be substandard, compared with an estimated 14% in urban America. One South Carolina co-op surveyed just one of its countries and found that 40% of the 7,000 houses had no toilet facilities.

Armed with such evidence, South Carolina's rural electrics are launching "Stand Tall" programs throughout the state to develop jobs and job training and to provide housing, water and sewer systems, schools and recreation for the rural poor. "These are the people who would go on to the slums of the cities if not helped and become dope addicts," says a spokesman for the state's electric cooperatives.

The co-ops have their own interests at heart, of course. J. U. Gajan II, director of power sales for Slemco, notes that the co-ops can increase their electricity loads by improving the lot of their customers. "We're not really looking at it moneywise—it's hell to be poor—but if we can move someone from a $2 a month house to a $5 a month (electric bill) we're helped too," he says.

Whatever the motive, the rural electrics appear to be uniquely equipped to become catalysts for a turnaround in rural America. "The co-ops, usually the largest single business organizations in their communities, have a corporate citizen interest in this whole matter," says Robert D. Partridge, general manager of the National Rural Electric Cooperative Association. "Many millions of future Americans," he adds, "are going to have to have jobs and live in what are now rural areas. The cities can't absorb them, and the co-ops need these additional consumers to offset their loss of farm consumers."

A PUSH IN HOUSING

Other observers agree. "It's the greatest development idea beyond the city limits," says David A. Hamil, administrator of the Rural Electrification Administration, which still provides financing of around $345 million a year to the co-ops but only for power purposes. And Congressman Wright Patman of Texas told the co-ops at their recent Dallas convention: "Slowly we are making headway in this area, but the rural electric cooperatives must still provide the nucleus of any new efforts to revitalize rural communities."

If anybody's unhappy about the co-ops' expanded activities, in fact, it's mainly the investor-owned utilities who don't get the benefit of low-cost government loans for their power facilities. Utility executives grumble that if they were able to get 2% loans, they, too would have more profits left over for community development activities.

The biggest push by the co-ops is in housing. Their national association lobbied through Congress a liberalization of lending policies as well as additional funds for the Farmers Home Administration. On the home front, the co-ops began vigorously rounding up home-buyer prospects to use up the $1.5 billion the Farmers Home Administration has available this fiscal year.

The result has been a flood of home-loan applications into understaffed FmHA offices. Mills J. Vautrot, assistant county supervisor for the FmHA office in Lafayette, says he is closing twice as many housing loans this year.

Many co-ops have begun helping process loan paperwork for the FHA. A North Carolina rural electric hired an additional man for this purpose. Some co-ops have put on, or at least assigned, as many as four staffers to handle FmHA loans. At Jackson, Ga., the co-op's "Power-Use Organization," wives of consumer-members of Central of Georgia Electric Membership Corp., has made housing its club project this year. "By financing homes for them, we can hold people in the country and keep the poor devils out of the city," says Robert F. Armstrong, manager of the Georgia co-op.

JUST A COINCIDENCE

Some co-ops are going even further on housing. Wisconsin's rural electrics set up a statewide housing cooperative that is using government grants and loans to construct homes for the rural poor. Similarly, at Wilburton, Okla., a nonprofit housing co-op recently established by Kiamichi Electric Cooperative is constructing more than 600 homes for low-income families. It is so coincidental, the co-op says, that the houses are all-electric.

But houses alone aren't enough, the co-ops figure. So they are pressing for some amenities, too.

In Texas, the rural electrics have helped establish several hundred water districts and are involved at the moment in developing LBJ State Park, named after the former President. In New Mexico, electric co-ops rode to the rescue of a narrow-gauge railway abandoned by the Denver & Rio Grande Western Railroad. A resulting two-state joint venture begun by New Mexico's rural electrics have salvaged a 67-mile stretch of scenic route in Colorado and New Mexico. It will be reopened this summer for tourists and narrow-gauge railroad buffs.

Clinton County Electric Cooperative at Breese, Ill., helped establish a junior college at nearby Centralia and then got behind community campaigns to improve medical facilities. One of the co-op's officers headed a financing drive that resulted in a new 100-bed hospital. Now he directs a group that's trying to bring in more doctors and nurses. The organization already has netted one new doctor with its campaign this year.

PLUGGING RURAL VIRGINIA

Jobs are important, too, and that's why the co-ops are hustling for new industries for their areas. Earl J. Shiflet, executive manager of Virginia's statewide association of electric cooperatives, now spends half his time making speeches in the cities to plug the industrial attractions of rural Virginia.

North Carolina's Blue Ridge Electric says it has brought nine industries to its area in the past 12 months. They include textile, woodworking, metal working and furniture plants and provide 1,200 jobs.

At Medford, Wis., Taylor County Electric Cooperative puts up seed money to get new industries started. It's also keen on airport improvements, perhaps because its 68-year-old manager, Charles W. Berglund Jr., got his pilot's license last November.

Georgia's statewide co-op association recently hired an industrial-development specialist who's trying to fill the state's empty buildings with new firms. "Cotton is dead," says a spokesman for the Georgia co-ops, "and there seem to be a lot of vacant warehouses."

East Maine Electric Cooperative parlayed a vacant warehouse it owned into a thriving new industry for Calais, Maine. The industry, a shirt factory, did so well it has moved into its own new plant. Now the co-op is trying to get someone else to occupy the warehouse, and a winemaker and a paintbrush manufacturer have expressed interest. "This is the grass roots," says Robert V. Clark, manager of the co-op, adding: "If it doesn't start here, it doesn't start."

PHILIP BRIEGLEB

Mr. PACKWOOD. Mr. President, this week I have been advised that one of the finest men I know will be retiring from the Forest Service. Philip Briegleb has been Director of the Pacific Northwest Forest and Range Experiment Station at Portland, Oreg., since 1963. All of us who are concerned about our forested lands in Oregon will miss Phil. He has one of the broadest and most comprehensive backgrounds in forestry science in the Nation.

Phil's career in forestry began while he was still finishing work for bachelor's and master's degrees in forestry at New York State University. He started as a junior forester for the Forest Service in 1929; then following graduation began full-time employment at the Pacific Northwest Station. In the years following, he became an authority on management of western timber species, forest statistics and timber estimating. Phil rose through the ranks to take his first

directorship in 1951, heading the Central States Forest Experiment Station. He became Director of the Southern Forest Experiment Station in 1954 and took over his present directorship in 1963.

His fame spread throughout the profession and to the international scene. In 1944, at the request of the Ambassador to Chile, he spent 6 months making a survey of Chilean forest resources. In 1957, he was U.S. representative to the Seventh British Commonwealth Forestry Conference. In addition, Phil is the winner of a U.S. Department of Agriculture Superior Service Award and is past president of the Society of American Foresters.

Phil Briegleb may be retiring from the Forest Service position he has held in Portland, but will he ever retire from contributing to the science of forestry? No; I do not think so, and I look forward to benefiting from his almost endless knowledge on this subject. Replacing Phil as Director of the Pacific Northwest Forest and Experiment Station in Portland, will be Robert Buckman, who holds bachelor's and master's degrees in forestry from the University of Minnesota; a master's degree in public administration from Harvard, and a doctor's degree from the University of Michigan.

Mr. Buckman began his Forest Service career in 1953 at the Northern Rocky Mountain Forest and Range Experiment Station, rapidly claiming promotions until 1965 when he became branch chief of timber measurements research in the Division of Timber Management Research in the Washington, D.C., headquarters. He became Assistant Director of the Division in 1967, and staff assistant to the Research Deputy Chief in 1969. He has served on a number of intra and interdepartmental committees in the forest science field and has published a number of significant research documents.

Mr. President, although Phil Breigleb's retirement will be a great loss to Oregonians, Mr. Buckman's credentials are of a high caliber, and I look forward to working with him, and welcome him to the new position.

80TH ANNIVERSARY OF COLE PORTER'S BIRTH

Mr. HARTKE. Mr. President, next Wednesday, June 9, 1971, marks the 80th anniversary of the birth of Cole Albert Porter, one of America's most exceptional composer-lyricists.

Cole Porter was born in 1891 in Peru, Ind., the son of Kate Cole and Samuel Fenwick Porter. His musical abilities became evident when Porter was a child. He could play the violin when he was 6 and the piano by the time he was 8. At the age of 10 he had already composed two songs, one, "The Bobolink Waltz," with music and lyrics pleased his mother so much that she had it published in Chicago. Porter was 23 when his first Broadway show, "See America First," opened in 1916. That initial Broadway endeavor was a failure after which Porter left the country for an adventurous period in the Foreign Legion, but the Indiana native had begun a career which would produce 26 stage scores, eight original film scores, and countless other musical efforts.

The wide variety of show scores whose lyrics and music were the products of the Porter brilliance include "Anything Goes," "Can-Can," "Silk Stockings," "Kiss Me Kate," "Du Barry Was a Lady," and dozens more destined to be recalled and revived in the American theater for years to come.

Cole Porter, during a period of 30 years, blessed America with music all its own, music boasting a wealth of originality and enchantment. The infallibly recognizable Cole Porter style offers musical language that is American—vigorous and full of life, yet touched with sentiment and nostalgia.

Porter's ingenuity left us with new words, new titles, new expressions—an enrichment of the country's vocabulary as well as enrichment of its musical soul.

A good many of the spirited, bright songs which have entertained millions of people around the world were produced by a man who daily battled intense pain and discomfort resulting from a riding accident in the middle of his life. This itself is a lesson in the courage we attach to the American tradition. Cole Porter is indeed a legend in testament to the potential of the human spirit.

Moss Hart, another of American theater's greats, had this to say about his friend Porter:

> In a bleak and sometimes ugly world, to witness an act of personal heroism is to know forever what human beings can be and can do, for it does not always follow that a first-rate artist is an estimable fellow, nor does it matter, I suppose. Too often, however, the artist apart from his talent is a disappointment; he is not very much of a person and it is almost always disillusioning for the hero worshiper to come face to face with his hero. Cole Porter is one of the rare exceptions. He was an early hero of mine and he has remained a late one. He is quite as matchless as his music.

Now in 1971, 7 years following the death of Cole Porter, the jaunty spirit of his songs has imparted American music with precious timelessness which will forever be part of our cultural heritage. Porter was a courageous human being and a supremely talented artist whose genius enriched the musical treasury of this country with glorious melodies and lyrics.

In behalf of the people of Indiana who can claim this literary and artistic perfectionist as a native son, I salute Cole Albert Porter's life and accomplishments as we approach the 80th anniversary of his birth.

AMTRAK NEEDS HELP

Mr. TAFT. Mr. President, we all looked forward to May 1 as the bright new day in American rail passenger service. That date was to have initiated the deliverance of the American railroad passenger from broken down equipment, dirty cars, slow trains, and poor scheduling. While we all recognized that miracles could not be performed overnight, we were given to expect that there would be an upgrading of service and particularly a program of advertising and promotion which would attract customers to the passenger rail system.

The State of Ohio, along with some of its sister States, has committed itself, under section 403, to bear two-thirds of the operating costs of the service between Buffalo and Chicago. For this financial guarantee we should certainly expect good service.

But what has happened? Unfortunately, there seems to have been a lack of promotion, publicity, and advertising. The Cleveland Union Terminal is reported to have only one copy of the Amtrak timetable. That timetable does not even include the trains running through Cleveland. It does, however, include incorrect schedules for several trains which are not even within the Amtrak system.

Unfortunately, Amtrak to date has amounted to little more than reduced service and a new trademark. The trains are being run by the same people over largely the same routes with the same equipment.

We all hope that there is a great future for intercity rail passenger service. As our highways and airways become more congested and overcrowded, the traveling public will have to increasingly turn to high-speed intercity rail transportation. This has been true in Europe and it will surely be true in the United States as well. For that reason Senate Joint Resolution 88 which I introduced would authorize $250 million for additional passenger and high-speed ground transportation research and development.

If the public is to have confidence in the future of rail passenger service, we must have better performance. We will need more than one timetable in Cleveland, and the service there should be financed on the same basis as other passenger lines under Amtrak.

LET THE RELATIVES OF OUR POW'S SPEAK FOR THEMSELVES

Mr. CHURCH. Mr. President, the plight of American servicemen held by the North Vietnamese is one that properly causes us grave anxiety. We regret their circumstances. We rightly insist they be treated in humane fashion. We share in the prayers of their friends and families for their safe return.

Unfortunately, there are those among us who would "play politics" with the POW issue. This is regrettable. It has led to false accusations that members of this or that political party are concerned. Some in positions of responsibility—who should know better—have indicated that the war in Indochina should not be terminated until the POW's are returned, thereby misstating the issue. Historically, prisoners of war are exchanged at the end of a conflict. A few have even attempted to raise false hopes as to the immediate return of our POW's.

Relatives of these POW's, despite their distress, have refused to become pawns. Recently, they have spoken up to rebuke those who would capitalize on the American POW issue for self-serving gains.

At a press conference here in Wash-

ington, D.C., last May 28, 1971, for example, Mrs. Harold Kushner, whose husband is a POW, said:

We've been fair game for everyone, not just the President, not just the right, not just the left. All kinds of people have been trying to justify their causes in the name of POW families.

In my opinion, this is an eminently sound description of the situation. I share Mrs. Kushner's hope that there be no more of this.

I ask unanimous consent, Mr. President, that the Washington Post's account of this news conference be printed in the RECORD.

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

[From the Washington (D.C.) Post, May 29, 1971]

KIN OF MISSING AND CAPTIVE GIs URGE WAR'S END

(By Don McLeod)

Families of American servicemen missing or captured in the Indochina war charged yesterday they are being used by both sides as pawns in the conflict and called for an immediate end to the war.

Mrs. Harold Kushner, wife of an Army doctor captive in Vietnam, said the Nixon administration is "using the prisoner issue to buy time for the South Vietnamese government."

"There has been no solution to the prisoner problem within the framework of Vietnamization," said a statement issued at a news conference by the new group called "POW-MIA (Missing in Action). Families for Immediate Release."

"The pledge of President Nixon to maintain a residual force of troops within South Vietnam gives no real hope for the release of our men," the statement said. "In fact, it creates a situation in which the prisoners have become political hostages."

But the group also accused the Communist governments involved in the war of trading on the prisoner issue.

"We've been fair game for everyone," Mrs. Kushner, of Danville, Va., said, "not just the President, not just the right, not just the left. All kinds of people have been trying to justify their causes in the name of the POW families."

"They cannot use my husband to spread the blood of 45 young men a week on Vietnam," said Mrs. Louis F. Jones of Fairfax County, Va., wife of an Air Force pilot missing in Laos.

Mrs. Jones said the group was particularly opposed to Mr. Nixon's announced plan of keeping a residual force in Vietnam and pegging it to the prisoner issue.

"To us this meant an interminable war," Mrs. Jones said. "It meant the prisoners would be held as long as we have forces in Vietnam. It meant the men may never be seen again."

The group is asking that the United States reach agreement with the Communists that the prisoners will be released when a withdrawal date is set and that after such an agreement is reached, U.S. forces be withdrawn completely within 150 days.

"If this war goes on another two or three years," Mr. Jones said, "the prisoner problem will solve itself. The prisoners will all be dead."

THE NEW ACTION AGENCY

Mr. WILLIAMS. Mr. President, although it is apparent, from the result of the vote on Reorganization Plan No. 1, that the Senate has not found sufficient lack of merit in the administrations presentation of its plans for the Action Agency, to disapprove of the venture, I nevertheless feel that, as a result of the hearings that have been held on my resolution, the floor debate which has been held here and in the House, and the various responses to questions which have been posed by Members of this body, a somewhat clearer picture of administration intentions has been obtained.

It is also obvious that some highly desirable changes have been made in the administration position, changes which would not have come about, had we not opposed this plan.

In the first place, approximately 60 percent of the money that had originally been earmarked by the President for research into new ways to involve volunteers, has now been redesignated for VISTA-like programs.

Congressman REID in the other body has also obtained assurances that Peace Corps funding may also be increased by an additional $10 to $12 million.

Second, the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) have, in their communications with the administration, obtained assurances, which are a matter of record, that there would be no change in the contemplated community orientation of VISTA, and that there would be even more VISTA volunteers working in the communities affected by poverty than ever before.

Third, we have obtained assurances that there would be some changes made within the structure of Action, to upgrade the title and remuneration of the Associate Director for Domestic Operations, which will be responsible for VISTA-like programs.

Fourth, we now have assurances from the administration that planners for the new Agency will take into account the views of the volunteers and the people served, something which it has failed to do until this time.

Fifth, we have obtained assurances from the administration that the very valuable contributions which OEO, SBA, and the Administration on Aging presently make in terms of guidance and technical assistance, will continue in some form, either through a continuing relationship, as with SBA, or through continued liaison.

Finally, and most importantly, this opposition to the President's plan has placed the administration on notice that the Congress intends to maintain a continuing oversight with regard to this Action Agency. If there is any attempt to emasculate or otherwise downgrade the programs which are being included under this umbrella, or any attempt to substitute quantity for quality in the nature of the volunteers chosen, and the type of work which they do, the Congress will be quick to notice, and to call upon the Agency to fulfill its promises.

THE URGENT NEED FOR A NATIONAL GROWTH POLICY

Mr. HUMPHREY. Mr. President, for a long time now, I have been calling for a national growth policy that will provide a well-paved pathway along which we can travel toward redeveloping our cities, and saving the society of the countryside. We need balanced national growth, and we need a national plan to provide it.

I am pleased to see that a leading member of the American business community agrees.

Mr. President, I ask unanimous consent that a fine interview done recently by U.S. News & World Report with Mr. David Rockefeller on Mr. Rockefeller's proposals to save the cities be printed in the RECORD.

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

[From U.S. News & World Report, June 7, 1971]

WHAT IT WILL TAKE TO BRING CITIES BACK TO LIFE

Q. Mr. Rockefeller, are the big cities close to collapse, as some of the mayors say they are?

A. While that particular statement may be a little overdramatic, it certainly is true that the big cities are in real trouble.

Q. Why do you say that?

A. The school system, law enforcement, the welfare system, housing and other aspects of city administration have deteriorated markedly in the last several years, and perhaps at an accelerating pace.

Q. Is that because city governments need more money?

A. Revenue is certainly a part of it. But, more importantly, the problem stems from the changing composition of the cities. In the period since World War II, two basic trends have developed:

On the one hand, our nation—though it has become increasingly productive from an agricultural point of view—has become much more mechanized, so that the number of agricultural laborers has declined sharply, with the result that in the agricultural areas, particularly in the South, there is less employment than formerly. This has induced many agricultural workers to move to the large cities, where they felt there would be greater opportunities for them.

At the same time, the home-loan programs of the Federal Housing Administration and the Veterans Administration made it possible for a great many more people in the middle classes to build and own their own houses. By and large, they chose to build them in the suburbs rather than in the central cities. So we've seen an exodus of the middle-income groups from the cities at the same time that we've had an influx of lower-income groups to the cities.

This has had an important bearing on the economy of the city, for the city was required to provide more services for these low-income families that were moving in than it had for the middle-income families that were moving out. But the newcomers, with generally lower incomes, were producing less in taxes, so that there were decreased means to meet the larger requirements. And of course, at the same time, the trouble was compounded by inflation, which added still another burden on city finances.

Q. Do you think that the welfare system attracts Southern migrants to the big cities?

A. There is difference of opinion on that. Although I'm not sure that one could say it is the predominant inducement, it is at least a collateral inducement. It is surely true that the welfare benefits provided by the States have differed considerably—and, by and large, the Northern States have provided more generously than some of the Southern States. That probably does have some influence on migration.

Q. Haven't the States and Federal Govern-

ment been pouring billions into cities to help them meet their problems?

A. Yes. But in retrospect, the money hasn't been spent as wisely as it could have been. I think as we look back now at the federal program, which gained momentum in the '40s and '50s, there are two criticisms that perhaps could be made of it:

It concentrated almost exclusively on housing and not other related community activities, and I think this has proven to be a mistake. The funds were not used to build a rounded community; they merely built houses. So while people were placed in new and better housing, they were not placed into a new and better form of community life. Often, in fact, the vital element of community life was less than it was before.

I think that if we were starting this program over again today, we would do it on a different basis.

The other difficulty is that most of the public housing was built in the core areas, and, since it was subsidized, it was only for the lowest-income groups. This exacerbated the trend of concentrating the poor families in the central cities, while the middle-income families were pouring into the suburbs. We're learning now that it's necessary for communities to be more mixed, in terms of income levels, if they're to be viable and acceptable communities.

Q. Do the cities have too many people who are unemployable?

A. It is surely true that there are more poorly educated people among the families in the "ghettos" and core areas, and this is partly the product of the fact that the cities haven't had the funds to provide good schooling. The quality of schooling in the inner cities seems to be declining significantly. But it's also the product of all the other social ills that go with "ghetto" life, such as broken families—which are encouraged by the present welfare system—dope addiction and crime.

All of these things have gone together, and the result is that a great many of the young people in the core areas are poorly educated, badly motivated and, hence—without special additional training—unemployable.

Q. Why do you say the welfare setup has encouraged drug use?

A. Because I think that people living in slum conditions, with very little opportunity for recreation or employment, are more subject to pushers who encourage young children to feel that taking drugs is the thing to do. They start them with marijuana, and all too frequently add a little heroin or opium with the marijuana so as to hook the youngsters, and then they're off. And this is what one sees to an increasing degree.

Q. Are you saying the drug users are people looking for escape?

A. I suppose that's a factor. In any case, slum families are certainly exposed much more than others, although the use of drugs among the young is by no means confined to poor families.

Q. Do zoning regulations contribute to the concentration of poor families in the central cities?

A. Zoning has been an important factor in many areas. And in some cities, notably New York, rent-control laws, which have been maintained since World War II, have contributed importantly and are partly responsible for the abandonment of housing which is going on at a shocking rate in New York City today.

Q. Is that a growing problem?

A. Yes. The present rate of abandonment in New York is about 25,000 units per year, which is an enormous number. And, of course, when these homes are abandoned, they not only cease to be a source of tax revenue, but they are a charge on the city. They are broken into, often become havens for criminals, and are fire hazards.

Q. Isn't that process extending to stores and other commercial establishments in the blighted areas?

A. It's happening to them, too.

Now, the reason that rent control affects housing this way is that the landlords can't afford to make improvements, because they can't get rents that are sufficient to justify them.

Q. Rent control is a special New York problem, isn't it?

A. Yes. But there is widespread abandonment of buildings in other cities as well.

Q. You've been talking about families moving out of the big cities. How about businesses? Why are so many of them leaving the cities?

A. Businesses are leaving the cities for a variety of reasons. Crime, rising tax and insurance rates, and congestion are among the reasons. Also, many feel there is a more plentiful supply of better-quality labor in the suburbs. Others feel they are following their customers. Additional factors sometimes include room for expansion, esthetics and convenience of commuting. However, the road isn't all one way, for many businesses are still flocking to the city—and others, having tried the suburbs, have come back, for they missed the dynamism, the excitement, the culture and the marketplace for the exchange of ideas that only the large cities provide.

Q. Is there any possibility of rebuilding the cities and making them attractive to people of all income levels?

A. I think there is. I have been studying with a number of my colleagues in the bank and outside what the causes are of insufficient construction and lack of a good development program within the cities, and it's our conclusion that there are two prime missing links:

On the one hand, fragmented land ownership, zoning laws and building codes make it difficult for developers to assemble and develop large tracts of land either within core areas of cities or outside. The private sector is willing to do its part, but our Government must foster private initiative by both identifying development opportunities and removing obstacles to appropriate projects.

We need a national urban-growth and development policy. I think that such a national policy should include the rejuvenation of existing cities, suburban areas, small towns and new communities.

Q. What's wrong with the present federal urban-renewal program?

A. It isn't broad enough. It only deals with segments of the problem. What needs to be done is to develop whole new communities rather than units of housing, or commercial establishments, or industrial areas separately.

Q. Do you mean whole new communities within cities?

A. And outside. It's estimated that there will be 75 million more people in the United States by the end of this century. To accommodate all these people in new cities would require 650 new cities of 100,000 people and 10 cities of a million.

Now, of course, it won't be done just that way. But this gives you some idea of the magnitude of the problem that we have to deal with. There's going to be a need for quite a number of new cities, and this is going to require the attention of the Federal Government, working with State and local governments, to develop the kind of sound, national, urban-growth policy which was called for in the Housing Act of 1970.

We are proposing that an agency of the Federal Government identify areas which are consistent with this national growth policy, help acquire the land, and make sure that the building codes and zoning for the land are consistent with an intelligent development program.

Q. Should the agency take over a big part of a city and decide what was going to be done with it, or would the city government have a veto?

A. Local communities and States have to have some degree of veto power. Just how this would be worked out is one of the things that need to be studied further. I think there must be effective power of eminent domain in the federal agency, but qualified so that the States and localities don't feel they're just being ridden over roughshod.

Q. Why can't the job of buying and developing land be done with private capital by private investors?

A. That brings me to the second part of our plan:

I said the first need is for an agency, which has to be governmental, which can identify and acquire land for development that would be in accord with an over-all policy. We're also proposing a quasi-public or private bank, which we have suggested be called the National Urban Development Bank. This would be set up on a nationwide basis, perhaps along the lines of the Federal Reserve System, with a chairman who would be appointed by President of the United States, and members of the board from each of the States and key cities.

This bank would get its funds partly from commercial banks, who would put in the equity, and partly from insurance companies and pension funds and other institutions of that kind who would make loans to the bank at favorable interest rates.

Q. Would investments in the development bank be guaranteed by the Federal Government?

A. No. The bank would go to the designated federal agency and say: "We will underwrite repurchase of the land which you have now acquired and assembled, find a developer, and make available to him the funds he needs to put in the necessary utilities, roads and so on. He won't have to start repaying immediately, because it is going to be some time before he puts in all the facilities and can realize a return."

It's this predevelopment money that is presently lacking. We see no reason why it could not be provided from private sources through this nonprofit corporation. The banks and insurance companies who put up the money would be doing so because they felt it was part of their social obligation to do so, and they would hope—we believe realistically—to receive a reasonable rate of interest and ultimately get back their capital.

Q. Would the developers get the land for less than cost?

A. For land for new cities outside the present cities, the developers would pay 101 per cent of what the Growth Administration had paid for the land. In other words, the federal agency would get back a small increment to help pay its administrative expenses.

Q. How about land for redevelopment in present cities?

A. The cost of assembling that land is already very high—uneconomically high. That is the reason the private builders haven't gone in and done something with it. So, in these areas, there would have to be a write-down on the value of the land—a one-time subsidy by the Federal Government.

RENEWAL: 50 BILLION IN 10 YEARS

Q. Just how much do you figure all this will cost?

A. We estimate that to provide the predevelopment and land-acquisition money for new cities will take about 10 billion dollars over a period of 10 to 20 years. Redevelopment in the older cities might require four times that much—40 billion. So we are talking about a total of something like 50 billion in all. Spread over a period of about 10 years, that is not an unmanageable sum, because, during this time, some of the funds would be rolled over—that is, they would be used, repaid and then used again.

Q. How much federal money would be needed by the designated Government agency in order for it to make the initial purchases of land?

A. There, again, you are talking about a revolving fund. I would think maybe 1 or 2 billion dollars would do it.

Q. Is it likely that the new communities you're talking about may aggravate the problem of the cities by encouraging more businesses and people to move out?

A. Part of the job of the Federal Government's agency responsible for an urban-growth policy would be to determine where these communities should go, how they fit into an over-all national growth policy. That's why I say that the Government entity is the first essential, without which this program couldn't work.

Q. As a practical matter, will most of the development you're talking about take place outside of the existing cities?

A. The population is so great that it has to take place both inside and outside.

I've already discussed this plan with a number of city officials in New York, and they're quite excited about the idea. They feel that there may well be areas in New York City where it could work. I'm sure the same would be true in other very large cities.

Q. What's the federal reaction to your proposal?

A. I am happy to say that there has been real interest. We've really run up against no one who has thought that we are way off base.

One of our major goals now is to continue to explain this proposal throughout the various branches of the Federal Government, for we have sensed that many persons of all political persuasions in the Congress, for example, have sensed the gravity of the problems and are, themselves, seeking solutions.

Q. After the land is acquired and the developer provides the basic facilities, then what happens?

A. Most of the development from then on would be done by private builders. The developer selected by the National Urban Development Bank would be the over-all supervisor of the new community, as, for example, the Rouse Company is in the new city of Columbia, Md. They undertook that development entirely on their own—with the assistance of banks and insurance companies.

Q. Under your proposal, will the developer have to submit a plan to the national agency showing just what is going to be built?

A. Yes. And, with the help of the bank, it would be up to the developer to go out and find industries, merchants, builders and others to come in and put up the money to construct individual segments of the community—stores, homes, offices, factories. This is in addition to the 50 billion dollars for land and basic facilities.

Now, there will be some public money required, if it's a brand-new city. A local government would have to be created which could issue bonds and levy taxes for schools and public buildings of that kind. But the bulk of the funds would come from private developers and industries.

Q. Developers of some of the new towns being built today seem to feel they have to have federal loan guarantees in order to make development feasible. Why is that? Do you think your plan will work without guarantees?

A. Up to now, developments by and large have been too small. They haven't had the assistance of Government in acquiring land, or suitable zoning and building codes.

Depending on circumstances, the developer may or may not have less money tied up under our proposal, but the land would be freer of restrictions, and development would take place according to an over-all plan which would envisage balanced, small communities and neighborhoods within the larger complex.

I think that is one of the interesting features of Columbia, that they are creating small integrated neighborhoods—integrated both as to income level and racial background—which promise to work extremely well. They are developing along lines that are acceptable to the people who move in.

Q. How could you apply that concept to a decayed area such as Harlem? Would you wipe out everything and rebuild the area?

A. I suspect that for portions of Harlem that might be necessary. But there are areas in New York City—in Brooklyn and Queens and the Bronx and perhaps also in Harlem—which have gone so far downhill, have so many abandoned buildings, that it would not be impossible to acquire a very large area.

Q. Wouldn't you uproot a lot of people in the process?

A. Not if you started with one section involving a very small removal of families, and built on that first, giving people the opportunity to move from another section into it, and so on.

There are some areas where there are virtually no people living.

Q. Can the old buildings be renovated, or do you have to redevelop these slum areas with modern apartment houses?

A. A great deal depends upon the character of the buildings, but experience up till now with rehabilitating obsolete and deteriorated buildings has not been good. It has been terribly expensive, and by and large it hasn't worked. But when you say, "Put up modern apartments," that might or might not be the type of building a developer would choose.

I think the important thing is to try to create viable communities rather than groups of isolated apartment buildings. This is exactly where we made the mistake in the past.

One would hope to have many sizes and types of housing within each community, hopefully suitable for different income levels. For people with the lowest incomes, there would be a need for housing subsidies.

Q. Would a family of four that could afford to pay, say, $450 a month rent on an apartment feel comfortable living next to a family that could pay only $135?

A. I believe that if communities are developed the right way, giving adequate freedom of choice to the people who come in, income levels will not necessarily represent built-in incompatibility.

But what the proportions should be, and so on, I think these are things that have to be worked out. I don't pretend that I have a blueprint that would work everywhere. I'm sure it would vary from city to city.

NEW SOURCES OF TAX REVENUE

Q. How would redevelopment help the cities to overcome their financial and racial troubles?

A. It would bring new life and new sources of tax revenue into areas which have progressively been producing less and less in the way of taxes.

Q. Do you think it might attract people in the suburbs back to the cities?

A. This could well be. I don't think this is at all out of the question, if the development is done on a large-enough scale and with a good over-all pattern that makes it attractive.

If people can walk to work or can go to work easily in 10 or 15 minutes, they would much prefer it to the present setup, where many people in New York are commuting one and two and even three hours each way daily under very uncomfortable and unpleasant conditions.

There is under way now the development of housing along the fringes of lower Manhattan which is going to enable a good many thousands of families to live there and walk to work. This isn't a blighted area, fortunately, but 15 years ago there was a risk that it might become so. It has come back as a result of the concerted action of the local landowners and businesses working in the closest harmony with the city, the State and the Federal Government.

Q. Can you see manufacturers moving back into New York and other cities they have left?

A. I don't consider this to be out of the question at all, provided they can be assured of a labor force.

Q. Is it your feeling that there is something good about cities—that people like to live in them?

A. Yes. After all, they did in the past. I still like to. And I think most people would like to much more if they saw the prospect of an improving community rather than a deteriorating community. But here, I think, is where you have to deal with large areas rather than just a few houses in a block.

Q. Mr. Rockefeller, you have just returned from a trip abroad. Are the Europeans ahead of the Americans in coping with the problems of the older cities?

A. I think many European cities have done a better job with housing than we have. They have created housing developments which have become much more attractive neighborhood centers.

Q. Are you speaking of public or private housing?

A. Both.

Q. Big apartment buildings or small townhouses?

A. That varies from city to city. By and large, they tend to build walk-up apartments, not the high-rises we have. But somehow they have created a more pleasing atmosphere than I think we have in many of our cities.

Q. Have racial animosities made the problem more difficult in the U.S.?

A. I'm sure that is part of the problem. And another part is the cost of construction, which reflects many factors, among them building codes, zoning requirements and trade-union restrictions.

It all adds up to the fact that we have not yet been able to apply to housing—one of our most important industries—the mass-production techniques that we apply to automobiles or, for that matter, to house trailers. And one reason that we see a tremendous growth of mobile homes is that they are not subject to the same restrictions that nonmobile homes are.

Q. Is that good or bad?

A. Well, I think it's bad in the sense that some of the mobile-home parks are a blight on the countryside in appearance. I see no reason why it wouldn't be possible—if one could clear away these problems that I mentioned—to use the same techniques that have been used in the manufacture of mobile homes. Some day this will come.

Q. Do you expect the new cities to be made up mostly of apartment houses or single-family homes?

A. I would hope for a considerable mixture—some townhouses, some condominium-type, multiple-family units, and some apartment houses.

Q. What kinds of commitments have you been able to get from the companies that would have to put up the money for the development bank you are proposing?

A. We haven't asked for any commitments yet. We've talked with a number of banks and insurance companies, and on the whole we've gotten a favorable response.

I think that American business recognizes that it is in its own interest and the interest of our country to find a way to solve the extraordinarily great urban problems that we face, and that it has a responsibility to play its part. Business will put up the money, if it sees a way in which it can play a part without losing money but perhaps accepting somewhat less attractive terms than it would normally expect.

You're probably familiar with the fact that the insurance industry has already committed a billion dollars for urban housing. And the banking community recently pledged a like amount and is well on the way to investing that for specific projects in the cities.

So our plan is not completely new. It simply is an idea that would enable a great many more institutions to invest. Favorable response to this proposal has encouraged us to further refine and test it. To this end we have retained the Real Estate Research Corporation, a management-consulting firm specializing in all aspects of real estate planning and development.

Q. Are the banks investing in large housing projects in New York City?

A. Yes. For example, we and a number of other banks are involved in one on the East Side of New York—in landfill on the river. Waterside is the name of it. This required a 75-million-dollar loan to put up mixed housing, a good deal of it low-income.

SHAPING "FUTURE OF OUR SOCIETY"

Q. Do you consider your plan the big thing that's going to save the cities?

A. I can't believe that any one project is going to be their salvation. What we have done is to identify the roadblocks which have prevented large-scale redevelopment and new community building on a viable basis.

The future of our cities—indeed, the future of our American society—depends on the continuing renewal of older communities and the building of new communities. Major commitments by both the public and private sectors are essential. Government must do what it can do best through its powers of planning, co-ordination, regulation, land acquisition and subsidy. Given this, business will provide the management, manpower, material and financing needed to rebuild our existing cities and create new ones.

We, then, are proposing mechanisms for both the Government and the private sector to perform in their respective roles. One mechanism is a purely public agency for urban growth-and-development policy. The other is a private National Urban Development Bank. If these could provide what has been lacking, then I think this proposal could make a significant contribution.

Q. Do you think the President will look favorably on this proposal?

A. I am hopeful that he will. Thus far, the response from people at the White House has been encouraging.

END THE WAR

Mr. CHURCH. Mr. President, one of Idaho's leading citizens, the Very Reverend George E. Ross, recently addressed the convention of the Diocese of Idaho in Pocatello concerning the tragic war in Indochina. In his speech, Dean Ross condemned America's role in the conflict, and urged our disengagement as fast as possible.

I ask unanimous consent that the speech as well as the convention's resolution on the war be printed here in the RECORD.

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

ADDRESS BY THE VERY REVEREND GEORGE E. ROSS

Right Reverend Sir, first, I wish to express my appreciation to the Committee on Resolutions for all their efforts in redrafting my Resolution on the War in Indo-China. I know that they faced many difficulties and pressures in their assignment—but the results of their discussions are good, and the Resolution which they now return to us for consideration is not substantially different from the original, except for the inclusion of the paragraph on Prisoners of War. The important and operative phrase of the Resolution remains, namely: "the withdrawal of all American forces". We are urging here not merely the withdrawal of all land forces, but of all American forces from Indo-China, and that is very important.

I am glad, also, that the Convention saw fit to refer this matter yesterday to the Committee, for further consideration, for in so doing we will now have a further opportunity to discuss it with the seriousness and thoroughness which it requires.

For myself, I did not speak much yesterday on the original Resolution—frankly because I considered it so certain of passage that I felt debate would be an unnecessary prolongation of our deliberations. The terms of the Resolution were, if anything, so mild and general that I felt certain they would constitute no offense to any of us here. I was frankly much surprised, and not a little saddened, to be proved wrong in that assumption.

But now the Resolution is before us again, and so I will say what is on my mind. As usual, I have three points:

1. Our involvement in this war is wrong, and therefore it should cease.

2. Each of us is responsible in this situation, and we cannot shift that responsibility to some authority elsewhere, whether to God in his mysterious providence, or to government in its secret knowledge. *We* are responsible.

3. Our responsibility must be not merely to fall to our knees to pray; we must also rise to our feet *to act*, and in that response—to do so or to fail so to do—lies hidden a moral crisis for each of us personally, as well as a corporate crisis of conscience for all of us together.

First: our involvement in this war is wrong.

This is no place for extended oratory about the evils which have been committed in the name of so many noble-sounding purposes in Vietnam. For myself, the very consideration of those evils causes intense pain and sorrow, and so many other intense emotions that I can barely trust myself to speak of them when I do dare to think of them.

How, indeed, *can* we think of our involvement in that poor and tragic land? Can we even imagine, in our comfortable and protected, soft, luxurious lives statistical profile of the thing:

One third of the population of Vietnam, Laos and Cambodia are now refugees in their own land.' Look around you, and imagine every third one of us thrown from our ruined homes, our children (or those who have survived) in rags, our future unknown, our only food that which foreign troops ration out to us. One third of the population are refugees! Never, never before, since the destruction and impoverishment of the native American peoples has such a monstrous thing happened. It is a strange way to save a people.

More than 55,000 American boys lie dead.

More than 120,000 Vietnamese soldiers lie dead.

One million South Vietnamese civilians lie dead.

More than one million North Vietnamese civilians lie dead.

The land is defoliated, poisoned, dead. Scientists tell us that vast areas both of the North and of the South will not support life again—not for centuries. The dimensions of the ecological disaster are just beginning to be documented. The prospect of permanent genetic damage to untold generations as a result of the indiscriminate use of certain herbicidal chemicals boggles the mind.

God help us. America cannot really withdraw from Vietnam. We will live on for centuries, in the borren soil, the deformed children, the memories of hatred and disgust of a ruined people.

And our involvement there has had its casualties here. And these casualties are easier to see: the divided country, the lost pride, the alienated youth, the spreading shame that threatens the very spirit of our people. My Lai will cast a lengthening shadow over us all if we do not do all that we yet can to stop this terrible thing that we are doing.

Our involvement in Vietnam is wrong, and that is why we should all pray and work for a speedy end to it.

2. We are responsible.

We the people are the government. We have done these things. We raised a skeptical eye and smiled a skeptical smile after the Second World War when some Germans said: "We didn't know. We couldn't act."

Perhaps they didn't. Perhaps they couldn't.

But we do and we can.

That is the meaning of democracy, is it not?

This precious principle, if you will, has formed the very premise for everything we have done in Vietnam, however, wrongly we may have attempted to embody that principle there.

For us now to shift the sole responsibility or the sole blame to the President of the United States, and so to make heavier his lonely and terrible burden is wrong, and contrary to our belief in the nature of our American system.

We are responsible.

Third: When we are responsible for something that is wrong, we must fall to our knees in prayer, but we must also rise to our feet in action.

We are a sacramental Church and we believe in the Incarnation.

The Spirit must take flesh.

Prayer must issue in action.

Soon we will celebrate the Feast of the Ascension of our Lord. We will remember that astonishing scene. Jesus has ascended, hidden from the apostles' sight, and they stand gazing up into heaven where he has gone. Then an angel comes to confront them with the message the Church must never, *never* forget: "Why stand ye thus gazing up into heaven? Go ye into Jerusalem, there to be endowed with power!"

Gazing up into heaven is not enough, not their mission, not their duty. They must go back into the city—where decisions are made, where the issues and dramas of human life are real and urgent. There, in that situation, they will receive power to act in the name of Christ.

We say in the first paragraph of this Resolution that we should beseech God. Indeed we should all pray about this war. I do so daily; the matter never really leaves me, and all my prayers nowadays conclude with prayers for peace. But the more I have prayed, the more a certain clear conviction has formed in my mind. It is good to beseech God—but in this matter can we not, at long last, see that it is God who, from the Cross of His only Son, is beseeching *us* to stop this war! The first paragraph concerning prayer, without the second paragraph concerning action, is not merely fatuous. It represents an error alike of theology and devotion.

When the great French author, Albert Camus, was asked to address a group of monks, he told them clearly enough what many thoughtful persons, especially among the young, are saying (indeed, shouting) to the Church today:

"What the world expects of Christians is that Christians should speak out loud and clear, and that they should voice their condemnation in such a way that never a doubt, never the slightest doubt, could arise in the heart of the simplest man . . . that they should get away from abstraction and confront the bloodstained face history has taken on today."

That is the meaning of our decision in this convention. Will we do that? Not, will we change the course of history or even the policies of our government—but will we, in the name of God, confront the blood-stained face of the Lord, if you will, and do what in conscience we must do?

I ask you to vote for this resolution, and to defeat all amendments, and to let this action of this convention be for us at least one act of intelligence and conscience and compassion, and that, to close on a more personal note, I might find my experience of Christ in this matter not only in the peace demonstration this afternoon in Boise, but also with you, my friends in Christ, here and now.

A RESOLUTION ON THE WAR IN INDO-CHINA

Be it resolved that: This Fourth Annual Convention of the Diocese of Idaho expresses its deep concern with regard to the continuation of American involvement in the war in Indo-China, and that it call upon all members of the Episcopal Church in the Diocese of Idaho to work and pray for a speedy end to that involvement; and

That this Convention supports actions of the Government of the United States to effect the withdrawal of all American forces from that conflict; and

That this Convention further petitions the Government of the United States to continue, and if possible, intensify its efforts to secure the release of all prisoners of war in Southeast Asia.

PARENTS PROTEST DRAFT EXTENSION

Mr. CRANSTON. Mr. President, millions upon millions of parents of young Americans who face compulsory military service have just as deep and abiding interest in our deliberations as have those young Americans themselves.

Today, hundreds of these parents who live in and about Palo Alto, Calif., spoke out to the Senate against extension of the draft.

They want the draft to end on June 30.

As mothers and fathers of young men who could be drafted to fight and die in an undeclared and unending war, they have formed an organization to fight the draft. In today's Washington Post they ask the Members of the Senate to vote "No" on extension of the draft in order to halt the conscript of their sons and so many other young Americans.

The first of hundreds of parents who signed the message from the Parents Against the Draft is John Hancock whose father was drafted in World War I; who himself was drafted in World War II; whose brother was drafted in the Korean war; and whose son is age 19. There are countless John Hancocks in America today. His plea and the pleas of all the John Hancocks must be considered tomorrow as the Senate votes in the vitally important amendments offered by Senator HATFIELD and Senator SCHWEIKER.

Mr. President, I ask unanimous consent that the message and the signatures of the Palo Alto parents be printed in the RECORD.

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

[Advertisement from the Washington Post, June 3, 1971]

MEMORIAL DAY, 1971: TO THE MEMBERS OF THE UNITED STATES SENATE:

We, the parents of young Americans, hereby request that you vote against Senate Bill 427—the extension of the draft. For far too long we have been silent on this issue.

As parents, we believe that our sons should not be forced to serve in the Army, to risk their lives, or to kill others, when the Congress has not declared war and the nation is not clearly threatened. The draft law, designed to meet emergencies of the past, has grown to become a vicious and dividing institution. Throughout their adolescence boys are worried and harassed by it. Internal battles of conscience have driven many of them to seek asylum in foreign lands. Others have gone to jail because they could not convince draft boards of their sincere religious beliefs. Still others have served when called but returned home maimed in mind or body. Finally, tens of thousands of them have been drafted and then killed. It is impossible to measure the damage attributable to this law. The draft has haunted our homes long enough!

As patriots, we must point out that the draft is contrary to the heritage we hold dear. We agree with Senator Barry Goldwater that the draft conflicts with the most precious and fundamental right of man—". . . his right to live his own life." We agree with Senator George McGovern that ". . . the draft is as foreign as anything can be to the ideals we profess as a free, libertarian society." And we agree with the late Senator Robert A. Taft that the draft ". . . is far more typical of totalitarian nations than of democratic nations."

Our America is the country to which others fled to avoid oppressive governments which conscripted their citizens. We think that Thomas Jefferson was right when he wrote, ". . . all men are created equal . . ." and that they have the right to ". . . life, liberty, and the pursuit of happiness." We mean it when we say in the Pledge of Allegiance, ". . . with liberty and justice for all." We believe that the Thirteenth Amendment which says, "Neither slavery nor involuntary servitude . . . shall exist within the United States . . ." means exactly that. We did not have such equality, justice, and liberty when blacks were enslaved or women denied the vote, and we do not have it now when young men are conscripted.

As pursuers of justice, we cry out against the draft law which isolates and compels the few but does not touch the vast majority of our people. If a small fraction of our citizens were asked to underwrite the Federal budget, all would agree that it was unfair and the law would be repealed. If certain industries under government contract were forced to operate at a loss, all would agree that it was unfair and the law would be repealed. Why not so with the draft law? Is property realy more valuable than life?

As tax-paying citizens, we must object to the gross financial inequity forced on the draftee. The President's commission on an All-Volunteer Armed Force headed by former Defense Secretary Thomas Gates, reported that beginning servicemen would earn 48% more if in civilian employment. Thousands of military families are on welfare. Workers in the private sector are protected from such abuse by minimum wage laws but such protection is denied to those who would take the maximum risk on behalf of us all. Halfway measures will not bring parity. Military pay must be increased to that recommended in the House bill.

As lovers of peace, we must speak out against unilateral Presidential warmaking. Using the readily available draft law, our Presidents have submerged us in the longest war in our history. The Constitution of the United States says that this power belongs to the Congress. We did not send you to the Senate to preside over after-the-fact Presidential escapades, but to prevent them! Reassertion of Congressional authority over warmaking can begin now by stopping the draft. Any future President who wishes to use draftees must be required to obtain prior approval from the Congress for his military venturing.

As concerned adults, we implore you to listen to the country's youth on this issue. The draft is a major factor in their disillusionment with the American system. It is hard for them not to be cynical when . . . both major parties had strong anti-draft planks in their platforms of 1964 . . . President Nixon campaigned against the draft in 1968 . . . his Presidential Commission has said that the draft can be ended this June . . . but now the President requests a two-year extension . . . and, his Secretary of the Army has "serious doubts" that the draft can be ended by 1973! Is it any wonder that our youth is disillusioned? Is it any wonder that some "drop out"?

Recently you have been lobbied by those who want the draft continued. The fears they expressed about a "professional military" reflects problems which exist with or without a volunteer Army. Of course all the Army officers are volunteers. Problems such as this must be faced whether or not all enlisted men are volunteers also. However, in the 160 years that this country has depended entirely on volunteers for its defense, we have suffered far less from military-industrial domination than we have during times of conscription. The draft has militarized society far more than it has civilianized the military. Rarely resorted to in the past, it has now become institutionalized. The fear expressed about a shortage of volunteers is also refuted by our history. There is ample evidence that with proper compensation and a sane foreign policy, volunteers will be forthcoming. We urge you to release our sons and return our country to its tradition.

There will always be those who say, "Yes, but . . ." to the above. "Yes, but we are in a war." "Yes, but what will the Russians think?" "Yes, but we can't do it now." The "yes, but-ers" will always be with us. If Thomas Jefferson listened to them, he would not have written the Declaration of Independence. If Abraham Lincoln had been swayed by them, he would not have freed the slaves. Conscription also is a moral blot! It is not a partisan issue! The time to correct it is now!

Senators, you still have the opportunity to put America back on course. Vote no on the draft!

JOHN HANCOCK.

(Whose father was drafted in World War I; who himself was drafted in World War II; whose brother was drafted in the Korean War and whose son is age 19.)

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TORTURE OF GREEK POLITICAL PRISONERS

Mr. HARTKE. Mr. President, despite Assistant Secretary of State Hillenbrand's reported assurance to the Council of Europe that torture in Greece is "not extensive" evidence of its widespread use against the junta's political opponents continues to pour in.

Three weeks ago the London Sunday Times printed extracts from a letter smuggled out by four students accused of belonging to the resistance organization Rigas Ferraios, in which they described how they themselves had been tortured, and how numerous others had been tortured in their presence. One of them, Kostas Kostarakos, wrote:

> They were torturing, within my earshot, my brother Dimitris, my fiancee Maria Kiourtsoglou, my friends the Georgikou sisters, my friend and fellow resistant Fotis Provatas, and other fellow resistants.

Two weeks ago a group of Athens lawyers and judges, headed by former Minister of Justice and President of Parliament Dimitrios Papaspyrou, appealed to the members of the NATO parliamentary assembly to intervene on behalf of the center union deputy John Alevras, whose life they said was endangered by the "inhuman treatment" to which the junta had subjected him. Alevras, who had been president of the Bank Employees Union and a leader in the effort to create an effective and independent Greek labor movement before the 1967 coup, had spent most of the past 4 years in various forms of imprisonment or forced residence, although no charge was ever placed against him. It is now reported that he will be one of the defendants in a forthcoming trial of prominent Greeks accused of conspiring with Andreas Papandreou to overthrow the regime.

Last week the U.S. Committee for Democracy in Greece, of which I am pleased to be a director, received reliable information from Athens on the tortures inflicted on two others who have been mentioned as probable defendants in that trial, Christos Sartzetakis and Agamemnon Koutsoyorgas. Both had reportedly been tortured until they were unable to walk. In both cases the torturers were doubtless gratifying their personal hatreds as well as seeking to extract "confessions" for use in court. Sartzetakis had earned the hatred of important groups in the police and armed forces by exposing their part in the murder of the deputy Gregory Lambrakis. That story is told in the picture Z, where the character of the incorruptible investigating magistrate is based on Sartzetakis. He was dismissed from his post as a magistrate after the junta seized power and remained in Athens, unable to practice his profession, until his arrest on Christmas Eve 1970. The man who directed his arrest was the son of a general whose role in the Lambrakis murder he had exposed; after his arrest he was held incommunicado for months, much of the time in the custody of men who had been personally involved in the crime he had exposed.

Koutsoyorgas was also a particular object of vengeance for the junta; as one of the defense lawyers in the Aspida trial and as counsel for Andreas Papandreou when the latter was imprisoned after the 1967 coup, he had been a thorn in the side of the military conspirators. The junta had arrested him in 1967, but had not dared to hold him for long because the eyes of the world were on the case of Andreas Papandreou, and the imprisonment of his lawyer hardly added to the credibility of the junta's case. He was again arrested late in 1970, at the same time as Sartzetakis, and like him was held incommunicado.

While the torture of Sartzetakis and Koutsoyorgas may have had a special viciousness because of their prominent part in exposing the machinations of associates of those now in power, torture remains a standard practice in Greece even where no such considerations were involved; this has been demonstrated by the public testimony of defendants—usually unchallenged by the prosecution—in trial after trial. Thus in the trial of Democratic Defense last year Prof. Dionysios Karayorgas told how, after he had undergone an operation, the inquisitors beat him on the wound until the bandage was soaked with blood. Others have described the beatings on the soles of the feet, the electric shocks to all parts of the body, the deprivation of water until they licked up the floors after the cleaning woman had washed them, and other equally abominal techniques used by the junta's agents.

Nor has the junta been more humane to its prisoners after their conviction. They have been held under the most shocking circumstances in prisons hun-

dreds of years old, in underground dungeons, without proper medical treatment. Thus Karayorgas was refused the treatment necessary to save the hearing of one ear and the use of a hand. And when General George Iordanides, a former Greek representative to NATO who was sentenced to prison for 8 years in the trial of Democratic Defense, applied for a temporary release to obtain essential medical treatment not available in prison, the request was rejected. The ground for the refusal was that the 68-year-old general might not live to be returned to prison.

This type of inhumanity is the basis of the "security and stability" which Secretary of Commerce Stans recently hailed at a luncheon in Athens, at which he boasted that nine of the junta's cabinet and subcabinet members were present. The Secretary apparently did not mind the blood on their hands. But Americans conscious of this country's heritage of freedom do mind it, and they want their government to express their indignation at the inhuman treatment that the junta inflicts on its opponents, instead of attempting to minimize its extent.

FNMA AND THE HOME MORTGAGE INDUSTRY

Mr. SPARKMAN. Mr. President, I wish to call to the attention of the Senate the action taken this week by the Federal National Mortgage Association to restore some stability to the home mortgage industry.

For some time now, it has been apparent that there was disquiet in the housing finance industry. Notwithstanding the unprecedentedly high flow of funds into the thrift institutions of the Nation, mortgage rates began to edge upward. The mortgage banking industry, which has channeled the bulk of the funds into the FHA/VA home market, found itself with a large number of mortgage commitments on hand without adequate financing of its own to take care of the commitments.

About mid-April the industry began to recognize the need for coverage for these commitments. At the same time, the downward movement of the prime rate ceased. The Eurodollar problem and the European monetary crisis which we witnessed in the last few weeks compounded the problem, and the upward pressure on home mortgage interest rates began to build.

As the housing finance industry began to seek sources of funds to cover the commitments it has issued, it turned—as it always does in time of crisis—to the Federal National Mortgage Association.

Faced with the need to operate as a self-sustaining entity, and with the future course of long-term interest rates uncertain, FNMA had to balance the needs of the industry against its own congressionally imposed mandate to operate with private financing.

It became obvious, however, that the problem was more serious than it first appeared, and on Wednesday of this week FNMA management took what all of us hope will be a major step toward restoring stability to the home mortgage market. FNMA will conduct a special auction on June 9 to receive offers from mortgage originators who wish to dispose of mortgages now on the shelf. This provides a major opportunity for the industry to dispose of its overhang of mortgages, which some sources say may be as much as $500 million.

FNMA is not, of course, agreeing in advance to buy anything and everything that is offered, but it is providing a method for the industry to calm the troubled waters in the mortgage finance field.

I wish to commend FNMA for its statesmanlike, public spirited step. It is further proof that the action of the Congress in adopting the 1968 Housing Act, cutting FNMA loose from the Federal Government was a wise one.

I would also like to point out, Mr. President, that the Federal National Mortgage Association is proceeding with its plans to enter the conventional housing field later this year. I am hopeful that out of its deliberations will come uniform mortgage documents which are marketable, and which are fair to both the borrowers and lenders. I cannot stress too strongly the importance which I attach to the uniform documents question. The presence of uniform documents will do much to assist in achieving our national housing goals.

IN APPRECIATION OF JACK KROLL

Mr. HUMPHREY. Mr. President, last week in Cincinnati a man died who was well and favorably known to many Members of this Chamber—a man who made immense contributions toward the involvement of more citizens in the political processes of this Nation. In these days of the dropouts, the many people, especially young persons, who say that our Government does not respond, that it is hopeless, and who therefore turn to negative and sometimes destructive techniques, we will do well to recognize the work of a leader who moved in the opposite direction, who brought millions of people into the governmental spectrum, to the benefit of Government and of themselves. I am speaking of Jack Kroll, formerly of the CIO Political Action Committee and the AFL–CIO Committee on Political Education.

In the 1930's and early 1940's many of our citizens of low incomes and limited privileges did not participate very actively in political campaigns. This included many working people, both union and nonunion, many of the foreign born, most of the colored people, and poor people in general. It was assumed that citizens living on the "right side of the tracks" would take care of everything political for the general welfare, including the "wrong side of the tracks."

In 1943 the CIO, under the leadership of Philip Murray and Sidney Hillman, undertook to change that. They formed the CIO Political Action Committee and put on massive campaigns to get all CIO members and their families and friends, including especially the foreign born and the blacks, to register, to study the issues and the candidates, to make endorsements, to raise voluntary individual contributions and to get out their vote for their friends on election day. Their program was bipartisan in that they chose candidates from the two major parties on the basis of issues, without regard to a candidate's party. Jack Kroll was part of that Hillman-Murray team.

By 1948 Hillman had passed on. Murray had appointed Jack Kroll as the director of CIO–PAC and Kroll was the leader of the CIO members who were delegates to the National Democratic Convention in Philadelphia. I was then the mayor of Minneapolis and a delegate. Civil rights was one of the great and most controversial issues before that convention. I presented a minority report from the platform committee, seeking to make the Democratic platform strong and clear on civil rights. It was a tumultuous evening but we were successful. I am glad to report that Jack Kroll, a delegate from Ohio, and his CIO members from many States across this Nation, supported the civil rights cause fully and skillfully and made our narrow, history-making victory possible that night.

1948 was the year that we Democrats nominated Harry S. Truman. Hardly anyone thought he could be elected. In fact many Democrats hurried about that spring and summer looking for more glamorous candidates. But two people thought Truman could be elected. One was Harry himself and one was Jack Kroll. It was an uphill campaign, short of money and all the prerequisites of victory today. There were not even enough loudspeakers, leaflets, and buttons. The campaign train sometimes stalled for lack of money. Publicity in the public relations sense of today was almost totally lacking. In fact the main campaign assets were Truman's cockiness and Jack Kroll's optimism.

1948 was also my first race for the U.S. Senate. The CIO–PAC endorsed me and Jack Kroll helped me. He took on the so-called leftwingers who wanted to stray from the beaten political paths, as well as my opponent on the right side. He exhorted the CIO members and their friends to organize and get out their vote. Jack was great on organization. He was a bit skeptical on the gaudy headlines and public relations gimmicks, and insisted on organization, on personal contacts among the workers, on plant gate and in-plant discussions, and especially on registration and name-by-name, get-out-the-vote drives.

After the November results were in, Harry Truman was very frank in giving organized labor, and Jack Kroll in particular, credit for producing enough votes to make his majority victory possible—exceeding the total electoral college votes of the three other candidates. His margins in the labor precincts supported that conclusion, although, of course, votes of the farmers and many other "little people" made up the Truman total.

Other Members of this body, besides myself, on both sides of the aisle, have

benefited from Jack Kroll's personal work and from the work of the organization that he built. I will not mention any names but each of the Senators who ran during Jack's time will remember his role. And we remember also that Kroll, Murray, and CIO–PAC chose the men to be supported on the basis of the issues as they saw them, and the voting records as they knew them, and not on party affiliations.

In the 1950's the CIO merged with the AFL and Kroll became codirector of the AFL–CIO Committee on Political Education, along with another great and dedicated servant, James L. McDevitt from the AFL side. Now he too has passed to his reward.

Mr. President, it is important that we look back over the past 30 years and recognize the great increase in political participation by our citizens with union, foreign born and Negro backgrounds. This movement into the mainstream has been healthy and beneficial for all. It has included contributions of work, time, and money. It has also included a great emphasis on education—on studying the issues and the candidates and deciding what is good for America. This is the strength, the sine qua non, of a successful democracy.

And so, Mr. President, I ask that, as we learn of Jack Kroll's passing, we remember the great contribution he made to our society, to the strength of our political system and our Nation, and that we thank God for the work he did with us and for us.

GENOCIDE—AN INTERNATIONAL CRIME?

Mr. PROXMIRE. Mr. President, this august body has had before it for nearly 22 years the question of whether the United States considers genocide an international crime. Will the United States join the 75 sovereign states which have ratified the Genocide Convention? Will the United States strengthen the ties of brotherhood and morality which underlie any hope for a world community at peace with itself?

The purpose of the Genocide Convention is to define and to declare genocide an international crime, whether committed during war or peace. Genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group; and

Fifth. Forcibly transferring children of the group to another group.

These provisions along with the understandings included by the United States define for all what the world declares to be illegal.

The Genocide Convention's deterrent power is hard to estimate. As I stated Tuesday, the late Senator Dodd of Connecticut believed that had the convention been in existence when Hitler first came to power the tragic events of his regime might have been prevented. Whether this is the case or not, no national leader or citizen of any nation could claim ignorance of what is considered genocide. No one could claim he was just following orders.

Where does the United States stand on the question of genocide? Do we stand with the civilized world which has outlawed such killing and maiming? Or do we stand elsewhere?

The question is before us now, as it has been for more than two decades. Let us not prolong our international disgrace. Let us act in concert with our fellow nations throughout the world and declare genocide the vile and inhuman act we all know it to be.

I call upon the Senate to act favorably on the ratification of the Genocide Convention. I call upon the Senate to return this great Nation to the ranks of humanity.

TRIBUTE TO FORMER SENATOR RUSSELL

Mr. TALMADGE. Mr. President, there was brought to my attention a resolution adopted by the Georgia Society of the Sons of the American Revolution in honor of our late departed beloved colleague, Senator Richard Brevard Russell.

I bring this resolution to the attention of the Senate and I ask unanimous consent that it be printed in the RECORD.

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

RICHARD BREVARD RUSSELL

(A resolution by the Georgia Society of the Sons of the American Revolution)

Now whereas, God, in His infinite wisdom and love, has called His faithful servant, Richard Brevard Russell, to his eternal reward, and

Whereas, Richard Brevard Russell did faithfully serve the State of Georgia in the capacity of member of the House of Representatives from 1921 to 1931, and as Speaker of the House from 1927 to 1931, and

Whereas, he did serve as Governor of the State of Georgia from 1931 to 1933, and

Whereas, he did serve in the United States Senate from 1933 until his death, acting on many influencial committees, and

Whereas, he did exhibit his patriotism and love for his Country in his every action and ever sought to strengthen and protect this nation, and

Whereas, he did unselfishly lend his wisdom and concern to the programs and activities of this Country, ever working for peace and harmony among his fellow-citizens and the nations of the world, and

Whereas, his moderating counsel and sound advise were valued and respected by all, and

Whereas, he took boundless pride in the heritage that was his and in the contributions that his ancestors made in establishing this nation, and this pride was manifested in his continued membership in the Georgia Society of the Sons of the American Revolution, and

Whereas, his genuine concern and strong influence will be missed, not only by those who knew him and came in contact with him, but also by statesmen of all nations.

Therefore be it resolved by the Georgia Society of the Sons of the American Revolution that thanks be given for his intense patriotism and citizenship, and for the immeasurable service which he rendered to the State of Georgia, to the United States of America, and to the nations of the world.

And be it further resolved that this resolution be entered into the minutes of the Georgia Society of the Sons of the American Revolution and that a copy be sent to the magazine of the Sons of the American Revolution for publication,

And be it further resolved that a copy of this resolution be sent to the family of Compatriot Richard Brevard Russell with an expression of sympathy and gratitude for his life.

THE AGE OF TRANSFORMATION

Mr. CHURCH. Mr. President, in the current issue of the Columbia Journalism Review is an article by New York Times Associate Editor Tom Wicker, entitled "The Greening of the Press."

Mr. Wicker makes the point that journalism in America has become the victim of the "official source." That is, the American newspaper has become overly reliant upon institutionalized sources for its news, and consequently for the view of the world presented to readers in the pages of the American press.

For the journalist, Mr. Wicker's analysis presents a challenge which goes to the heart of the American tradition of the press—namely, the relevancy of a press that is reliant for its news upon sources of institutions which have, in many an instance, become irrelevant.

But there is a message, too, for those of us who are not journalists—for those of us who are part of the institution, the establishment. The message is that we have moved into what Mr. Wicker describes as the "Age of Transformation"—an age marked not by reform, nor by revolution, but by evolution. Mr. Wicker says:

> It is rather like the process that takes place within our own bodies; after so many years our bodies are totally changed, even though we don't realize it.

What this means, I think, is that we who form part of the establishment are being challenged to recognize that the assumptions from which we all operate must be constantly reexamined. Mr. Wicker makes the point that what he terms formula journalism is out of place in the age of transformation. If that be true—and I think it is—the corollary is that the formula solutions and pat answers of the establishment will no longer suffice on our side of the fence.

I commend this article to every Senator, Mr. President, and ask that it be printed at this point in the RECORD.

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

THE GREENING OF THE PRESS

(By Tom Wicker)

For more than a year Spiro T. Agnew has been traveling around the country making assertions about the news media, all of which in my judgment warrant considerable reflection by those who work in the field, and some of which have received that kind of reflection. I would sum up the reaction to this criticism in three categories. First, there have been rather nervous assertions of the virtue and professional integrity of the press,

without much conviction. Then there have been strong restatements of First Amendment privileges and rights, without any real investigation into what the press has been doing to sustain the First Amendment. And finally, in a number of cases there have been strongly renewed efforts by editors and publishers to achieve a new sense of objectivity—which in effect means that they agree with the Vice President, because the basis of his criticism is that the news media have not been objective enough.

It seems to me that these reactions—particularly the last reaction—are exactly wrong, because the Vice President was making exactly the wrong criticism. Actually, what he has been expressing is a rather Marxist view of the news media, a view that the media really should serve the interests of the State. That is the element of the Agnew criticism that in too many cases we have failed to recognize.

If I had been in Mr. Agnew's place and been trying to make an intelligent, useful criticism of the American press, I think I would have said that its biggest weakness is its reliance on and its acceptance of official sources—indeed, its "objectivity" in presenting the news. That is, that the fundamental reliance of the American news media in my experience has been, with rare and honorable exceptions, on the statement by the official source, be it government or business or academic or whatever. And much of what we mean by objectivity in American journalism concerns whether due credit is given to the official statement, the official explanation, the background explanation from the official source. This is certainly the Agnew measurement of objectivity and in most cases it has been the press's own measurement of objectivity.

Now why should this have been? I think, first, it is because of the pronounced lack of an intellectual tradition in the American press. I would be the last to assert that we don't have a muckraking tradition, that we don't have a rather notable record of catching the scoundrel with his hand in the till, or finding the official misdeed, the conflict of interest, and the like. We do have that. I refer to the lack of an intellectual tradition which will challenge official wisdom, challenge official statements, challenge institutional processes. We have never had that kind of an intellectual tradition in the American press and this has been a weakness.

Secondly, I think that we have had, historically, an orientation toward nationalism in politics and toward establishmentarianism in other areas of society, such as the economy or the academic world. Particularly in politics and diplomacy the orientation toward nationalism has been very pronounced in recent years. The obvious example, I think, is the failure of the American press, exemplified by the Washington bureau of the New York *Times*, of which I was in charge at the time, adequately to question the assumptions, the intelligence, the whole idea of America in the world—indeed the whole idea of the world—which led this country into the Vietnam War in the 1960s. It is commonplace now, when the horse has already been stolen, to examine those assumptions. But where were we at the time we might have brought an enlightened public view to bear on that question? We were not, I think, very forward in challenging the rationale for that unhappy episode in American history.

Orientation toward nationalism on the one hand and toward establishmentarianism on the other also caused the American press almost to a man (again including me and again an unhappy lesson learned) in late 1967 to dismiss as at best a joke, and possibly even some form of conspiracy, the emergence of Senator Eugene McCarthy as a Presidential candidate. We can see in retrospect that that was a historical moment of great importance. But operating out of our orientation toward the conventional wisdom, in that case the conventional view of politics—what we could learn by going and asking the national chairman and the state chairman what we were supposed to think—we were told that the candidacy was a joke at best. Again this orientation toward the established view, the official source, led us astray.

It has carried all the way to the sports pages. As late as the time when the Jets, the football team from New York City in the American Football League, were getting ready to demolish the champion of the other league, every sports writer that I know of was writing that the American Football League was a "Mickey Mouse" league, a joke. Why were they doing that? They were doing that because, instead of using their own brains, they were told that by the official sources. Even reporters who had been out and seen those teams play should have known better. This is the sort of thing that is constantly happening in the American press.

Why were so many people, citizens as well as reporters, surprised last fall when it turned out that law-and-order in the demagogic sense was not the all-consuming, embracing political issue we had been told it was? We were surprised precisely because we had been told it was such an issue. We hadn't really looked into it. (Obviously, at this point I should say that you can't propound generalities such as these without making honorable exceptions. There certainly were honorable exceptions. I am referring to the general direction the American press has taken over the years.)

Why, as another example, has it been left mostly to people outside the press to raise the great issue of consumerism in America? Until Ralph Nader came along and began making challenges, until he began organizing teams to see whether the Federal Trade Commission was a moribund agency or was actually doing something, little of this was done. I am one of a long line of reporters hired in the New York *Times* Washington bureau to look into and cover the regulatory agencies. I can name at least eight reporters who have been in our bureau who were hired precisely to do that, and the only one who has ever done it is the man who is there now, Christopher Lydon. In every other case, when the reporter would come into the bureau, instead of really being turned loose to do this kind of job he always was given something of a more institutional nature to do. On my arrival, before I ever set foot in the FTC I found that we needed one more man to cover Congress, and there I was covering Congress as many reporters before me had done.

If you think about objectivity in the American press—that is, the question of giving both sides of a picture, of trying to come to a rational balance of the facts in a case, trying to weigh pros and cons and see what is most important—you can see that the tradition of objectivity is bound to give a special kind of weight to the official source, the one who speaks from a powerful institutional position. If the chairman of the Democratic National Committee, for instance, tells you something about Democratic Party politics, the code of objectivity is bound to add a special weight to that, as against what you might be told by some relatively obscure professor of political science or some relatively obscure reporter in Omaha who says, "Well, that just doesn't seem to add up to what I think I hear, see, what I talk about." We tend to give weight to the official source, as if we believe that the man wouldn't be there if he didn't know what he was talking about; the institution wouldn't be functioning if it didn't have a certain relevance to whatever area it is functioning in.

INSTITUTIONS TEND TO BE SELF-SERVING NEWS SOURCES

Why, when the war in Vietnam first really became an American war with air attacks in February of 1965, was that accepted so universally and so uncritically as having been really the only thing that President Johnson could do? At that time there was a small American unit with airplanes stationed at Pleiku. But Americans, at least theoretically, were not in combat in Vietnam. They were there as advisors and helpers. The guard, the perimeter around the camp, was South Vietnamese. Then the perimeter was pierced by guerrillas and by mortar attacks from outside, a number of Americans were killed, and a number of American airplanes were destroyed. President Johnson, in retaliation, launched air attacks on the North.

Officials said it was the only thing he could do. But *Times* correspondent Charles Mohr, who had been in Vietnam for *Time* and then became our premier correspondent there, wrote what we call a "Q-Header," a news analysis which was conventional enough except that it raised one very interesting point in a fairly low paragraph. That paragraph said that it was difficult to see how air attacks on the North could deal with the situation that had been shown to exist at Pleiku, which was that South Vietnamese guards couldn't cope with the guerrillas. That was the essence: the South Vietnamese guards couldn't cope with the guerrillas. Yet no one in the daily press seized on that fact to say, "What are we doing, then, flying air attacks against the North?"

There are a number of reasons for that. I think the first is the orientation toward the official explanation, the feeling that the President said it so obviously it must be the case. Another, almost equally important reason was that there really wasn't an official spokesman on the other side. In the Senate there were only two outspoken critics of our whole involvement in Vietnam. One was Senator Morse of Oregon; the other, Senator Gruening of Alaska. Senator Fulbright told me, "You know, I'd like to be out there speaking with Morse and Gruening, except I can't allow myself to get associated with those fellows in that kind of Quixotic campaign against what the Administration is doing." So we had no official spokesman on the other side.

There was another example last October when Mr. Nixon came back from his European trip and plunged into the election campaign. Why did he campaign? There are statements in the *Times* and other papers that he was plunging in because "Republican prospects are so good" and he's "going to go in there and clinch the election victory" and he "really wants to be part of it" and "we're going to push it across the top" and "prospects are good everywhere, particularly for taking over the Senate." So election day came. Things didn't go so well. Official and background statements then came out declaring that the President had gone into the campaign in October because Republican prospects had been very bad and he had to get in and save the Republicans from a damaging defeat. Indeed, we were told, that is what he managed to do. Where they might have lost fifteen seats in the House they only lost nine; where they would have lost a number of seats in the Senate they only lost two; and so forth. Both versions can't be true.

Since the election there has been a good deal of questioning on pragmatic grounds of the Nixon Administration's current rationale, but I don't think there has been a pronounced effort to go back and pin the President to the wall with the statements of October as against the statements of November; not just to say, "Mr. Nixon, you are a bad fellow, you misled us," but to say to ourselves, "What's going on here? What's happening when the President can say one thing in October and another thing in November and get equal coverage for both?" Instead of doing that we print today's official statement and then tomorrow's and then the next day's and

then the next day's. And it often comes out a jumbled mess.

In science coverage, a first-class reporter like Walter Sullivan of the New York *Times* is allowed a good deal of leeway to use his own knowledge, to come to conclusion of his own, to say what he thinks is important and not important in that field. That is also true in the arts. When Clive Barnes was appointed drama critic of the New York *Times* he was a dance critic; he was not long experienced in drama criticism although, as he quickly demonstrated, he knew a good deal about that field. But the day he was appointed he was allowed infinitely greater leeway to use his intelligence and come to esthetic and intellectual judgments on drama questions than any political reporter in the United States would be in a news column—no matter if that political reporter had been deeply involved for twenty years in politics and was a man of the highest academic background, the greater integrity, and the deepest intellectual penetration. The political reporter would not be allowed the kind of leeway that any critic of the arts is allowed.

So there are certain areas in which journalists are allowed considerable leeway. But by and large we rely very heavily on the official source, and this really is what we talk about when we come down to the question of objectivity.

If that continues far into the future what will it mean? I think it will mean disaster. In the first place—and I have learned this lesson bitterly—institutions always serve their own interests. To the extent that you are reliant upon institutional sources for news you are reliant upon a self-serving source which in every case will attempt to put the best face on the news, to interpret information for you in the light of its own interests. That is obviously not something to be criticized; only the degree to which an institution would distort the news to serve its own interests is really to be criticized. You always attempt to put the best face on your behavior. It is only when you tell an outright, flat, provable, damaging lie that you really transgress moral bounds. So this is a truism—a fact of life—that reporters have to understand if they are relying upon institutions: they are relying upon a self-serving interest.

Secondly, institutions today, more than at any time in my lifetime, are under challenge precisely because they are irrelevant in many ways and are "out of touch." Life has changed, taken the ground out from under them. We see this in the universities, in the churches, in political institutions. These institutions have stood still while the world has moved out from under them. Therefore you are going not only to a self-serving source for news but to a source that simply may not know what it's talking about. Anybody who has been roaming the country as a reporter in the last few years can cite examples of having gone to a perfectly respectable institution, to a highly official source, and taken a statement that seems to have absolute surface validity, only to find that as events unfolded it meant nothing because it was out of touch with reality.

Another point, related to the second one, is that there are forces and currents at work in the world which are not institutional yet are profoundly important—which affect the way every person in the world lives, the way we will live, the way our children will live, the way we will organize ourselves. I question, for instance, whether three currents that are easily visible in this country are institutional in nature: the attempt among young people to find new ways of living; the dissatisfaction among black people; and the dissatisfaction of women. As is always the case, institutions are scrambling to get in touch and to take advantage of these movements. But if you restrict yourself to institutional sources you are going to miss a great deal of what is most important.

This can be seen in the debate in Washington over the protectionist trade measure known as the "Mills Bill." You may find the background in economic journals and in smaller magazines, but very little will be printed in the daily press about the fact that over a long period we have shifted from an industrial economy to a post-industrial economy. Production of services now is more important than the production of goods. By 1980 production of services will totally dominate our economy. You can export services through the international corporation, which is a proposition quite apart from trade restrictions; you can export services through foreign aid, which is government policy; but that is about the limit of it. What you export, by and large, are goods.

"LET A HUNDRED FLOWERS BLOOM" IS THE ONLY ANSWER

Now, if the American economy, out of a whole complex of forces that have nothing to do with institutional action, is shifting from production of goods to production of services, then at some point—perhaps already—exports become far less important than in the past. And if exports are less important then the question of foreign countries' retaliating against our exports is less important. It is this kind of movement that I think is a great force behind the trade bill. But it is this kind of thing on which we have too little reporting. If a reporter goes to cover the Mills Bill and all he knows is what Wilbur Mills or some trade association or a White House official tells him, then how can he help his readers understand what really is in the national interest?

The same thing is true on military policy. It is an article of faith among liberals that we are being taken over by the military, that influences are running the Government. But that was really happening back in the Fifties when none of us realized it and nobody wrote anything about it. Today the trend is more nearly the other way, down, by almost any measure—by per cent of Gross National Product, by absolute expenditures, by numbers of men in the military, by commitments abroad, by civilian opposition. By almost any measurement, militarism is on the defensive in America.

We not only missed the trend, and we're not only missing the trend nowadays, but we missed the turnaround point, in the sense of its being a turnaround point. The reason? We come back inevitably to reliance on official sources instead of reliance on our own brains, our own intelligence, our own ability to go out and find out and write about what is happening in the world.

The nature of the world we are coming into, I think, is clear. We are entering an age not of reform, because reform is when institutions themselves take the lead and change themselves and adapt to new conditions; and not an age of revolution because that is when revolutionaries replace one institution with another—usually worse than the one we had to begin with. Instead, we are entering an age of transformation. It is rather like the process that takes place within our own bodies; after so many years our bodies are totally changed, even though we don't realize it. The famous murderer Nathan Leopold, when trying to get a job in order to qualify for release from prison, made the point that there was not a single cell remaining in his body of the young man who killed a child in Chicago in the 1920s—that all the cells in his body were different. We change—from childhood into middle age to old age—and the process of regeneration continues with others who follow. I think it is this kind of age that we are coming into.

And it is proceeding at express-train speed. That is the thing we must grasp. It is happening in ways that aren't seen, aren't understood, aren't described to us, because it is not institutional. Institutionally, in Congress reform of the Electoral College has been blocked. But in fact for many years now our electoral processes have been changed in ways we still don't fully grasp, by television. Last year we thought that political spot commercials were going to have a tremendous impact, and they didn't. What does? We don't fully know. We just know that our electoral process is being changed, even though institutional reform of it has everywhere failed.

Another example: almost everywhere that state constitutional reforms go on the ballot they are ultimately defeated. Nonetheless state governments are being changed. Local governments are being changed. They are being changed by processes that we don't understand, by demands that people are making upon them that they didn't make before or by the absence of demands that once were made, by the rise and fall of sources of income, of problems, and so forth. What an impact on local and state government the automobile made! That was fifty years ago or more. It is that kind of thing, more than institutional acts, that describes the age.

In the mid-Fifties, particularly in the South, we thought that the Supreme Court decisions and the rise of the civil rights movement were going to be of enormous historical consequence. So indeed they were, but paling into insignificance by the historical consequences of something that many of us didn't even know was going on, which certainly had no institutional base—the enormous migration, one of the great migrations of history, of the black people out of the rural areas of the South into the cities. That was a historical movement of consequences that we yet can hardly begin to see at a time when most authorities think the civil rights movement is, if not dead, at least merged into this other process of greater importance.

And isn't it true that the dehumanization of life by advancing technology, which we can all identify, is producing in our young people the profoundest demands for return to human principles and to human ways of living? The input is producing, in many ways, the opposite result.

How can the news media cope with this age of transformation? Certainly not by institutional coverage—by increasing the number of reporters in the Washington bureau of the New York *Times* and spreading them more widely over governmental institutions, most of which, if not moribund, are at least by now centripetal in the sense that they serve mainly themselves. Nor can we cope with the age of transformation by formula writing and editing, by saying there are certain and only ways that you can communicate with people. The age can't be coped with by "brainstorming"—by selection of brilliant editors who confer with themselves twice a day and decide what ought to be in the newspaper and who ought to write it and where it can best be fitted. Nor can it be covered by the retarded child of brainstorming, group journalism—flooding an area with fifty reporters—or by the sort of comprehensive futility which has been the reliance of the New York *Times* so often in the past: the vacuum cleaner concept that everything that happens must be reported.

A lot of people say, "You know, Adolph Ochs was the great publisher of alltime," which no doubt is true in the United States. "And his concept was comprehensiveness and objectivity." That was his concept for his time, but I believe his concept basically was to have a newspaper that served his time. And the newspaper that served his time is quite different from the newspaper that will serve our time.

I have no institutional formula for such a newspaper. Indeed, the essence of what I am saying is that there cannot be an institutional or a professional formula that will cope with it. "Let a hundred flowers bloom" is the only recommendation anyone can make. But there are at least two underlying things that we must do to serve the pur-

pose. First, we must get the best people to work as journalists. We must seek out those with the highest intellectual standards, with the highest purpose, and above all the best writers we can get—good writers in the broadest literary sense, who have sensitivity to what happens around them, who understand how the specific can be translated into the general, who in the best sense are the novelists of their time. The novel, the good novel, has always been the best journalism.

The other thing we must do is, having got all those good writers, we must create the kind of conditions in which they can do their best work. We can't do that by imposing formula writing, by imposing group journalism. We are talking about artists. This is the only way that we can cope with an age of transformation, to really begin to serve our great purpose in life.

Just as dehumanizing produces—and will produce—ever growing demands for a humane life and for humane dealings with one another, it seems to me that as we are more and more bombarded with visual and auditory images, there will be an irresistible demand for the word and for the meaning the word can convey. For the long future of journalism, that is our challenge.

WHITNEY M. YOUNG, JR.

Mr. HUMPHREY. Mr. President, the memorial service for Whitney M. Young, Jr., conducted at the Riverside Church in New York City on March 16, 1971, was for me a deeply moving experience. Quiet words of profound respect for this great man were spoken from the heart, but they were addressed to the heart and the conscience of all of us who were there and, I believe, to all the people of America.

Recently, through the courtesy of Mr. Harold R. Sims, acting executive director of the National Urban League, I have been privileged to receive the texts of the eulogies delivered by three gentlemen whose participation in such a service had been expressly requested by Whitney Young some time before his death: Dr. Benjamin E. Mays, of Morehouse College, Atlanta, Ga.; Dr. Howard Thurman, of Boston University School of Theology; and Dr. Peter H. Samson, White Plains, N.Y., Community Church, Unitarian.

The statements of these gentlemen are more a challenge to the present than a remembrance of the past. In the words of Dr. Thurman:

> There was with him an ever present sense of urgency. His aim always was to act so effectively in the present as to determine the past as a goodly heritage and to shape the future as a fulfillment of our dreams and hopes.

Again, in the exhortation of Dr. Samson:

> Let this, then, be his memorial: that a host of men and women and children, inclusively human in their larger loyalty, shall in their hearts and acts live true to the common cause of human equality whose insignia he wore and whose discipline he lived.

To Dr. Mays, we should be indebted for bringing words of truth about the life of Whitney Young:

> Whitney Young was a committed man. And this commitment was to the people but primarily to the black man who was and is among the most poorly housed and who for the most part sits at the bottom of the economic world.
>
> He told the people the truth. He told business and government what the facts were and challenged them in a big way to live up to their responsibilities in improving the life of all the people.

Truly, as Dr. Mays concluded, Whitney Young "did so much in so few years." It remains for us to build upon those accomplishments, to make America truly a land full of human freedom and genuine equal opportunity. This must be our pledge to the memory and the hopes of this great leader and servant of our people.

Mr. President, I ask unanimous consent that the eulogies delivered by Dr. Mays, Dr. Thurman, and Dr. Samson at the memorial service for Whitney Young, Jr., be included at this point in the RECORD.

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

EULOGY OF WHITNEY YOUNG, JR.

(By Dr. Benjamin Mays)

Every man who has sympathy and empathy for the man farthest down, who believes that every stomach should be adequately fed, every body well clothed, each family decently housed and every mind amply trained; whose philosophy is that no man should be denied because his skin is black and none favored because his eyes are blue; and who believes that it is possible for peoples of different races and cultures to live together in harmony and mutual respect must choose the profession in which he will work, the battle ground on which he will fight and the method he will use.

Whitney Young had the mind, the integrity and the will to succeed in many professions: law, medicine, engineering and religion. But he chose social work, believing that there he could serve his country and black people best. His arena of battle was among the people whose needs are greatest.

His method of attack was direct community involvement of educators, industrialists, the middle class, government and the poor in an effort to abolish poverty, provide better housing for the poor, jobs for the unemployed, decent wages for the underpaid and better education for the illiterate.

There was no generation gap between Whitney Young and myself. We shared a common philosophy and spoke a common language on what the United States needs to do to make it possible for every American to achieve a life of dignity and respect. I came to know Whitney Young well in 1954 when he became Dean of the Atlanta University School of Social Work. His office was only a few hundred yards from mine. Though both of us were extremely busy, we frequently exchanged views on what should be done to improve the lot of the black man in this country and what we could do to bring whites and blacks closer together in an effort to heal the wound resulting from three and one-half centuries of slavery, segregation and alienation. Though not obvious on the surface, it soon dawned upon me that Whitney Young was a committed man. And this commitment was to the people but primarily to the black man who was and is among the most poorly housed and who for the most part sits at the bottom of the economic world. When we talked about the offer to Head the National Urban League I sensed that it was not the higher salary which the Urban League offered that attracted him most but he saw in the Urban League position an opportunity to do something in a big way to provide jobs for thousands upon thousands of people who had no work and to help other thousands to advance on the job and to get business and government more deeply involved in programs designed to lift America's poor to a place of decency and respectability.

In his speeches and writings, there was no pleading and beggings. He told the people the truth. He told business and government what the facts were and challenged them in a big way to live up to their responsibilities in improving the life of all the people. Whitney Young believed that blacks and whites cannot elude each other and that we must live together and work together. This philosophy was most beautifully phrased by Whitney Young himself when he said not long ago: "If we must polarize in this country, let us not polarize on the basis of race or religion or economic status, but let us polarize on the basis of decent people versus indecent people—between those who are good and those who are bad." I would call his method "effective non-violence." If one's life is to be judged more by results than by rhetoric, Whitney Young's life was most rewarding. Not as rewarding as Whitney would have it, for a man possessed with a dream and driven on by a sense of mission cannot be satisfied with the results, however commendable they may be.

If it is true that among the truly great men of history are to be found those who had great compassion for "the least of these" and if it is true that immortality is guaranteed to those who respond helpfully, sympathetically and understandingly to human need, then Whitney Young qualifies. He did so much in so few years.

Several decades ago, I picked up a dirty page from a newspaper and found these anonymous words which are applicable to Whitney Young. This man allowed no sand to burn under his feet. He did his work as if called into the world to champion the cause of the man farthest down. The title of the poem is "God's Minute," and with it I close:

GOD'S MINUTE

I have only just a minute
Only sixty seconds in it
Forced upon me,
Can't refuse it,
Didn't seek it,
Didn't choose it
But it's up to me to use it.
I must suffer if I lose it
Give account if I abuse it
Just a tiny little minute
But eternity is in it.

That was Whitney Young.

WHITNEY YOUNG: EULOGY DELIVERED AT RIVERSIDE CHURCH, MARCH 16, 1971

(By Dr. Howard Thurman)

The time and the place of man's life on earth is the time and place of his body, but the meaning, significance of his life is as far-reaching and redemptive as his gifts, his dedication, his response to the demands of his times, the total commitment of his powers can make it.

Whitney Young is dead. This is his fact and our reality. To those who were a part of him by ties of blood and intimacy we hesitate to profane your sorrow with our spoken words. Out of our own sorrow, though detached, we share with you the agony of your grief, the anguish of your heart finds echo in our own. We cannot enter into all you feel nor bear with you the burden of your pain. But from within the privacy of our own spirits we give the strength of our caring, the warmth of those who seek to understand the silent storm-swept barrenness of so great a loss. And we do this, each of us, in quiet ways that on your lonely path you may not walk alone.

It is my assignment to speak of the present as the living experience of a living man, Whitney. Obviously, this cannot be done. But what we may do is to feel somewhat of the texture of the fabric of this gifted man. To him the present was the point at which the past and the future meet. But it was this! He saw more clearly than many others that the present was always becoming the past and the future was always becoming

the present. Hence there was with him an ever present sense of urgency. His aim always was to act so effectively in the present as to determine the past as a goodly heritage and to shape the future as a fulfillment of our dreams and hopes.

What of the present? It is at least a time of paradox and dilemma. The Paradox: American life is largely controlled and dominated by white society. Within that society there is a minority who have in their hands the power of veto and certification over the economic and in some ways the social life of the vast majority of the population both black and white; while at the same time this vast majority is poor and dependent, ours is an affluent society in the midst of of which are to be found vast numbers who may be designated as among the Wretched of the earth. That such contrasts persist as a commonplace in our land is the essence of a most cruel paradox.

Whitney Young understood this as few men in our time. His commitment was two-fold—one, to the overwhelming task of feeling his way into the grain in the wood of the dominant white man and to rationalize the insight into a technique of understanding and negotiation. This understanding made him aware of the areas of vulnerability in which a social conscience could be aroused and evoked. While the negotiation would be from within a common framework of enlightened self-interest.

Whitney Young knew that it did not matter how far ahead of himself a turtle put his two front feet, he could not move his body until he brought up his hind legs. Hence there brooded over all the full ranged scope of his negotiations, strategies and plans, this insistence like the spirit of the hive over the apiary—Bring up the rear—Bring up the rear.

The second aspect of Whitney's commitment was to the masses of the poor, both black and white, but with a major concern for the black poor. It was his insight that the black poor are not only poor but also that they live in an intimate climate of poverty. The climate of poverty is an inner atmosphere of the spirit, it dries up the springs of self-esteem and often renders impotent confidence in the meaning and the significance of the private life.

He identified with the plight of the poor and in so doing placed his professional skills and the resources of the Urban League at the disposal of their predicament. Any examination of the record of the organization would indicate this clearly. But he did more than this. He identified with the poor man himself. It was this latter identification that made heavy his days and placed at the center of his spirit an unrelieved frustration. Thus he could empathize with the fear, the despair, the anger and the stark ache of those who had no windbrake of economic security behind which they could take refuge and give to their families some measure of immunity against the impersonal economic forces surrounding their lives. He worked within the paradox in the direction of effective solution, seeking to create ways by which the poor would be brought into direct contact with the resources of the rich, thereby creating a community of common sharing, mutual dependence and effective economic participation. He was a bridge between; he was not a beggar. Instinctively he seems to have known how hard it is for one man to forgive another man because he is able to help him. Thus his creative genius expressed itself in recognizing the healthy self respect that accrued to the man who was able to exchange a skill in the open market for goods, services and security. So the Paradox.

I allow myself only a summarizing comment on one of the central dilemmas of the present. Whitney recognized the new sense of identity in the black community growing out of the will to separateness in contrast with the will to community with the larger white society. He saw clearly that a man must be at home somewhere before he can be at home everywhere. He was a black man identified in his roots with his own people. It was his understanding that in the perspective of history the will to separate and the will to segregate often could not be distinguished one from the other. Therefore, between blacks and whites in America there must always be a swinging door which no man and no circumstance must be allowed to shut. To Whitney, ours is a common destiny; therefore he put the weight of his mind, the gift of his imagination and the magic of humor on the side of a concept of society big enough to provide for the widest divergencies to nourish each other in a creative continuum of fulfillment which to him was the genius of the Democratic Dogma. Thus we celebrate his life and thank God for the gift that permitted him to companion our days.

MEMORIAL SERVICE FOR WHITNEY MOORE YOUNG, JR.

(By Peter H. Samsom)

Years ago Alfred Noyes wrote some lines about the pioneer astronomer Copernicus, and I hope it would not unduly embarrass Whitney Young to say that they apply as well to him.

"I caught the fire from those who went
before,
Bearers of the torch who could not see
The goal to which they strained. I caught
their fire,
And carried it only a little way beyond;
But there are those that wait for it, I know,
Those who will carry it on to victory.
I dare not fail them.
Looking back, I see
Those others—fallen, with their arms outstretched,
Dead, pointing to the future."

Another pioneer has fallen, his life incomplete, cut off in midstream; his arm outstretched, pointing to the future. The whole thrust of Whitney Young's life was toward the future. This was the humanistic kind of immortality in which he believed as religiously as others believe in a life to come in another world.

Now we are keepers of his immortality, with all men and women and children everywhere whose faith in the future he put into action. We now are bearers of the torch he had to lay down so early.

Whitney Young was nothing, if not a realist. He was warmed by the fire of an ideal hope, but steadied by a realistic appraisal of what we was up against. He knew that the conditions he sought to change had been very long in the making, and are strong in their founding. He knew that the wrongs of our society could never be righted by the further wrong of human violence, and would certainly not be blown away by the hot air of rhetoric.

But his realism about the future gave him no excuse for taking it easy, or relaxing his pressure upon the major influences of our society. He often said "There are always ways not to do what you don't want to do. . . . A nation that can send men to walk on the moon can eliminate its ghettos, if it wants to"—and he tried to make us want to enough.

He knew that social change is a man-sized job, a community-sized job, a nation-sized job—a job for the long haul, demanding the support of every segment of us: of those holding economic power and with it the leverage to make a real difference, and of those whose self-identity and economic strength he saw as indispensable if they are fully to participate in the larger society of which they are a part.

Whitney wasn't much for labels, and he cared even less for the lazy, rigid mind that underlies them. "Nobody who's working for black people is a moderate; we're all militants in different ways", he used to say. "I can't afford the luxury of a dogmatic position that says 'I won't make any compromises', because I'm dealing with the real world."

Naturally he was often misunderstood—by the Left as too docile, by the Right as too militant. But he went quietly and steadily about his unromantic task of opening doors between people in the great house of mankind, creating jobs and opportunities for training, helping the estranged and the embittered to talk to each other and to begin to work together.

With his compassionate heart and innovative mind, he too had a dream. His dream was the open society, based on mutual respect, beyond racism of whatever color, racism in whatever polite or raucous form. He warned again and again that what can fatally wreck the hope of that open society is for people to separate from each other and cluster in fear or self-righteousness around the opposing poles of their lesser loyalties, or to fly into social tantrums for the sake of whatever cause—which then must wait the longer for realization.

For this he will live in that part of our hearts where somehow we must find the courage to press on without him: for the truth that he began to make real, that the people of this land—yes, of the world—can and will yet join their minds and hearts and hands with each other, uniting and not fragmenting their divinely human talents and energies in the common human cause that is larger than any one of them.

Separation was the evil he strove in all his ways to overcome—separation between white and black and brown. Separation was the wrong he believed we shall overcome, separation and the uncaring and cruelty between people that flow from it. Peacefully, persistently, he prodded us and the corporations and the government toward the better way of building bridges between people, who together with each other and with the rich resources of this gifted land, must tackle the enormous problems that none of us can hope to meet alone, let alone solve.

And now his valiant striving is over. But his life and his labor will fall short of their full meaning unless we who knew and loved him uphold the aims that made his life strong and sure. He has fallen, but his outstretched arm points toward the future. Let this, then, be his memorial: that a host of men and women and children, inclusively human in their larger loyalty, shall in their hearts and acts live true to the common cause of human equality whose insignia he wore and whose discipline he lived. "Equal": this was his sign, the symbol of his hope:

Because he once was vital and is gone,
We who honor him are conservators
Of wealth too precious to be lightly sped to
earth.
While we care, something of him persists. . . .

Let his voice speak to us through the words of his own people, echoing down from another time and another condition of life—but the words now carrying a new and humanized meaning: the bettering of this life on earth with equality for all the sons of man in this world. Hear the old words—they could be his:

"Oh walk together, children,
Walk together, children,
Don't you get weary—
There's a great Camp Meeting in the Promised Land."

TAX BREAK CRITICISMS

Mr. HARTKE. Mr. President, the proposed Nixon administration tax break

has met with serious criticism from noted law authorities. This criticism has led to considerable uncertainty among the business community as to whether the regulation will be invalidated by the courts.

I would like to draw the attention of my colleagues to an outstanding report on the depreciation issue which appeared in the London Economist of May 8, 1971. As that report concludes:

The use of an administrative measure to replace one abolished by Congress introduces political and legal conflict and thus heightens the uncertainty.

I have long contended that the proper means of stimulating the economy is through reinstatement of the investment tax credit at a level 10 percent. Such a tax credit would be enacted by the Congress rather than by an unlawful excess of executive authority and would be absolutely free from doubt as to its validity. In this regard I submit for the RECORD two respected business tax reports which indicate the serious extent of the uncertainty created by the depreciation proposals. Such uncertainty can only be ended by enactment of an investment tax credit and repeal of the Treasury regulations in questions.

Mr. President, I ask unanimous consent that article from the London Economist and the two tax reports in question be printed in the RECORD.

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

A MATTER OF DEPRECIATION

WASHINGTON, D.C.—For three days this week, the Treasury sat as judge and jury over a little matter of $37 billion which the Administration proposes to allow industry in the form of more generous depreciation allowances when paying taxes. The very phrase "depreciation allowances" is an immediate switch-off phrase; it reeks of technicalities beyond the wit of laymen and of most Congressmen—a subject surely fit only for lawyers and accountants. In announcing the change on January 11th President Nixon emphasized its "highly technical" nature and sought to pass it off as a mere administrative reform. To buttress the argument that the reform did not require legislation, Treasury officials stated that it was not a tax cut, merely a matter of timing.

Companies were to be allowed to depreciate their assets for tax purposes over a period shorter (or longer) by as much as 20 per cent than is laid down in the guidelines instituted in 1962. Since the total allowance would remain the same, it was argued, the Treasury would not be handing out any more money. This line of reasoning incorporated a semantic confusion. It is true that a company making an investment of $1 million would still write off $1 million, but in eight years rather than ten. Yet in fact companies make investments year by year—and under accelerated depreciation the Treasury collects less revenue year by year than it would otherwise do. The Treasury estimates the loss at $2.7 billion in the 1972 fiscal year, starting on July 1st, with a total of $37 billion for the decade.

There, thanks to the abstruseness of the subject, the matter would have lain; a large tax change presented as a small administrative measure. But this would be to reckon without the groups of Administration watchers that have grown up in the wake of Mr. Ralph Nader's demonstration of the power of the well-informed citizen in a democratic state. Lawyers in Mr. Nader's public interest research group thought that the Administration was probably exceeding the constitutional power which gave to Congress the right "to lay and collect taxes" and that, at the very least, it was taking a major decision without sufficient public debate.

So they threatened to challenge the legality of the changes on the ground that public hearings had not been held. The Treasury then agreed to hold hearings, even claiming that these had been planned all along. Mr. John Gardner's movement for more rational government, Common Cause, diverted some of its energies to this esoteric battle. And the Taxation with Representation lobby, which tries to bring the general public into the debate about tax changes which is usually conducted solely by powerful pressure groups, weighed in by distributing statements by both sides. Other groups have been agitating against what they see as a diversion to corporate pockets of money that would be better used to alleviate social ills.

The hearings centered on two groups of issues: whether the Treasury was exceeding its administrative prerogative and whether the changes made sound economics. Meanwhile Mr. Edwin Cohen, the Assistant Secretary of the Treasury for tax policy had already said that we don't anticipate changing our mind. As a very practical matter, a businessman can rely on this going into effect in its broad outline.

The question of the scope of administrative authority was hotted up by Senator Muskie the day before the hearings began. He released to the press an internal memorandum that a top Treasury official, Mr. John Nolan, had submitted to the White House before Christmas. It judged that legislation would not be needed to reduce the life of assets by 20 per cent as long as the reserve ratio test (see box) was retained. The current proposals include the abolition of this test. Mr. Nolan has changed his mind since writing that preliminary memo and the Treasury now argues that the wording of the tax code allows it discretion, that it has exercised such discretion several times and that the reserve ratio test has not, in fact, operated since it was introduced. Some support for the Treasury's position can be found in the absence from the hearings of top Senators and Congressmen from the committees most concerned with fiscal policy who are usually jealous in guarding their prerogatives. But once the hearings are over the opposition may take its challenge to court.

The economic argument for the changes was the simple one that higher allowances for depreciation would be an incentive to greater investment and modernisation of facilities and that, by comparison with other countries, American allowances were paltry. The latter may be true, but the relationship between investment allowances and investment is unproven. As the chart shows, the decline in profits last year was offset by a handy increase in the value of depreciation allowances from natural causes so that cash flow and dividends were kept up. If companies are going to pass the money on to their shareholders, the case for higher allowances is weakened.

Between 1963 and 1969 investment tax credits helped to set the framework for high capital spending. These credits were done away with on President Nixon's recommendation in 1969—and the revised depreciation allowances are clearly a politically digestible substitute. The argument against the substitute as compared with the original credit is that as an incentive to invest it is less direct and therefore probably weaker in its effect, though it may actually cost the Treasury more and give more money to the corporations.

Furthermore, the new arrangements will probably not act to stimulate investment until reflation is already well under way. The worst sort of environment for business investment is uncertainty. And the switch from one type of encouragement to another has helped to create it. The use of an administrative measure to replace one abolished by Congress introduces political and legal conflict and thus heightens the uncertainty.

* * * * *

Depreciation is the amount of money which a company writes off against profits as the assets, which generate those profits, get used up. The rate of depreciation is based on a business judgment of how long the assets remain useful and companies can charge what ever they like as long as auditors are persuaded that it is reasonable. But the tax authorities are much more strict about how much depreciation may be set off against taxable income and have firm guidelines for depreciation allowances. In 1962 the Internal Revenue Service classified American industry into about 50 groups and assigned depreciable lives to most of the assets in each group. For example, assets in gas and electricity transmission were given a life of 30 years, in railways 14, in mining 10, in aerospace eight.

To guard against the possibility that companies might not use the funds gained from tax concessions to replace assets, a reserve ratio test was concocted. This related the accumulated annual dollops of depreciation to the assets that the reserve was being built up to replace.

In fact, the practical difficulties of calculating the ratio test have meant that it has remained in abeyance. But, unless it is repeated, the IRS is now going to have to put it into effect. If the lives set by the guidelines are shortened by 20 per cent (or lengthened by 20 per cent, which is why the proposals are referred to as the "asset depreciation range system") and there is no test, then all connection between depreciation and the concept of "useful life" is severed. Critics maintain that this severance can only be accomplished by congressional action.

THE KIPLINGER TAX LETTER,
Washington, D.C., April 23, 1971.

DEAR SIR: Liberalized depreciation rules are turning into a major fracas. Outcome will have a hefty impact on business profits for years to come. But for now, companies are caught in the middle . . . showing uncertainty about whether to go forward with the new rules or stand pat with old.

Eruption of opposition caught Treasury by surprise . . . unexpected. Its intention when it first announced the easings in Jan. was simple . . . put them into effect immediately. Then when some Nader-type gadflies objected to this procedure, it decided to issue proposed regulations. Now the administration finds itself embroiled in a full-scale battle.

Main objection is that officials lack the authority to ease up. Argument is that Treasury is going beyond permissible limits of tax law, and that depreciation changes of such scope require action by Congress. This is the argument that will finally drag the issue into the courts.

Other objection centers around priorities . . . whether the gov't should be passing out about 35 billions in tax relief to business firms over a 10-year period instead of putting the money into other purposes. This is the argument of the politicians, including all of the leading Democratic contenders for the Presidency . . . Muskie, McGovern and Bayh. Doesn't carry any legal weight, but it could carry weight in Congress.

As for business groups, they also object . . . mildly, to be sure . . . because the depreciation easings don't go far enough for some of them. They all support the basic approach of giving most companies a 20% leeway in how fast they can write off assets. But they want additional latitude in deducting repair costs and they want easing applied to foreign assets.

Treasury is prepared to take on all comers. It has hired a hall to listen to an array of witnesses testify pro and con starting on May 3, but it is NOT going to back off from its basic position. That's certain.

Gov't is convinced it has a legal right to do what it's doing, and cites previous administrative changes in treatment of depreciation . . . especially the 1962 Democratic overhaul when present guidelines were set.

From a business standpoint then, this is what to look forward to:

Final depreciation regulations will follow after the hearings.

Suit will be filed in court by opponents to overturn the rules or at least get an injunction. This could cause uncertainty for years, for they plan to carry the fight to the Supreme Court if they have to.

Treasury will ask Congress to validate its action with a law if it finally loses in court, but outcome of such a move is in doubt.

All this will take time . . . and business will be on hook meanwhile, unsure of whether the easier depreciation regulations are legal or not. For now, we hear that many companies are planning to stay away from them, stick to the present methods until they feel more confidence in new ones.

A way to use new depreciation method and still act cautiously is being worked out by some firms. Their concern is that if they switch and the regulations are eventually overturned, they might be in a bind . . . have to pay additional taxes without funds to do so. So their accountants are suggesting that they set up a special contingency reserve in addition to regular depreciation reserves . . . spread between old and new write-offs.

Note that such a reserve would NOT be tax deductible . . . would be for company use only. But it would reflect in reports to stockholders by lowering earnings . . . which company might or might not want to do.

Alternatively, ignoring new method could mean permanent tax loss.

TAX PLANNING IDEAS: FIVE-PRONGED ATTACK POSES THREAT TO ADR SYSTEM AND MULTI-BILLION DOLLAR BONANZA

As hearings on IRS' proposed ADR (Asset Depreciation Range) system regs near (they are set for May 3), the proposal seems to be getting it from all sides. In fact, there are at least five different angles of attack.

(1) Capitol Hill: Important senators on Capitol Hill—Muskie and Bayh, to mention two—have leveled attacks on ADR. Bayh has a "sense of the Senate" resolution against it.

While technical tax issues don't usually get much of a public airing, simply because they are so technical, this issue is not all that technical; and at a time when the individual taxpayer is seriously hurting under the combined impact of federal, state and local taxes, it is possible that ADR, if and when adopted, could be erased by Congressional action.

(2) The Press: The New York Times has condemned the ADR proposal as a giant tax giveaway at a time when we can ill afford it. Other sectors of the press can be expected to follow the Times' lead.

(3) The Academic Community: The attack from the academic community is being led by Professor Boris I. Bittker of Yale, an outstanding tax authority and scholar. He's put together a closely reasoned, 25-page memo in opposition and has submitted it to IRS. If IRS itself is not impressed, others will be.

(4) John Q. Taxpayer: Consumer groups and some union groups have voiced opposition on behalf of John Q. Taxpayer, questioning the wisdom of billions of dollars of tax relief for business or some sectors of the business community while his tax woes mount.

(5) The Disadvantaged Businessman: At first blush, one might expect universal acclaim for ADR from the business community. But this hasn't been the case. There are some businessmen who feel disadvantaged by it.

The fellow who went out and bought his new business equipment last year sees his competitor who goes out and buys equipment this year or next as getting a clear competitive advantage in the faster write-off.

Then there are all those sectors of the business community in which equipment doesn't loom large in the profit picture. Many of them are asking, "What about us? How about giving us a tax break?"

LIKELIHOOD OF SUIT

A suit attacking the ADR system before its final adoption would be premature; but it is not unlikely that, if and when IRS adopts regulations, a suit challenging the system and regs will be filed. The suit can be expected to be prosecuted by eminent tax counsel, and the attack can be expected to follow the outlines of the argument used by Professor Bittker in the 25-page memo referred to above.

THE LEGAL CASE AGAINST ADR

It is claimed that the Treasury does not have the statutory authority to permit taxpayers to depreciate assets over the ranges proposed by the ADR system (using lives 20% shorter or longer than those provided in the 1962 guidelines, *Rev. Proc. 62-21*).

True, the Treasury has statutory authority to issue regulations either interpreting an ambiguous statute or filling in gaps deliberately left by Congress for the administrator to fill in. But there's a real question as to whether that's what ADR is designed to do, especially since the Administration in announcing ADR laid emphasis on creating jobs, promoting economic growth, improving the balance of payments, increasing productivity—in short, giving the economy a shot in the arm.

The language used in the ADR regs is in many respects identical with the repealed investment credit provisions and appears to be an administrative substitute for investment credit. Professor Bittker has noted the strong resemblance and raised the question whether ADR is not in fact a substitute for investment credit. In his analysis, Professor Bittker points out that the distinction between equipment used within and outside the United States made sense in the investment credit provisions as encouraging domestic investment but doesn't seem to make much sense from the standpoint of determining useful lives.

Professor Bittker after reviewing the background for the development of the concept of depreciation for tax purposes, citing U.S. Supreme Court decisions and portions of the 1962 guidelines, concludes that the range of lives sanctioned by the ADR system exceeds the Treasury's authority in two ways:

(1) It provides for an artificial increase or decrease in average useful lives (as estimated by the 1962 guidelines) by 20%, unrelated to actual changes in the underlying facts; and

(2) Permits the use of these artificially altered averages without regard to separate circumstances.

He finds little merit in law sections cited by the Treasury as authorizing ADR.

If the Treasury's authority to regulate depreciation were as broad as it claims, there would be no need to have added the specific provisions added in recent years which permit fast writeoffs in some cases, such as research and development, soil and water conservation, trademark and trade name expenditures, railroad rolling stock and grading expenditures, and other specific sections.

He further argues that the change in useful lives is not attributable to studies made of useful lives. For one thing, the 1962 guidelines can't be simultaneously too long and too short. Certainly, all the 1962 guidelines are now out of line by the same 20% error.

Finally, ADR applies only to assets placed in service in 1971 and after. But if the 1962 guidelines are out of date for post-1970 assets, they must be even more inaccurate for pre-1971 assets.

While the ADR system may be a desirable way to step up the pace of business investment, this is a decision that should be made by Congress.

THE PRACTICAL EFFECT—WHAT TO DO

There are two practical questions that the businessman and the investor are apt to face:

(1) Should equipment be bought on the assumption that ADR will be upheld and that you will thus be able to get a faster write-off?

(2) In making a buy, hold or sell decision with respect to a company which figures to benefit greatly by the ADR system; for example, equipment leasing companies and airlines, should the assumption be made that ADR will be upheld?

We think that the safest course is not to make purchases or investments on these assumptions. At this stage, look on ADR as offering a possible windfall. That's all.

REMARKS BY SENATOR MAGNUSON, MARITIME DAY, SEATTLE, WASH., MAY 21, 1971

Mr. JACKSON. Mr. President, my distinguished colleague from Washington State, Senator MAGNUSON, was featured speaker for Maritime Day, May 21, 1971, in Seattle. His remarks, before the Seattle Chamber of Commerce and the Propellor Club, present clear evidence of the need for real cooperation between government, industry, and other interests in the field of environment. They also point out the need for a healthy Merchant Marine if we are to ride the crest of developing world trade.

Mr. President, I ask unanimous consent that the text of Senator MAGNUSON'S speech be printed in the RECORD.

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

REMARKS BY SENATOR WARREN G. MAGNUSON

It is a genuine pleasure to be here among so many old friends to celebrate National Maritime Day. This day has special meaning for Seattle and the Puget Sound area. The sea and marine environment has been an inextricable part of our history. It has influenced and continues to influence the quality of life of all our citizens.

Our Puget Sound region is unique in the United States, an area of unsurpassed scenic beauty. It contains numerous and relatively unspoiled estuaries, islands and tidal flats which support abundant and varied types of fish and wildlife. Our marine environment is not only a magnificent natural heritage, but an important recreational and economic resource.

Of course, our area is no longer the exclusive domain of mariners, fishermen and others who derive their livelihood from the sea. However, in the economic sphere as well as others, there is reason to believe that maritime activities will increase rather than diminish in importance for Pudget Sound. I believe that they will play an even more important economic role in the future of this area than they have in the recent past.

Let me take a few moments to review some of the important developments in this regard, as well as some of the problems.

It has long been my view that Puget Sound should strive to become the oceano-

graphic center of our Nation. The development of Puget Sound as an oceanographic and marine industrial center is eminently feasible. It would be consistent with the skilled labor force existing in our area, with the university resources and facilities of the region, and with long-range plans for diversification and stabilization of our economy. It would also permit economic expansion without posing a risk to the irreplaceable Puget Sound environment.

We are making much progress in this oceanographic effort.

I have received assurances from the new National Oceanic and Atmospheric Agency that the western headquarters for the nation's oceanographic effort will be centered in Seattle. Additionally, in mid-June I am bringing the Oceanic Subcommittee of the Senate Commerce Committee to Puget Sound along with the NOAA Administrator, Dr. White, to discuss and explore the future of the Puget Sound region for oceanic and Marine technology development. This is a tremendously exciting field and the opportunities are such that over the long-range we may eventually employ as many people in the oceanographic field—a field totally compatible with the resources and environment of the Pacific Northwest—as we have employed in the aerospace industry.

Of course, threats to the Puget Sound environment are also a serious threat to our aspiration of making Puget Sound an oceanographic center. That is why I have repeatedly said that we cannot tolerate oil spills of any kind. It was also one of the reasons I strongly opposed the granting of oil exploration leases for our tidelands, and was so pleased with Bert Cole's decision in the matter.

The threat of tanker spills still exists however, and I have been working hard to overcome that. The Senate recently passed a bill I introduced, S. 699, to provide a system of voice communication between vessels. This will greatly reduce the risk of collision in waterborne transportation of petroleum. These collisions have resulted in several serious oil spills, including the recent San Francisco Bay tragedy. Now that the Senate has passed the bill, I am hopeful that the House will act soon.

I have also introduced legislation, S. 698, that would empower the Coast Guard to establish comprehensive rules regulating vessel movements and practices. Hearings on this legislation are expected to begin shortly. In the interim, I have asked the Coast Guard to station an officer at each facility in the Puget Sound area at which substantial quantities of oil are loaded or unloaded.

Finally, I have prepared for introduction in the Senate a bill which will set tough new standards on tanker construction and deck handling equipment and procedures. This bill will be the auto safety bill of the maritime industry.

Through these efforts, among others, I am working to develop our Puget Sound region as an oceanographic, fisheries and aqua culture center.

Just as oceanography and related marine environment activities hold great promise for our area, so do more traditional maritime activities. Last September, after nearly a decade of struggle, we enacted the Merchant Marine Act of 1970. This legislation holds great promise for revitalizing our merchant fleet. With its passage and commitment to the necessary continuing support, the Government has done its share. The ultimate success or failure, however, will depend on the private sector.

This legislation not only holds forth the promise of revitalizing U.S. maritime capability generally, but can have special benefits for the Puget Sound region. There is no reason why a substantial number of the 300 new vessels that are projected cannot be built in area shipyards. But greater vision, daring and aggressiveness will be needed by those who manage our yards. Recently, we have been successful in channeling some conversion and reconstruction work to our shipyards. This means thousands of jobs for our region that are badly needed. However, if the tremendous benefits of new construction orders are to be realized, our shipyards will have to lead the way in modernizing, making new capital investment, and generally becoming more competitive.

The Merchant Marine Act of 1970 holds other benefits for Puget Sound. For example, it provides, for the first time, incentives for the construction of oceanographic vessels.

We were also successful in the Congress in inserting tax incentives for coastwise vessels in the Alaska trade and for revitalizing our fishing fleet. These provisions, which are strongly opposed by the Administration, will effectively cut in half the cost of building or buying a new commercial fishing vessel or vessel for trade with Alaska. The special benefits of these provisions to our Puget Sound area are obvious.

So the Merchant Marine Act of 1970 holds many possibilities. Puget Sound should spare no effort in taking full advantage of this legislation.

For it is clear to me that the Puget Sound area can and should look to maritime activity as an important part of its economic future. The Port of Seattle is leading the way by example. It has been one of the few bright spots in an otherwise bleak economic picture. From 1966 to 1970, Port revenue more than doubled from $8 million to over $18 million. The value of products moving through the Port increased from $338 million in 1966 to $871 million in 1970, again more than doubling. This is a fine tribute to all those involved with the Port.

This region's natural advantages as a maritime center will receive another great boost. Obviously, ships cannot operate without cargo. The increasing opening up of trade with Asia holds great promise. We are the "Gateway to the Orient".

Our trade activities with Japan, which are already extensive, can be expected to increase and improve. The Japanese have already taken steps to reduce many of their barriers to our exports. I have been working to eliminate many more of these obstacles on a wide variety of commodities ranging from automobiles, aircraft and computers, to wood chips and agricultural products. We are making progress. This will not only benefit us on a national level by improving our balance of trade and payments, but can be of direct benefit to the Puget Sound area.

Similarly, trade with other Asian and Pacific rim nations can be expected to increase.

And, of course, in recent weeks much has been said about the possibility of trade with the People's Republic of China. The Puget Sound ports are the logical gateways to China and as trade relationships develop with the nation it should create important long-range economic benefits not only to our maritime efforts but to our total economy as well. The State of Washington is basically an exporting state.

As most of you know, for the past 15 years I have advocated the development of non-strategic trade with China. I was just getting to the point where I was quite used to the criticism that was directed towards me when, lo and behold, half a dozen ping-pong players assisted by Chou-en-lai and President Nixon have made my urgings of many years standing the policy of the day. I am, of course, pleased and I assure you that as Chairman of the Senate Commerce Committee, which has responsibility for foreign trade, I shall do all that I can to see that reasonable and productive non-strategic trade is encouraged between our nation and China.

In the meantime even though we are not yet able to trade directly with Mainland China I am working with various Federal officials to see if we can obtain clearance for our Pacific Northwest ports to receive Chinese cargoes destined for Canada. This would allow us an opportunity to expedite our trade and port relationships with China and I am confident that our ports can compete very effectively with the Canadian ports.

So on this National Maritime Day, 1971, we in Seattle can look with some deserved degree of optimism at the maritime picture. Efforts to encourage and develop oceanographic marine technology and related fields in Puget Sound, the continuing trend of increased trade through our ports, the tremendous uplift for our fleet envisioned by the new National Maritime Act and important new sources of water-borne commerce developing in Asia—all add up to a maritime picture that is bright with promise. The opportunities are there and it is up to each of us in our own way to see that these opportunities are realized.

THE TOBACCO INDUSTRY'S PUBLIC RELATIONS

Mr. MOSS. Mr. President, I have previously commented at some length on the health risks associated with cigarette smoking. We are by now somewhat familiar with the increased mortality and morbidity of smokers, particularly with regard to lung cancer, heart disease, and chronic respiratory diseases.

One of the most perplexing problems facing the American people is the barrage of contradictory propaganda put out by certain sectors of the tobacco industry. Several tobacco firms attempt to be reasonable in their advertising, although I believe it is far too excessive and too appealing to young people. But the principal industry voice, the Tobacco Institute, Inc., has over the past few years attempted some distressing methods of winning public support. Fortunately, they have not succeeded.

I refer particularly to the overall industry posture as set forth by the Tobacco Institute. The latest pro-smoking television spot announcements attempt to cast doubts upon the hazards of smoking, and in so doing cannot help but encourage people to smoke. These spots, the Institute's print advertisements, the widespread distribution of a leaflet questioning the scientific evidence using assertions that objective researchers hypothesized and dismissed more than 10 years ago, the misleading pronouncements, all of these combine to create an atmosphere of distrust and antagonism for those industry efforts which are truly responsible.

The Lewiston, Idaho, Tribune has succinctly analyzed the Institute's gimmick and has editorially commented on the distasteful campaign which surely will go down in the annals of public relations as one of the most reprehensible, if not unsuccessful ventures in swaying public beliefs.

I ask unanimous consent that the editorial from the Lewiston, Idaho, Tribune be printed in the RECORD.

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

[From the Lewiston (Idaho) Tribune, May 7, 1971]

NO ONE SURE THE WORLD IS ROUND

One of the most reprehensible public relations efforts in America today is the work by

The Tobacco Institute, Inc., to cast doubt on the warnings issued in recent years against the dangers to health in cigaret smoking.

If the Institute wanted to rationalize to the extent of suggesting that smoking, like skiing or driving a racing car, is a calculated risk giving some pleasure to the many who survive the risk, it might be possible to abide the tobacco industry's activities to protect its profits.

But the Institute doesn't stop there. It wages a persistent public relations war aimed at undermining the information of conscientious scientists and organizations who are engaged in advising Americans of the risk that is involved in smoking, calculated or otherwise.

The consistent line of the Institute is that no scientist has yet proven conclusively that cigaret smoking is harmful to the health of humans.

Even if that were true (even if there is still some faint doubt that the world is round), the contention is of no great merit. It takes only common sense, not scientific papers, to tell anyone of average intelligence that sucking a foreign substance into your lungs—whether cigaret smoke or powdered sugar—is not conducive to robust health.

Most smokers realize that and are continuing voluntarily or psychologically involuntarily with their calculated risk. They didn't need a surgeon general's report to tell them that they would be better off without cigarets. Most smokers are familiar with the ghastly little experiment of drawing a few puffs through a handkerchief. Even with a filter, it leaves an ugly, gooey brown stain. (Try it if you haven't.) It doesn't take a genius to conclude that the same experiment, conducted several hundred times daily on the lungs, year in and year out, could easily overtax the body's defenses.

But it isn't enough that the tobacco industry pushes its unwholesome product at us. These same individuals feel compelled to spend part of the profit extracted from their customers to make those customers and everyone else believe that the health evidence gathered to date is inconclusive. But, of course, the American tobacco industry has been conditioned to think that way. An American public that will buy cigarettes will probably also buy sophistry.

This week The Tobacco Institute mailed a ring binder to editorial writers throughout the country. The binder contains an 18-page treatise attempting to discredit one phase of the anti-smoking campaign.

"From time to time," says the covering letter, "The Tobacco Institute will send you a background and source reference statement on some aspect of the tobacco controversy. The first is enclosed—in a notebook to which additional backgrounders may be added in the future."

Then the Institute has the gall to include in the notebook a hint that the millions of Americans who smoke may want to form "a smokers' lobby" to protect themselves against all those people trying to save them from themselves.

"Unlike the powerful lobbies of the well-financed voluntary health associations, certain religious sects and other anti-smoking spokesmen," says the Institute, "smokers are not organized to print pamphlets, hire public relations men and lawyers and medical advisers, and effectively protest the assaults on their customs and privileges. . . ."

What about the pamphlets cranked out by the tobacco industry with the profits from sales to smokers? What about the public relations men working for The Tobacco Institute, Inc.? What about the doctors and lawyers paid by the tobacco industry to try to discredit evidence of harm from smoking?

What is the motive of those nonprofit voluntary health associations and the nonprofit religious sects campaigning to save the health of their fellow citizens?

And what is the motive of The Tobacco Institute, Inc.?—B. H.

REPEAL THE FORMOSA RESOLUTION

Mr. CHURCH. Mr. President, the Committee on Foreign Relations will soon be holding hearings on our China policy and congressional initiatives in this regard. One such measure now before the committee is Senate Joint Resolution 48, sponsored by the distinguished senior Senator from Maryland (Mr. MATHIAS) and myself, which would repeal the 1955 Formosa resolution.

A clear account of this resolution is provided in an article in the Washington Daily News of May 8, 1971, by Mr. R. H. Shackford, and I ask unanimous consent that it be printed in the RECORD.

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

HILL MAY KILL "FORMOSA RESOLUTION"—COLD WAR RELIC A "BLANK CHECK"

(By R. H. Shackford)

President Nixon has congressional authority if he wants to use it, to take any military action "he deems necessary" to protect from armed attack Taiwan (Formosa) and its related islands, including the off-shore islands of Quemoy and Matsu.

That blank check from Congress was adopted on Jan. 29, 1955. But like the controversial Tonkin Gulf Resolution on Vietnam, it probably will be repealed by Congress this summer. The Tonkin Gulf Resolution, which former President Johnson used to justify his intervention in Vietnam, was repealed last fall.

Sen. Frank Church, D-Idaho, introduced a resolution to rescind the "Formosa Resolution," as it is called, in February. It will be considered during a new series of hearings on China that Chairman J. William Fulbright, D-Ark., of the Senate Foreign Relations Committee plans to hold soon.

It was the China hearings initiated by Sen. Fulbright in 1966 that started the United States toward what Mr. Nixon now calls "our new China policy"—abandonment of the old policy of deliberately trying to isolate Communist China from the rest of the world.

PASS EASILY

The Church resolution is expected to pass Congress easily. The administration will not object. The State Department has said the "Formosa Resolution" is not needed for the pursuit of its foreign policy with respect to China.

There will remain, of course, the mutual defense treaty between the United States and Chiang Kai-shek's Republic of China on Taiwan. That treaty commits the United States, in case of an armed attack in "the West Pacific area," to act to meet the common danger "in accordance with its constitutional processes."

When the treaty was ratified by the Senate in 1955—10 days after Congress approved the "Formosa Resolution"—the phrase "constitutional processes" was understood to mean congressional approval of any military action the President wanted to take.

But in the heyday of the cold war, Congress already had given the President open-ended authority to do anything he wishes, militarily, in the area.

In fact, the congressional resolution went much further than the treaty. The treaty applies only to Taiwan and the nearby Pescadores Islands. The resolution gave the President additional authority to use American military forces on the Chinese mainland's offshore islands (Quemoy and Matsu) if he decided such a step was necessary to defend Taiwan, more than 100 miles away.

WAS MAJOR ISSUE

The off-shore island commitment was a major issue during the 1960 presidential campaign between Mr. Nixon and the late John F. Kennedy. Mr. Nixon, who was Gen. Eisenhower's Vice President when the off-shore commitment was made, defended it, and Mr. Kennedy urged an end of it.

But nothing has been heard of this issue since. There have been no crises involving those tiny islands in recent years even tho Chiang maintains large numbers of military forces on them.

Over the years, the United States has failed in its efforts to get Chiang to reduce his forces, on Quemoy especially, just as it has declined to try to get him to stop small harassing raids on the mainland.

The only activity on Quemoy for years has been the alternate-day exchange of artillery shells that contain only propaganda leaflets. The last high explosive shell exchanges between Chiang's and Mao's forces in that—where they are only a mile or so apart—was in 1964.

In testimony before a Senate Foreign Relations subcommittee the U.S. ambassador to the Taiwan regime, Walter McConaughy, said:

"The GRC (Chiang's government) over the past five years has been much more active than the Communist Chinese in conducting low-level or small-scale military actions against the mainland for both military and political reasons. These actions have consisted of reconnaissance flights, maritime raids and propaganda shelling.

Asked why the United States had not tried to discourage Chiang from what the ambassador admitted were "pinprick raids," Mr. McConaughy said they helped the morale of Chiang's forces and gathered bits of intelligence.

THE ELECTION IN SOUTH VIETNAM

Mr. STEVENSON. Mr. President, on June 1 South Vietnamese President Thieu visited some of his troops stationed in the Uminh Forest, a former Vietcong stronghold in the Mekong Delta. In a report which appeared in the June 2 Washington Post, Peter Jay characterized the purpose of the visit thus:

> The trip, like many the President has been taking around the country in the past several months, was at least as much political as ceremonial. "Only four months until election time," an aide to the President said. "We have to keep moving around."

According to Mr. Jay's report, the highest U.S. official in South Vietnam, Ambassador Ellsworth Bunker, accompanied Mr. Thieu, and U.S. helicopter gunships hovered overhead during the ceremony.

This incident, multiplied hundreds of times over, goes far toward explaining why the overwhelming majority of South Vietnamese believe that the United States supports the reelection of President Thieu.

I do not fault the Ambassador for appearing publicly with Mr. Thieu at official functions, but unless we take action to offset the appearance of U.S. support for Mr. Thieu we will confer upon him an unfair advantage over his opponents in the forthcoming elections. It is for that reason that I have introduced legislation creating a congressional commission to implement the policy of strict U.S. neutrality in the Vietnamese elections.

In the May 30 New York Times, Tom Wicker observed that "Washington is both tacitly and explicitly aiding Mr. Thieu's reelection campaign," thereby

discouraging other prospective candidates from coming forward. I am gratified that Mr. Wicker concludes that the establishment of a congressional commission would be a step in the right direction, and I commend his careful analysis to my colleagues.

Mr. President, I ask unanimous consent that Mr. Jay's report and Mr. Wicker's analysis be printed at this point in the RECORD.

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

MR. THIEU'S UNCLE

(By Tom Wicker)

WASHINGTON.—Those who advocate a negotiated settlement of the war in Indochina instead of a unilateral American withdrawal from a continuing war fought with American support for Saigon, are bound by the logic of their views to oppose the reelection of President Thieu next October. His "four-no" policy (no coalition, no neutralism, no Communist party and no land concessions to the Communists) precludes any hope of negotiation.

On the other hand, President Nixon's Vietnamization program ("changing the color of the bodies," as Eugene McCarthy acidly called it) virtually dictates the fact that Washington is both tacitly and explicitly aiding Mr. Thieu's re-election campaign. This is so clear in South Vietnam that the other day Senator Tran Van Don said he saw no use in supporting Gen. Duong Van Minh, his colleague in overthrowing Ngo Dinh Diem in 1963; Mr. Thieu "has in his hands all necessary factors for his victory," Mr. Don said, including the bureaucracy, the armed forces, police, intelligence apparatus, mass media, money and American support.

This may be overly pessimistic; General Minh, a national hero, is a formidable candidate. In a recent article in The New Yorker, a long-experienced observer of Vietnamese affairs, Robert Shaplen, said the inconclusive South Vietnamese invasion of Laos as well as widespread corruption had made Mr. Thieu politically vulnerable. Vice President Ky's plan to run for the presidency might split the military backing for Mr. Thieu, and Mr. Shaplen said a private poll showed that 60 per cent of the military men questioned already opposed the President.

It is nevertheless true that his American underpinning is one of Mr. Thieu's greatest assets, because it discourages men like Mr. Don from active opposition, and because it vastly strengthens the regime.

Not only do American officials like Ambassador Bunker rather plainly display their admiration for and reliance upon Mr. Thieu, and not only are such American programs as financial support for the South Vietnamese internal police an aid in Government control of the political process; but also the over-all American policy itself, favoring a non-Communist government in Saigon even at the expense of a continuing war, and pouring immense sums into the South Vietnamese armed forces and economy, is the tidal current on which Mr. Thieu's Government and political fortunes ebb and flow.

That is why it is not much use to maintain, as Gen. Edward Landsale, the political warfare specialist, did in a letter to The Washington Post, that the United States can and should "remain neutral in the partisanship" of the elections. Neutrality, in any sense that means anything, would in fact require active American steps to demonstrate that Washington did not support Mr. Thieu. To take such steps—recalling Mr. Bunker, for instance, or setting a firm date for complete American withdrawal—would turn the situation around and suggest accurately that Washington wanted someone else to win.

More to the point, it is apparent that Mr. Nixon has no intention of taking such steps—that the Administration and the American establishment in Saigon do indeed want Mr. Thieu re-elected, no matter what formal statements of neutrality may be made. If their policy continues to be one of building up the South Vietnamese to take over the war, would make little sense from their point of view to undermine the present regime, particularly when any other might not want a "Vietnamized" war.

Congressional doves might partially improve the situation by passing promptly a resolution offered by Senator Adlai Stevenson that would establish an American commission with a Vietnamese-speaking staff to monitor American political activities in South Vietnam between now and the election.

Such a Congressional commission, while it could hardly counterbalance American support for Mr. Thieu, might at least dramatize to the Vietnamese the fact that there is also support in the United States for genuinely free elections and for negotiated settlement of the war. That could encourage the participation of South Vietnamese who might otherwise be too afraid or too cynical, and have an important effect in a close election.

That, at least, is the opinion of several young Americans who resigned their Government posts in South Vietnam in protest at official partiality to the regime, and who have formed the "Vietnam Elections Project" to do something about it. The sad truth is that not much can be done, but the establishment of the Congressional commission would be a lot better than nothing.

And without such a commission—or even if one is established—we may be sure that the allied administrations in Washington and Saigon will have their own group of tame "observers" to certify to the world that President Thieu's re-election was honestly won, and without any help at all from Uncle Sam.

THIEU PROMISES PEACE IN VIETNAM IN TWO YEARS

(By Peter A. Jay)

FIREBASE HOABINH, SOUTH VIETNAM.—President Thieu, visiting South Vietnamese troops in the water-logged wasteland of the Uminh Forest, today promised that his country would have peace in two years.

If the Communists have not come to terms through negotiation in that time, Thieu said, the government of South Vietnam will have grown strong enough so that the fighting will simply fade away.

The president's prediction was not exactly new—a year ago he said peace was three years away. But his visit today to the Uminh, until recently perhaps the Vietcong's most secure base area, was clearly calculated to add weight to his promises.

Bubbling with apparent confidence and good humor and followed by most of Saigon's ambassadorial corps, Thieu came to South Vietnam's soggy southern tip to decorate the troops that have been engaged in a major operation here for most of the past year.

The trip, like many the president has been taking around the country in the past several months, was at least as much political as it was ceremonial. "Only four months until election time," an aide to the president said. "We have to keep traveling around."

This morning, at a ceremony commemorating the establishment of South Vietnam's 21st Infantry Division 12 years ago, Thieu said he is still willing to negotiate an end to the war. "Any place, any time, we are willing to talk to the Communists," he said.

But "until the Communists show their goodwill for peace and cease their agression," he said, "we will have to fight. The reoccupation of the Uminh Forest by South Vietnamese forces, he said, showed the war is being won.

As he spoke, American Cobra helicopter gunships, white fangs painted on their narrow snouts, rattled overhead. But except for the Cobras, today's ceremony was that unusual thing American advisers like to describe as "an all-Vietnamese show."

At least a score of South Vietnamese helicopters were present to ferry dignitaries, including U.S. Ambassador Ellsworth Bunker and three of his bodyguards, from place to place.

The Uminh Forest is South Vietnam's Everglades, with guerrillas instead of alligators the predominant form of wildlife.

It is flat, marshy scrub-and-mangrove country, cut everywhere by canals and dotted here and there by new little settlements perched on mud mounds above the rising waters of the oncoming monsoon.

Firebase Hoabinh (the name means "peace") is a task force headquarters in the center of this desolate area along the Gulf of Siam, and here Thieu brought his party of dignitaries for lunch.

While the rain crashed down outside—and, here and there, trickled through the roof—the diners sat on a bamboo veranda and were served the products of the region: fish, crabs, shrimp, rice and pineapple.

Thieu is proud of the progress that has been made in this area, and spent last Christmas night at this firebase. (When they heard he was coming, an American adviser said, "They put in a special bunker and the only god damn flush toilet in the Uminh Forest.")

Today, the president joked comfortably with reporters in English—a language in which he has become increasingly at home during the four years of his presidency.

MORE ABOUT THE LOCKHEED BAIL-OUT PROPOSAL

Mr. CHURCH. Mr. President, does Lockheed Aircraft Corp. need Federal guaranteed loans in order to produce the TriStar passenger jet aircraft for its commercial clients?

Last month, both Lockheed and spokesmen for the Nixon administration foresaw bankruptcy unless the Federal guarantee was forthcoming. Legislation authorizing Federal guarantees in the amount of $250 million has been submitted to the Congress. Hearings are scheduled.

Yet this week the Wall Street Journal carries a dispatch that indicates the need is not quite so urgent as we have been led to believe.

Mr. A. C. Kotchian, Lockheed president, is reported to have said that it was the British Government which insisted on some sort of backing by the U.S. Government for TriStar. He is further quoted as saying:

> Maybe there's some other kind of backing that might satisfy them (the British)—we can't say there isn't.

There seems to be an inconsistency here, Mr. President, which should cause us in the Congress to be even more wary of the loan-guarantee proposal.

Last month, I suggested that if the Federal Government undertook to bail-out Lockheed, then logically other business firms could exercise a similar claim on the U.S. Treasury. Since my remarks, one businessman has expressed a similar opinion directly to John Connally, Secretary of the Treasury. The businessman, Gerson Goldstick wrote the Secretary, according to the Wall Street Journal,

that if the Federal Government "is going to start bolstering companies who are in economic distress, please tell me where I can get in line to receive my share of the hand-outs."

Inevitably, the humorist, Art Buchwald, applied his talents to the Lockheed proposal. The result was a column appearing in the Washington Post for June 3, 1971, under the caption "Harvey Kay and the Great Sandwich Overrun."

Mr. President, I ask unanimous consent that the two Wall Street Journal articles and the Buchwald column be printed in the RECORD.

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

[From the Wall Street Journal, June 2, 1971]

LOCKHEED AIRCRAFT CORP.

PARIS.—Even if Congress fails to approve a $250 million loan guarantee for Lockheed Aircraft Corp., the airframe manufacturer won't give up in its efforts to get the L1011 TriStar program off the ground, A. C. Kotchian, Lockheed president, said in an interview.

Noting that it was the British government that insisted on some sort of U.S. backing for TriStar, Mr. Kotchian added, "Maybe there's some other kind of backing that might satisfy them—we can't say there isn't."

Mr. Kotchian said Lockheed hasn't discussed alternatives to congressional backing with British officials. He also didn't say what alternatives were available to the company.

Last month, in a 12-page statement entitled "Why a Government-Guaranteed Bank Loan for Lockheed," the company asserted that it would be forced into bankruptcy if it couldn't find sufficient financing for its airbus project. That statement left the impression that a government guarantee was essential for the needed financing.

Mr. Kotchian was interviewed at the international air show here just after the arrival of one of Lockheed's TriStar planes. The craft flew in on schedule after making three stops between California and Le Bourget airport here.

Lockheed personnel who traveled on the wide-bodied transport said the trip was smooth, quiet and uneventful. Only two minor troubles marred the trip. A gear box accessories case on one of the engines had to be replaced at Goose Bay, Labrador, and the windshield delaminated some time after the plane landed because flight deck heaters had been left on inadvertently after the plane set down.

Mr. Kotchian said that Lockheed believes it will have a profit in 1971 if financing for the TriStar is worked out. In 1970, the company had a net loss of $6.3 million after write-offs of $190 million, mostly in connection with the C5A transport plane and the AH56A helicopter. Lockheed's 1970 revenue totaled $2.55 billion.

[From the Wall Street Journal, June 2, 1971]

LOCKHEED AIRCRAFT CORP.

(By Barbara Isenberg)

LOS ANGELES.—Information Control Corp. isn't exactly an aerospace colossus whose well-being is essential to the national economy, but the company thinks that what's good enough for Lockheed Aircraft Corp. is good enough for Information Control.

In a letter to Treasury Secretary John B. Connally, Information Control's president, Gerson H. Goldstick, says if the U.S. government "is going to start bolstering companies who are in economic distress, please tell me where I can get in line to receive my share of the handouts." Mr. Goldstick added, however, that he hasn't made a formal request for loans or loan backing yet.

The executive tells the Treasury Secretary he has been following "with considerable consternation and dismay your recent actions in attempting to induce Congress to guarantee a loan that presumably would prevent the Lockheed Aircraft Corp. from going into bankruptcy." He added that if the government can consider that, it can consider coming to the aid of Information Control. Mr. Goldstick says his reasons are just as "compelling" as those of Lockheed's chairman, Daniel Haughton.

Information Control is a small, privately held defense contractor and maker of computer peripheral equipment. It had revenue of $3.2 million in fiscal 1971, ended March 31, but no profit. Mr. Goldstick, a 38-year-old engineer, says the six-year-old company hasn't had a profit since its first two years of business.

Mr. Goldstick said in the letter that "at least part of Information Control Corp.'s economic plight is due to the fact that it has been severely abused by many of Secretary Packard's prime contractors."

[From the Washington Post, June 3, 1971]

HARVEY KAY AND THE GREAT SANDWICH OVERRUN

(By Art Buchwald)

My friend Harvey Kay, president and general manager of Kay's Sandwich and Carryout Shop in my building, is watching the outcome of the Lockheed Aircraft government loan negotiations with interest. He feels if Lockheed can get the $250 million guaranteed loan, then he has a chance of the government bailing him out of a similar situation.

Harvey told me, "The Lockheed problems, particularly with their C5A airplane, parallel mine in every way, and I am certain if the government looks on the Lockheed loan favorably, they will find a way to get me off the hook too."

This is how Harvey tells his story:

"About a year ago, a section of the Defense Department was having a farewell party for one of their employees who was leaving to join an aerospace company. They asked me to develop a new type of sandwich which would give the party a big boost. But they wanted me to bring it in for a reasonable price.

"I put my designers to work on it, and we came up with 'The Goldfinger,' which consisted of boneless all-white meat, deep-fried chicken fingers topped with cole slaw, Russian dressing and pickle slices on a double-twist seeded roll. We estimated we could make the sandwich for $1.25 each, which would include a reasonable profit of 10 per cent.

"The food committee giving the party approved the design and ordered 150 sandwiches to be delivered in 30 days, on the afternoon of the party.

"I ordered the ingredients, but a few days later I got a call from a secretary. She said that, while the Army liked the sandwich as it was, the Navy was wondering if, instead of a double-twist seeded roll, the sandwich could be made with rye bread.

"I explained that regular rye bread would not be able to support the weight of the chicken fingers, and I would have to add a heavier rye bread with a reinforced crust, which would add another 20 cents to the sandwich.

"She said it didn't matter because the Navy said it wouldn't come to the party if they had to eat double-twist seeded rolls.

"So I called up the bakery and asked them if they could develop a heavier rye bread that could do the same work as a seeded roll. They told me they could do it, but it wouldn't be cheap.

"A week went by and the secretary called again. She said the Air Force had just got around to studying 'The Goldfinger' sandwich, and they wanted something more sophisticated than just chicken fingers with cole slaw and dressing and pickle slices. Was it possible to add either a slice of ham or a slice of cheese to the sandwich to give it a better taste?

"I told her it was always possible, but if you're going to add to a sandwich you have to pay for it. It meant hiring an extra person to cut the ham or cheese, researching where the best place was to put it, testing it and retraining my employees in an entirely new sandwich concept. I couldn't see how I could bring 'The Goldfinger' in for less than $2.25.

"She said it was perfectly okay as long as the sandwich did the job.

"A week went by, and I had a visit from the secretary. She told me the Army personnel in the department felt that 'The Goldfinger' should also have lettuce and tomato on it. I explained that if you added lettuce and tomato, you would have to have larger slices of rye bread and heavier carraway seeds, which would bring up the cost of the sandwich to $2.95.

"She approved it, but the next day I got a call saying that, because of the overrun, they wanted to cut back on the order of sandwiches from 150 to 50, and asked if I would eliminate the chicken altogether.

"The afternoon before the affair I received another call. The aerospace job for the man for whom they were giving the party fell through, and they were canceling the party.

"I told them I was stuck with $300 worth of merchandise and would have to lay off four employees because of the cancellation of the 'Goldfingers.' They said that while the Defense Department would recommend a loan to tide me over, it was up to Congress to decide whether I would get it or not. But first they had to get the Lockheed problem out of the way."

TOBACCO TAX INCENTIVES

Mr. MOSS. Mr. President, 3½ years ago, the late Senator from New York, Senator Kennedy, and the senior Senator from West Virginia, Senator RANDOLPH, had the vision to urge a tax on cigarettes on the basis of their tar and nicotine content. They introduced a bill in the Congress to amend the Internal Revenue Act for this purpose. The Public Health Service had recently submitted its authoritative report on tar and nicotine, and although the report did not specify the specific role which each of the many constituents of "tar" causes in the disease process, the report did conclude that the lower the tar and nicotine, the less the risk of disease caused by cigarette smoking. The Federal Trade Commission subsequently recommended that tar and nicotine content be displayed in cigarette advertising and the cigarette industry has agreed to this proposal.

Nevertheless, the high volume cigarette brands by and large remain in the middle and upper end of the tar and nicotine spectrum. There is evidence, too, that the market for significantly low tar and nicotine cigarettes tends to flatten out, making these cigarettes relatively unprofitable to market. Surely, at this time, when we talk of differential taxes on leaded and unleaded gasolines for the purpose of harnessing the tax schedules to the national fight against pollution, we should be prepared to move in a similar direction on this problem of personal pollution.

Mayor John V. Lindsay of New York has now proposed a local incentive tax

on tar and nicotine content of cigarettes as a way of financing the large deficit with which his city is faced. It strikes me as an eminently fair method of taxation. A recent Public Health Service study has clearly shown that the costs to the Government of providing for cigarette smokers, through health care, disability payments, and work days lost, far exceeds the revenues contributed by cigarettes taxes. If, as Mayor Lindsay proposes, these subject to these increased needs pay a premium for the product which brings about the need; namely, cigarettes, then an equitable charge system will have been established and the shriveling sources for financing needed municipal services will be expanded.

I commend the mayor for his proposal and the intelligent application of the differential taxation principle. I urge the New York State Legislature to follow through on this recommendation and signal the go-ahead for this progressive proposal.

I ask unanimous consent that correspondence between Mayor Lindsay and myself be printed in the RECORD.

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

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., May 18, 1971.

Hon. FRANK MOSS,
U. S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: I am writing to invite your attention to one of the City's incentive tax proposals now pending before the New York State Legislature.

The tar and nicotine tax, which, I believe is the first of its kind in the nation, is designed as a differential tax on two of the most dangerous substances in cigarettes. The tax would work as follows: cigarettes with less than 17.0 milligrams of tar and less than 1.1 milligrams of nicotine would not be taxed cigarettes with more tar or more nicotine (but not more of both) would be taxed at 3 cents per pack; cigarettes posing the most severe health hazard—those with more of both tar and nicotine than the limits noted above—would be taxed at 4 cents per pack.

I do not suggest that low tar and nicotine cigarettes are safe. However, there seems to be evidence that such cigarettes are less hazardous to health. The tax the City proposed should encourage consumers to purchase low tar and nicotine brands. Perhaps even more importantly, it may induce cigarette manufacturers to cut down the tar and nicotine levels of their brands through a variety of inexpensive and effective processes now available to them.

The City is proposing the tax as a revenue-raising measure to help fill a critical fiscal shortfall we face in the coming year. I believe taxing tar and nicotine will, moreover, have important and beneficial effects on consumers and manufacturers. Should the incentive for consuming and producing low tar and nicotine cigarettes work, as I expect and hope, the projected revenue from the tax would, of course, fall. This is a risk we are happy to take if public health is improved in the process.

I hope you will agree that the incentive tax approach the City proposes is a useful step to combat one of this nation's most serious health problems. If you do agree, I hope you will make your views known to the Albany Legislature and the New York City Council.

Sincerely,

JOHN V. LINDSAY, *Mayor.*

U.S. SENATE,
Washington, D.C., May 21, 1971.

Hon. JOHN V. LINDSAY,
Mayor, City of New York, City Hall, New York, N.Y.

DEAR MAYOR LINDSAY: I was delighted to receive your letter of May 18th in which you tell me that the city of New York is proposing before the New York State Legislature a tax on the tar and nicotine content of cigarettes sold in the city of New York. I note that you propose that cigarettes which exceed the minimum allowable tar content or exceed the minimum nicotine content would be taxed at 3 cents a pack and cigarettes that exceed both the tar and nicotine limits would be taxed at 4 cents a pack.

I certainly commend you on this initiative. I recognize that there is a tax revenue here involved which the city undoubtedly needs, but the important factor as you so well point out, is that this is a further step in protecting the health of our citizens. I commend you for your statement that you hope that the tax would fall because cigarette manufacturers would keep tar and nicotine content down and, therefore, improve public health. I shall be watching with interest to see whether the Legislature and the City Council will adopt this tax.

Each month and year that goes by makes it more apparent that we are involved in an epidemic situation involving lung cancer, emphysema, cardiac disease and other ailments which are caused or at least enhanced by the cigarette habit. I applaud any effort that is taken to reduce the incidence of cigarette smoking. Your proposal is certainly forward looking and deserves support.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

TRADE WITH CHINA

Mr. CHURCH. Mr President, over the past two decades, the United States has maintained a trade embargo against Peking. Now, however, direct trade is on the horizon. On June 10, President Nixon will announce what Made-in-U.S.A. items can be traded with China. I commend the President in his action with regard to improving communications and trade with mainland China, and look forward to further improvement in relations between the peoples of America and China.

Longtime China expert, Mr. Robert W. Barnett, now vice president of the Asia Society and head of its Washington chapter, recently spoke on this very issue. He said:

Peking will not show its hand until the U.S. government places trade controls for Communist China on the same footing as controls for the USSR and Eastern Europe Communist countries.

I ask unanimous consent that Mr. Barnett's speech, "Political Dimensions of U.S.-China Trade," be printed at this point in the RECORD.

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

CONFERENCE ON U.S.-CHINA TRADE, ADDRESS BY ROBERT W. BARNETT

POLITICAL DIMENSIONS OF U.S.-CHINA TRADE

Only a yesterday or two ago most of us were resigned to apparent permanence of the seamless web of a China policy first fashioned by a Democratic Administration in 1950, and then made holy by two Republican administrations. Condemned by the United Nations in 1951, and charged ever since with monstrous abuse of China's great traditions, the Peoples' Republic of China has been Washington's justification for heavy commitments of U.S. resources—political and finanical—to strategies:

That accorded to the Republic of China on Taiwan.

Legitimate claim to represent China in the U.N., and in the international community; that mobilized colossal military power in Japan, Okinawa, South Korea, and Taiwan; that gained U.S. Senate ratification for security arrangements with Japan and mutual defense treaties with South Korea, the Republic of China, Philippines, and a Southeast Asia treaty organization, all dedicated to deterrence of communist adventure; that attributed to Peking strategic gain from North Vietnam's Peking and Moscow supported military penetration of other Indo-China states; that organized non-communist countries in comprehensive restraint of export of strategic goods to Communist China, and prohibited American participation in any kind of economic transaction from which Communist China might benefit; and, that blocked travel by U.S. citizens to Communist China.

Five years ago, the Committee for Economic Development spoke, I think with authority, for the progressive American business community in finding nothing at that time which justified a modification of the U.S. strategy of economic war against the Chinese communist regime. Most of that community today doubt the strategy should be perpetuated, and this change belongs in a pattern where all earlier strategies, and Peking's responses to them are in transition. Reasons for this are worth examination.

Economic warfare is different from limited control over export of strategic goods useful to merely potential military adversaries: and we have waged economic warfare against Peking. We need to consult history to understand why we have treated China with its faltering economy more harshly than the USSR.

Roots for this strategy lie, I believe, in the pre-World War II activity of organizations like Henry L. Stimson's Committee for Non-Participation in Japanese Aggression. It was then that wide currency was given to the belief that trade embargo could effectively penalize aggressor countries, and was a measure available for a moral citizenry unready for war.

During World War II we invoked and administered our Trading with the Enemy Act against the Axis. So with surrender of our German and Japanese enemies, there was tradition and apparatus which made possible use of economic measures against the USSR when links between Moscow and communist parties of western Europe threatened dangers that seemed almost as great as those presented by the Axis.

The views of European countries and Japan as to the contribution of normal trade to communist military capabilities, and their readiness to engage in economic warfare in time of peace, were radically different from ours. They distinguished between trade controls that really did embargo—they had to be effectively multilateral—and controls on exports to Communists applied for reasons of moral compulsion, which is what we seemed to want.

I think that it is quite unlikely that our moral arguments would have overcome the technical and economic arguments of the Europeans had it not been that the U.S. was engaged, during those years, in the Marshall Plan economic aid. Our moral commitment to an anti-communist economic warfare strategy was deep and persistent: it predated emergence of the China problem.

During those tumultuous months when Chinese communist armies swept south from Kalgan through Peking and Tientsin to

Shanghai and Nanking and on to Canton during 1948/1949, serious consideration was being given in Washington to terms and prospects for coexistence with the Chinese mainland, and for continuation of nonstrategic trade. This was all brought to an abrupt end by our alarm and outrage over communist aggression in Korea.

Even before Chinese communist forces moved into Korea, Washington had established economic control mechanisms aimed at Peking that remained in place effectively unchanged until July 1969—almost 20 years. We were fortified by moral certainty. We were at war. We embargoed all exports to Communist China, blocked all Chinese communist dollar holdings within the U.S. jurisdiction, and subjected to heavy penalty any user of dollars anywhere who engaged in a transaction with any Chinese Communist person. Enforced within the U.S., the controls also had extensive extra-territorial reach reminding the international community how we viewed Communist China: it was a pariah.

I recall forebodings, at the time, that steps were being taken which would become irreversible. Reversal would require a finding of virtue, and such a finding struck me as unlikely for any country, least of all, Communist China, for a long, long time.

I also recall being a member of President Eisenhower's delegation at the 1955 summit meetings in Geneva, when my task was to negotiate a trade position to which our British and French colleagues could agree. In preparing for that task I discovered a broad consensus within U.S. government circles was that our exports to communists were "aid," and theirs were "dumping." In 1955 no one really questioned economic warfare, particularly against the country we had fought so recently in Korea.

A decade passed with little change in these attitudes or this doctrine. In 1964 came the Tonkin Gulf Resolution. In 1965 came Lin Piaos September 2 proclamation of Communist China's doctrine of insurgency; then bloody turmoil in Indonesia; then completion of the first full year of Lydon B. Johnson's own presidency, which brought Viet Nam escalation; later, the Johnson abdication; and election of President Nixon in 1968.

What has happened to explain the radical change in current American attitudes towards trade with China? A hint was seen in July 1969, when President Nixon quietly amended our foreign assets control regulations to permit some limited purchase of Chinese goods by Americans traveling abroad. This hint of change was confirmed last month when President Nixon used the occasion of ping pong in Peking to announce what seems likely to become very nearly total dismantling of our time-encrusted trade and financial controls.

To appreciate the degree of change, we need only recall that Senator Joseph McCarthy was but the most flamboyant of many Americans who made "trade with China' a moral issue, somehow a litmus paper to measure Americanism. Members of both parties played the "soft on Communism" game, and trembled at possibility of misjudgment. As recently as mid-1969, President Nixon was advised by his White House counselors that amending China trade regulations would enrage Congress and lose him votes for much needed legislation. He decided, nevertheless, to amend, thus fracturing the sanctified symmetry of institutionalized U.S. hostility to Communist China. There was no evident domestic political loss. His decision took courage. I know, because with comparable opportunities to act neither President Kennedy nor President Johnson dared to try. And, President Nixon might not have dared except for what he must have supposed was a growing general awareness of great changes in world power relations that had been taking place in the years since 1965.

Among these, of course, was the ferocity of Sino-Soviet tension, which was particularly acute in the spring of 1969. Anyone could see then that in the communist world, communist states frightened and could even kill each other. Czechoslovakia and nuclear confrontation in Siberia were chilling spectacles. Fragmentation, polycentrism, and competition had brought disorder within the communist monolith. More and more Americans saw that it was folly not to serve U.S. interests by entertaining possibility of friendliness towards a communist country with respect to certain issues while continuing to suspect or condemn it with respect to other issues. China's potentials in this new setting had so fundamentally changed that strategic "gamesmen" in think tanks could allow for as many scenarios where China was U.S. friend, as U.S. foe. For this notion to be understood and to have acceptance was a far cry from the 1950s.

Another major change had been what Cultural Revolution did to earlier preconceptions of Chinese Communism. Even China's communist neighbors were dismayed. All began to doubt—perhaps, even a little too dogmatically—that the Chinese communist system had for them any value whatever as a model. The weak and vulnerable Chinese economy may have suffered very nearly zero growth rate in the decade from 1958 through 1968, while several of China's non-communist neighbors were experiencing 9 percent or better rates of GNP growth. Thus, notwithstanding Peking's astonishing nuclear achievements and something like a 10 percent surge in 1970 GNP growth, the recent spectacle of the Cultural Revolution diminishes the plausibility of mighty Chinese communist power.

France gave up its relations with Taipei and recognized Peking in 1964, but real change came with the great momentum, particularly since October of 1970, of others following suit—Canada, Italy, Chile, Equatorial Guinea, Ethiopia, Kuwait, Cameroons, and Nigeria. With this happening, few can still credit Generalissimo Chiang either with the capacity, moral or military, to play a role on the mainland. Some even are so tactless as to remind us that he owes some moral obligations to the Formosans on the island where he resides. Meanwhile, the strategies of Willy Brandt in Bonn and Prime Minister Sato in Tokyo suggest that there are constructive consequences from separating economics from politics.

Another change has been seen in the American press and in corridor conversations at American business and banking conventions, where hardly anyone believes that American trade controls for Communist China deprive Communist China of anything it really needs to buy. Our businessmen are out of the market, and that is about it. We really knew all of that, of course, in 1965, but we did not talk about it openly. We do now, and that is a change.

Thus, trade with China has a political setting quite changed from that of twenty, or even five, years ago.

It may be that Mao Tse-tung views these changes much as we do. But we should not take that for granted, and we might try to guess what in the unforgotten old setting he could find particularly galling.

There are, of course, Taiwan and U.S. "military encirclement."

There is the spectacle of Japan's resurgence.

And, then, there have been particularly offensive features of our travel and trade policies.

Why, he may have asked, do we forbid travel to Communist China and not to the USSR?

Why embargo only strategic goods to the USSR with its $400 billion GNP and its nuclear arsenal, and embargo *everything* to the Peoples Republic? Was long ago Korea a worse offense than Czechoslovakia? Or Chinese rice to Hanoi worse than Soviet SAMs? And what about Soviet missiles for Cuba? Could color of skin be a reason? Could there be between Washington/Moscow a great power collusion aimed at Peking?

President Nixon's 1971 State of the World message contained radical redefinition of our policy towards Communist China.

We welcome Communist China into the community of nations, provided, the status of Taiwan is resolved peacefully. For Mao that proviso could be the hooker, and all the rest, rhetoric, because throughout 15 years of ambassadorial talks at Warsaw, he has said that nothing of substance was worth discussing until the U.S. turned over Taiwan to the Peoples Republic. This was precondition, *sine qua non*, for everything else.

Mao's Delphic comments to Edgar Snow about Taiwan, and what Peking later did about table tennis, suggest some possibility of change in Mao's attitudes towards the United States. If so, it is useful to consider why it happened.

On March 15, 1971, the China exclusion for American passports ended, thus placing China on the same footing as the USSR. Only thereafter did our athletes, accompanying journalists, and then still other journalists pass through Hong Kong into Communist China with visas granted by Chinese communist authorities. We know that the Chinese still take offense at old passports.

As to trade, Peking is said to have been slow to respond to President's Nixon's earlier modification in our economic controls, which may have seemed to him to be designed to reduce strains with other countries caused by extra-territorial reach of our regulations rather than to facilitate direct trade. Peking is aware of the U.S. market; prices of Chinese curios in Peking respond to the new American demand in Hong Kong. But the sly transaction is still the rule. And no one yet knows how the White House will spell out President Nixon's potentially far-reaching April 15 decision. It is my hunch that Peking will not show its hand until the U.S. government places trade controls for Communist China on the same footing as controls for the USSR and eastern European communist countries.

To do that for travel got our athletes and journalists to Peking; to do it for trade will, I believe, make possible some resumption of normal trade.

It says a good deal politically about Peking and about Washington that direct trade can be, as a practical probability, discussed. If some trade commences—and it is most unlikely to be large in volume for many years—it means that Peking has set aside the Taiwan issue as *sine qua non* for useful contact, and that we have left behind the negative automaticities of past U.S. China policy. It means, politically, that pragmatism rather than ideology can begin to govern resolution of other disputes and difficulties. Of those, there will be many: China's membership in the United Nations, Taiwan's status, the security of China's frontiers—and China's neighbors' access for trade and investment, disarmament, sea bed resources, and so forth. The Japanese, the Russians, the Chinese on Taiwan, and many Americans at home can be expected to watch, and often try to obstruct, efforts that Peking and Washington may make to restore viable relations with each other. It will not be easy to dissolve the inheritance of twenty-five years of mutual antagonism. However, we can thank President Nixon and Peking for initiatives which bring in sight a political setting within which it is now reasonable for us to consider as practical the early resumption of some direct trade between the U.S. and the China Mainland.

FRANCHISING AND FEDERAL LEGISLATION

Mr. BIBLE. Mr. President, I invite the attention of Senators to a recent speech

delivered by my very good friend and colleague, Senator JOHN SPARKMAN, before the Franchising and Government Symposium of the International Franchise Association. The speech recounts the Senator's keen interest in and support of the American small businessman, many of whom are franchisees. It relates some of the problems confronting the franchise system and calls for uniform Federal legislation designed to improve franchising by requiring full and fair disclosure of relevant information to a prospective franchisee on a national rather than State-by-State basis.

As you all know, my Small Business Committee held extensive hearings on the impact of franchising on small business[1] in which Senator SPARKMAN actively and thoroughly participated. He is well acquainted with the special problems facing franchising, both as a major system of distribution of goods and services, and as a proven means of livelihood of a large segment of the American small business community. Therefore, in the light of the numerous legislative proposals now pending in over 20 States, I feel his remarks are knowledgeable, pertinent and timely.

Accordingly, Mr. President, I urge all Senators to study Senator SPARKMAN'S remarks carefully as they convey a message of great significance regarding the future of an important part of our national economy.

I, therefore, ask unanimous consent that the text of Senator SPARKMAN'S remarks be printed in the RECORD.

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

SPEECH BY SENATOR JOHN SPARKMAN

It is a particular pleasure for me to appear before a group such as yours—for your organization and your businesses deal almost exclusively with those individuals who have long been the object of great concern for many of us in Congress: the small businessmen of this country.

As you know, I am now serving as Chairman of the Senate Committee on Banking, Housing and Urban Affairs. In this capacity, it is my privilege to help supervise legislation which has a direct impact on virtually every segment of the American economy.

All legislation affecting the banking industry, for example, must be passed on by our Committee—legislation directly dealing with the regulation of credit and the sources of funds on which your businesses depend. Last year we successfully enacted legislation which has since been characterized as the most important banking legislation since 1913—the Bank Holding Company Act Amendments of 1970. Those amendments set the stage for the orderly expansion of the banking industry in order to meet the expanding needs of all participants in the American economy, both large and small.

Any legislation affecting the securities industry must also be approved by our Committee . . . . Last year we approved and obtained the passage of an act which is of great importance to American investors, the Securities Investor Protection Act. That Act provides insurance protection to investors who leave their securities or even cash with their stockbroker or dealer. In this respect, the insurance coverage is similar to the FDIC insurance on bank deposits. This protection is particularly important to the small investor who might otherwise be affected tragically by the failure of his broker or dealer.

Another important area of our jurisdiction is housing. I do not believe I need dwell on the many bills we have enacted in our attempt to assure every American of an opportunity to own his own home or to at least have a clean, safe, comfortable home adequate to his needs.

In addition, we have jurisdiction over a broad range of government agencies, including the Export-Import Bank, Federal Home Loan Bank Board, the Federal Reserve Board, the Farmers Home Administration, some portions of the Department of the Treasury and Department of Commerce, as well as over a number of other subjects.

As important as all of these subjects are to all segments of our economy, they do not deal exclusively with the man I consider to be the backbone of the American economy—the independent small businessman. He is the individual who has made America what it is today, and I am proud to say that I believe the continued success of this country will depend in large part on him.

Thus, I am particularly proud to list our Committee's jurisdiction over the Small Business Administration and over legislation dealing with the small business segment of our economy among our many other responsibilities. This responsibility is one which is particularly important and is one which we do not at all take lightly! I was for many years Chairman of the Senate Select Committee on Small Business, and I readily confess that there is no national objective closer to my heart than that of preserving the opportunity for the individual entrepreneur to operate his own business, with a fair and reasonable likelihood of success.

So you can understand my pleasure at being here today with you who deal with our small businessmen exclusively and who have such a terrific potential positive impact on him.

First, I wish to congratulate you on the great contribution you have already made to small business. We have gone through a period of time in which many feared that the small businessman was becoming a figure of the past. Thanks to the successful efforts of the Small Business Administration and many others, the situation in that regard has improved greatly. However, there is certainly room for even greater improvement. Because of this need, all of us interested in small business welcome the advent of the franchising industry—a method of distribution which, perhaps more than any other recent development in American business, holds out the hope for continued vigor and growth opportunities among our small businessmen.

As you know, the Senate Select Committee on Small Business held extensive hearings last year on the impact of franchising on small business. I participated in those hearings, and read the record with care.

During these hearings, we were pleased to learn that somewhere between 450,000 and 600,000 new small businesses had been launched through franchising since around 1954. And, according to the statistics we were able to obtain, the vast majority of these new businesses have survived. In fact, the survival record of franchised small businesses seems to be much better than that of small businesses operated without the special benefits which franchising can make available through providing mass advertising, managerial assistance and product development.

As you can see, I am enthusiastic about the potential and actual benefits your industry has and can bestow on small business. Yet, we know, as you do, that franchising is not a panacea for small business. There are real problems and potential problems which face the franchising industry. Indeed, any industry which booms as yours has is bound to experience growing pains at some point in its development. You have already felt some of those tremors. Your presence here is gratifying evidence of your ability to withstand and survive those shocks—and, perhaps, even grow stronger through the process.

A new industry with high potential profits usually attracts sharp operations. We know, as you do, that you have your share. At our hearings last year we heard of cases of abuse and near abuse which have adversely affected franchisees. In the wake of this information, we naturally received several different legislative recommendations. I congratulate your organization on the fact that it supported in principle legislation which, to me, constitutes a sensible method of dealing with problems which have arisen in franchising. That bill was the Franchise Full Disclosure Act of 1970.

During the hearings, it became evident that one great problem was the failure, for whatever reason, of the potential franchisee to be aware of all facts about the franchisor's operation that might have a serious impact on his own business. We were also struck by the unavailability of reliable and consistent statistical data about franchising.

I believe legislation along the lines of the bill introduced last year could give greater protection to potential franchisees and at the same time could help us develop accurate and meaningful data with which to further judge and consider the needs of the industry and the operations of the industry.

I do not wish to dwell at this time on specific legislative proposals. However, there are a few principles which should be kept in mind when considering such legislation.

First, I do not believe in legislation for its own sake. I will want to see evidence—and I believe most Senators share this view—that existing law is inadequate to deal with alleged abuses. In the absence of such evidence, I would not be inclined to favor passage of such legislation.

Second, I believe that there *is* evidence of such a need in one area, that of proving information to the prospective franchisee.

The bill should be carefully drawn in such a manner that the potential franchisee must be provided with all the information needed by him to decide intelligently whether or not to purchase the franchise in question. In this respect, the legislation might be similar to that requiring full disclosure to potential securities investors.

Third, the problem of balance. It is true that the primary object of this legislation is to protect small businessmen from unscrupulous practices. In pursuing this objective, however, we must assure that in our zeal we do not kill the goose who lays the golden egg. In other words, we must not enact legislation which is so stringent that legitimate franchisors will not be able to comply with it and still sell franchises. Those who would suffer most from such a result would be the small businessmen who would be deprived of an opportunity to go into business in this form—and the American consumer who too often is already relegated to dealing with only a few, giant enterprises.

I am certain that legitimate enterprises will have no difficulty in meeting fair disclosure requirements. There may be other safeguards as well which would protect the individual and not harm the franchisors in their operation. These additional safeguards should be developed after careful hearings into their relative need into the relative impact on the industry.

Fourth and finally, the problem of fair and uniform legislative treatment. As you probably know, several States have taken and others are contemplating steps designed to prevent abuses within their borders. I believe it is desirable that we develop a single set of requirements which would be applicable nationwide in order to insure

[1] See: Report No. 91-1344, November 13, 1970, on The Impact of Franchising on Small Business, 91st Congress, 2nd Session.

the highest degree of uniformity possible. This would do away with the potential mass confusion which might result if each State goes in its own direction. Such a result would make it harder for franchisors to operate and would therefore make it harder or more expensive for an individual to obtain a franchise. I think it would be bad legislation—and bad business.

This objective might be obtained through the enactment of uniform State laws. This has been done in the past on other subjects. However, this is a time-consuming process and very seldom results in complete uniformity. It may be more desirable to enact Federal legislation with equal applicability throughout the country. The States would still be free to legislate on specific problems they may experience in their own area, to the extent the Federal legislation does not deal with the subject.

Even if the legislation did not specifically preempt State action, I believe most State legislatures, cognizant of the need for national and uniform treatment, will be receptive to awaiting Federal action once they see evidence that such legislation is in the offing. It is for that reason that I await and will welcome early introduction of such legislation in this session of Congress.

I have given you some general thoughts of mine on this business of yours. Let me conclude by once again congratulating you on the beneficial impact you have collectively had on small business and on the responsible and public-spirited position you took last year on proposed legislation affecting your industry. Keep up the work in both areas.

Thank you.

THE PEACE MOVEMENT IS USING THE WRONG STRATEGY

Mr. HATFIELD. Mr. President, I call to the attention of the Senate an excellent article in the May 30, 1971, magazine section of the New York Times by Michael Harrington.

Mr. Harrington points out what many of us in Congress have said but not articulated as well, that the disruptive tactics used by some of the so-called peace groups are seriously harming our cause of ending the Vietnam war and removing all American troops from Indochina by December 31, 1971.

Mr. Harrington believes, as do I, that massive demonstrations and marches are passé and he feels that civil disobedience, such as was tried in Washington in April to bring the city to a standstill—and which is promised again—plays into the hands of prowar forces. It is also antidemocratic in concept.

He argues, rightly I think, that none of these tactics "justify the expenditure of time and money which could be much better spent on political organization." And he calls for focusing primary attention on the Congressional battle now underway in the Senate over McGovern-Hatfield—our amendment to be attached to the Selective Service Act which sets a deadline of December 31, 1971, for the removal of all American Armed Forces from Indochina—as "the best strategy for the peace movement."

Harrington believes that those involved in marches, demonstrations, and civil disobedience "would have been better advised to invest the same sum in building an effective political movement in their own hometowns."

This has been my position in the past and I could not agree more with Mr. Harrington's position.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the New York Times Magazine May 30, 1971]

THE PEACE MOVEMENT IS USING WRONG STRATEGY

(By Michael Harrington)

In the spring of 1971 light really did appear at the end of the bloody tunnel in Vietnam.

It was not elusive glimmer of military victory which has been wrongly, and annually, sighted by the White House for at least five years. Rather, the majority of Americans were in favor of extricating the nation from the tragedy in Southeast Asia. They had come together in the strangest united front in American history: angry partisans of Lieutenant Calley, along with people who thought that high officials should be tried as war criminals; disgruntled draft-board officials and war resisters; rightists who were furious that Hanoi had not been nuked and leftists who had always been absolute pacifists— all agreed. The United States must get out of Vietnam. Sooner rather than later. Now.

The President did not agree. He set unrealistic conditions for the departure that might make it necessary to keep U.S. troops in Vietnam indefinitely: the release of the prisoners before the setting of a date for withdrawal, terms which the Communists are not likely to accept, and the existence of a Government in Saigon that can defend itself—i.e., that state of blessedness which Mr. Nixon and three prior Presidents failed to achieve during an agony of 17 years. So the peace movement stirred, debated and reorganized. Only now the question before it was new. It was no longer a matter of how to persuade the people that the United States must leave Vietnam, but rather of how to organize effectively the two-thirds of the citizenry who already wanted out.

There have been three major, contradictory, responses to this challenge. Some people are for mass marches, others for civil disobedience and still others for mobilizing support behind the McGovern-Hatfield amendment, which would stop Congressional financing of our presence in Indochina by the end of 1971. To state my own opinion right at the start, I think the first tactic is passé and that the second is a possible aid to Nixon's efforts to continue the war, while the third—the focus on the Congressional battle over McGovern-Hatfield—is the best strategy for the peace movement in the coming period.

Before turning to the details of my assessment, I should first make a frank declaration of partiality. I joined my first demonstration on Vietnam in 1954 when I picketed against American support of French colonialism in that unhappy land (and against the desire of the Vice President, Richard M. Nixon, to use nuclear weapons in the struggle). Since then, I have participated in many attempts to end our unconscionable presence in Southeast Asia, including work in such organizations as Sane and Negotiations Now!, in the Kennedy and McCarthy campaigns, in the Vietnam Moratorium and in the current effort to pass the McGovern-Hatfield Act. I am therefore involved in my subject and the very opposite of the fabled disinterested visitor from Mars. I am also personally saddened that the Socialist party, of which I am chairman, cannot continue the magnificent work of Norman Thomas in the peace movement because we have disagreed, honestly and openly, about crucial questions with regard to Vietnam. This article, then, is unfortunately not the expression of a party line. Its basic premise is that, in full recognition of the undeniable risks and tragic potential in liquidating a generation of bloody error, the United States should get out of Vietnam. Now.

To begin with, despite the most welcome success of the April 24 demonstration, which brought hundreds of thousands of Americans of many political viewpoints together in Washington against the war, I do not think that mass marches are an effective instrument for ending our Vietnamese involvement. When they are nonviolent and oriented toward political action, as the April rally was, they can have a certain positive effect, but neither that, nor the solidarity and good feelings which they evoke in the participants, justify the expenditure of time and money, which could be much better spent on political organization.

In the earliest phase of opposition to the war, demonstrations and teach-ins played an extremely important role in mobilizing a middle class, liberal and radical constituency. At the time of the escalations of 1965, when Martin Luther King Jr. courageously took his place in the movement, such activities helped to make abundantly clear the way that Vietnam was diverting us from desperate domestic needs. And yet, the rallies still did not succeed in attracting many blacks or other members of minority groups. So by the time of the march on the Pentagon, in October, 1967, it had become obvious that the predominantly white, college-educated and affluent opponents of the war did not have to travel to the Nation's capital to convince themselves all over again. Now the problem was to reach out to the great mass of people.

Even more to the point, there were aspects of that 1967 mobilization which harmed the cause. The symbolic siege of the Pentagon was based on an élitist theory which had been developed in an earlier action by the Students for a Democratic Society: that a determined minority of the righteous had the power—and the right—to shut down the Government. (This notion of a nonviolent coup d'état made by students and dropouts is, as will be seen, still very much among us.) Moreover, the activists were largely recruited from permissive suburban homes. So they tolerated, or encouraged, media put-ons: the attempt to levitate the Pentagon, organized urinating on the Pentagon steps, Vietcong banners and all the rest. The American people were negatively impressed.

In December, 1967, President Johnson's popularity rose. And in 1968, scholars discovered that a clear majority of citizens who were against the war were also hostile to the protesters, and that 23 per cent of the anti-war group were "extremely hostile" to them. The real turning point came in 1968 with the Tet offensive and the McCarthy and Kennedy campaigns. For even though Kennedy was killed and McCarthy was not nominated, and the peace plank failed in Chicago, the war issue had been brought into the mainstream of American politics. That, and the seemingly endless horror in Vietnam itself, is why five Democratic Presidential aspirants now favor withdrawal by the end of 1971.

The march strategy, then, often required an investment of time and money which, at best, was not justified by the results and, at worst, built support for the hawks by picturing the doves as petulant children of the middle class. The Vietnam "Moratoriums" of 1969 and 1970 showed in many ways both the productivity and counterproductivity of the tactic. The nationwide Moratorium on

Oct. 15, 1969, during which thousands left their jobs to demonstrate, reached out to Wall Streeters, trade unionists, minorities and students, and took on the aspect of a national holiday for peace. But the New York City mobilization in April, 1970, was a disaster in which ultraleftists hooted down advocates of nonviolence. The militants' most disruptive demand was that Mayor John Lindsay, who had endorsed the rally, be kept from speaking because he did not have the correct positions on the Black Panthers and the issue of capitalism vs. socialism.

The April 24th march in Washington this year avoided such outrages. And yet I agree with Sam Brown, one of the guiding spirits of the original Moratorium, who said about last month's demonstration that the people who had raised money to send buses from all over the United States to Washington would have been better advised to invest the same sum in building an effective political movement in their own hometowns. The Washington outings are fine and meaningful middle-class picnics, but what is required now is effective politics.

For even the most effective of the marches reveal a critical defect in the peace constituency: its episodic, ad hoc character. The great demonstrations are too often summer storms of indignation which explode with thunder and lightning for a few moments and then are gone. For instance, the students who last May protested so vociferously against the Cambodian invasion and the killings at Jackson State and Kent State had, only six months later, forgotten the passionate commitments to get involved in electoral politics which they had made. In the absence of a continuing political compaign for the McGovern-Hatfield amendment, the hundreds of thousands who marched on April 24 will have changed little in American life.

While criticizing the march strategy itself, however, one must take care to defend the April organizers against witch-hunters who pointed to the sinister presence of Trotskyists among the organizers. J. Edgar Hoover himself characterized members of the Socialist Workers party and the Young Socialist Alliance, two Marxist groups that long ago broke with the Communist party, as dangerous subversives. By gleefully attacking these Trotskyists, Hoover could keep alive the specter of a Red Menace. A similar purpose motivated the House Internal Security Committee in its investigation of Trotskyist (and Communist) influence in the recent anti-war demonstrations, but even more moderate observers seemed uncomfortable about their role. Before the demonstration, columnists Evans and Novak predicted that Washington would see "hundreds of thousands of Americans marching in their capital under Trotskyist command."

The decline of the Communist party has been a severe blow to the American right. The party was the object of its love and its hate: the likes of Hoover and the House Internal Security Committee abominated the Communists because they were supposed to be the institutional incarnation of the godless international conspiracy; Joe McCarthyites desperately needed the party, since its membership and fronts, real and alleged, provided a convenient criterion for defining subversion in a way that would frighten the average Congressman into an appropriation. But now, the witch-hunters are confronted by a motley ultraleft that includes the Woodstock Nation, upper-middle-class terrorists with credit cards and freaky anarchists who cannot possibly be computerized. The Trotskyists, who are more old-fashioned, were thus ogres from heaven.

But the charge that Trotskyites dominated April 24 is presposterous. They unquestionably played a role in initiating the march but worked like Bolsheviks to make it as Menshevik as possible. It is precisely because the peace movement is, in its weakness, so diffuse and *at hoc*, that none of the *groupuscules* which work within it can manipulate the great mass that occasionally marches in the streets of Washington, New York and San Francisco. Thus, the pre-April fantasy of Evans and Novak ignores the fact that those people were not, and never have been, under anyone's command.

And even more ironically, to the extent that the Trotskyists did influence the event, they carried out one of the most remarkable exercises in dupery in our political history: they duped themselves. For they are sworn opponents of the "class collaborationists" in the Kennedy and McCarthy movements and bitter foes of the notion that Democratic Congressmen can end the war—and yet they helped assemble a gigantic audience which demonstrated in favor of just such an approach. What happened was that the Trotskyists, who were organizing the rally at the start and doing their best to attract a reasonably large crowd, so successfully adapted to the position of the masses they were supposed to be manipulating that they did yeoman work pushing views they regard as dangerous and illusory.

Thus, the House Internal Security Committee's investigation wildly exaggerates their role—and constitutes a special effort to discredit the mass sentiment for peace.

The absurd attacks of the right on the April demonstration should not be allowed to obscure the main point: that such rallies are no longer an effective way of organizing the vast opposition to the war.

The second main peace strategy is civil disobedience. Its current champions are found in the Peoples Coalition for Peace and Justice, the group that sponsored this month's obstructionist rally in Washington, which resulted in some 12,000 arrests. The coalition is, as one of its supporters, pacifist David McReynolds, describes it, a "unique kind of popular front" which "runs all the way from church leaders to the Communist party and has included from the beginning pacifist organizations." It also includes the Mayday Tribe, headed by Rennie Davis, one of the defendants in the Chicago Seven conspiracy trial. There are, in my opinion, two things fundamentally wrong with the coalition's approach: its attitude toward Communism and its toleration of (or, in the case of the Mayday Tribe, enthusiastic support for) elitist disruption.

The war has, we know, had domestic consequences in America. Among other things it has probably set back the cause of democratic anti-Communism for a generation. I have not the least sympathy for reactionary anti-Communists, whose hatred of the totalitarianism of the pseudo-left is tempered by their empathy for the conservatives and dictators of the right. I would welcome the disappearance of that anti-Communism. But there is another, highly progressive anti-Communism which fights bureaucratic collectivism and seeks, as the Czechoslovaks put it in the spring of 1968, the human face of socialism. It erupted in Poland and Hungary in 1956, in Czechoslovakia in 1968 and in Poland again last winter. It understands that socialized property and planning can, under conditions of the fullest democracy, be instruments of man's emancipation, but that, lacking democracy, they inevitably lead to a new form of repressive class society. This freedom-loving anti-Communism has been crippled by the furor over Vietnam.

The reason is that so many of the young today know only the polarity of Communism and anti-Communism, as it has been defined by the war. They see Americans, who supported French colonialism and thereby helped drive Indochinese nationalism into the Communist camp, using the most sophisticated weapons against Asian peasants and, in violation of the conventions of warfare, systematically raining destruction upon innocents. They speak affectionately of "Uncle Ho"—but do not talk about his murder of Trotskyists and other revolutionaries, or of the forced collectivization of the peasantry in the North. Their image is thus not of Communism's one-partyism, its anti-libertarianism, its bureaucratic class privileges, but rather of a David in sandals defending himself against a Goliath in a bomber. The war has done infinitely more to sow illusions about Communism than the Communist party could ever accomplish.

And so pacifists invite Communist hawks into a peace coalition. For the American Communists, from 1924 to the present moment, have never deviated from their loyalty to Communist militarism. When honorable men in their midst were disgusted by the invasion of Hungary in 1956, they were driven out of the party; when the Russians went into Czechoslovakia, there was not even a protest. The issue is not, as it has so often been wrongly debated, that anyone proposes to exclude individual Communists from this or that demonstration. It is whether the organizers of the movement to end the agony in Vietnam clearly and unequivocally come to the American people not as Communist hawks disguised as doves, but as unambiguous champions of peace.

The Peoples Coalition makes much of a "Peoples Peace Treaty," signed by representatives of the National Student Association in this country, by some South Vietnamese groups and by the North Vietnamese. The "treaty" is, as David McReynolds notes, "close to the program of the P. R. G. [the Provisional Revolutionary Government set up by the Communist National Liberation Front]." When the Trotskyists objected to part of the treaty on the grounds that American students have no right to decide how the South Vietnamese shall exercise their right of self-determination, a writer for the Communist Daily World made it quite clear that the document in question proposes a Vietcong victory. W. W. Weinstone wrote:

"The South Vietnamese people must decide, they say. That is self-determination! But who represents the people of South Vietnam? . . . Who else but the National Liberation Front and the Provisional Revolutionary Government, which represent the legitimate aspirations of the Vietnamese people."

The Buddhist majority of the people, which has refused to join either Thieu-Ky or the National Liberation Front, is thus dismissed. And the pacifists who make common cause with the Communists in this enterprise are transformed—quite unwittingly in many cases—from advocates of peace into the partisans of victory for one of the belligerents.

Moreover, the Peoples Coalition is committed to the program of élitist disruption Civil disobedience as a self-sacrificing witness is not only honorable but sometimes persuasive as well. And when Martin Luther King Jr. used the tactic—say, in Birmingham in 1963—there were a number of factors that made it both democratic and successful: it was used against an unconstitutional system of legal segregation at a time when there were no channels of redress and when a majority of the American people, including some conscience-stricken Southerners, could be made sympathetic. Now there are legal opportunities for a political movement that will bring the war to an end, and thus disruptive tactics can be counted on only to create sympathy for Richard Nixon.

Or more precisely, the recent attempt of the Mayday Tribe to shut the capital down would have more effectively helped the President and contributed to prolonging the war if the Washington police had not, in clear violation of First Amendment rights, reacted swiftly with dragnet arrests. That strategy—and its endorsement by none other than the Attorney General of the United States, now

perhaps our most distinguished advocate of lawlessness in the streets—should not be allowed to obscure how basically wrong the Mayday tactic was, and is. It is not simply that such disruptions often help to drive the country to the right, although that should give a political man pause, but that their very premises are antidemocratic.

The theory of the nonviolent Putsch was first elaborated by Staughton Lynd in the mid-nineteen-sixties during an S.D.S. mobilization in Washington. Why, he asked, shouldn't the demonstrators move right into the offices of Government and take power in the name of the people? Lynd, who is considerably more thoughtful than some of his colleagues, has since raised questions about his own rhetoric. But it was his scenario that Rennie Davis and the Mayday Tribe adopted in the capital. "The aim of the May action," they wrote in their demonstrator's manual, "is to raise the social cost of the war to a level unacceptable to America's rulers. . . . To do this we seek to create the specter of social chaos while maintaining the support, or at least toleration, of the broad masses of the American people."

It is, of course, fantastic to think that the threat of social chaos will make a people tolerant of, or even enthusiastic for, its agents. But more to the point, the fundamental conception underlying this approach is that a relatively small cadre of the enlightened—in this case numbering perhaps 12,000—can force the nation to do its will. The elitist and antidemocratic character of this strategy is not in the least altered by the deep and sincere convictions of many who tried to carry it out. They remind me of bad poets: their emotions and their intent are of the very best; their mode of expression is execrable.

The irony is that the vision of a nonviolent, minority coup d'état is urged at precisely the moment when democracy can work to bring an end to the horror of Vietnam. The Mayday Tribe's tactics might, however, persuade some of the new converts to the cause of peace to retreat into hawkishness. And that is why the third strategy, the only one which proposes means that might democratically force Richard Nixon to disengage completely from Indochina, is so important.

In making the case for the McGovern-Hatfield bill to end the financing of the war this year, candor is required. If the United States withdraws from Vietnam, it is indeed possible that the Vietcong will take over the country and, as Ho Chi Minh did in the North in the nineteen-fifties, proceed with forced collectivization and impose totalitarian rule. That would be a great evil, but we must remember that one reason such a takeover is now possible is that America has been tragically wrong in this area for more than a quarter of a century. We bankrolled the French colonial war from 1945 to 1954 and then, when a Communist-led nationalist movement defeated the French, we supported the repressive Diem regime. Diem probably did more to escalate the hostilities than either the Northerners or the Vietcong. Since his murder we have supported the succession of military governments which, we have it on the recent authority of Vice President Ky, are incredibly corrupt and ineffective. So after a generation of fighting a popular movement that was driven to accept Communist leadership because, among other reasons, of American actions, there is no riskless way to disengage.

But to keep a modest American force in Vietnam, even a garrison the size of the one in Korea, would require continuing air support of South Vietnamese troops—and the indiscriminate murder which constitutes a *certain*, not a possible, evil. It will prolong the slaughter of innocents which has already been much bloodier than Ho's forced collectivization of the North; and it provides no incentive for Saigon's generals to seek a political solution, since it guarantees an American shield for their authoritarian rule. Indeed, setting a certain date for American withdrawal is the precondition both for freeing the prisoners and for starting serious negotiations. And, of course, if there is to be hope of saving America's domestic soul—its youth, its minorities, its cities, its poor—we must leave Vietnam.

There is evidence that a majority of the American people understand the difficult alternatives and are prepared to choose. A recent poll by the Louis Harris organization, shows that the people favor troop withdrawal by 60 per cent to 26 per cent, "even if the Government of South Vietnam collapsed." If that is the case, then a bipartisan movement for withdrawal—which would make it impossible for either party to blame the other if the Communists did indeed take over the country—could not only pressure Nixon to get out but prevent any postwar McCarthyite purge similar to the one that occurred as a result of the Communist victory in China.

A number of groups are organizing along these lines. There are Congressmen traveling across the nation to spell out the case for withdrawal. The National Council for an Indochina Deadline has enrolled in a similar enterprise individuals like Nicholas deB. Katzenbach, Clark Clifford, Leonard Woodcock and John Kerry, and organizations such as Sane and Americans for Democratic Action. And Allard Lowenstein has imaginatively set out to organize that huge new constituency of 18- to 20-year-olds to "Say No to President Nixon Now." Nixon can afford to ignore half a million marchers on the grounds that they are not truly representative of a nation of more than 200 million, but he cannot possibly turn his back on the majority of American voters who are now clearly more receptive to peace appeals.

I would add to the excellent plans of the groups working through political channels only a word about the labor movement. A majority for social change clearly cannot be built in this country without the enthusiastic support of the organized workers. Despite the widespread, and ignorant, opinion that the working-class in this country is politically conservative, it is—as I pointed out last September in this Magazine—the largest and most important single force for social reform. The issue of national health insurance, to take only one obvious example, is before the country today not because of the students or the churches or the doves, but because George Meany and the late Walter Reuther fought more than 20 years for it.

Therefore the movement to end the war must look to the peace, and keep conflict with potential postwar allies in the unions to an absolute minimum. Indeed, it should work right now with Meany toward health insurance and other domestic reforms, on which his positions are most progressive.

There has been a kind of deception in recent years in which flower children talk of love in a way calculated to provoke hatred, and some activists cry peace through clenched teeth and call for "Power to the People," but show contempt for the very people to whom they propose to give power. Now the time has come for a genuine reconciliation. And that is why the political movement to end the war in Vietnam must, out of *Realpolitik* if nothing else, learn to love some of its opponents, particularly labor liberals who back the war. If they do not, the peace will be lost.

So the marches are exhilarating and can be—as was true in April—an impressive and nonviolent demonstration of the depth of the opposition to the war in this country. But they do not accomplish the hard work of political organization which is crucial at this point. The disruption can only be counter-productive. Were President Nixon Machiavellian enough, he would send a contribution to the Mayday Tribe. The overwhelming fact is that a majority of people want out of Vietnam now. What therefore needs to be done is to organize politically around the McGovern-Hatfield demand for ending United States participation in the war this year. That is the kind of democratic militance that the President of the United States cannot ignore.

EXECUTIVE REORGANIZATION PROPOSALS

Mr. PERCY. Mr. President, at the opening of hearings on the President's four major departmental reorganization proposals on May 25 and 26 the Government Operations Committee had the benefit of testimony from six extremely able Americans. Each has participated with distinction in the management of large organizations, governmental or business.

These witnesses were George Schultz, Director of the Office of Management and Budget; John W. Gardner, chairman of Common Cause; Roy L. Ash, chairman of the Ash Council and president of Litton Industries; Joseph A. Califano, former special assistant to President Johnson and member of a distinguished Washington law firm; Ben W. Heineman, former chairman of President's Task Force on Government Organization and president of Northwest Industries; and Charles L. Schultze, former Director of the Budget Bureau and presently senior fellow of the Brookings Institution.

I think it would be useful for my colleagues in the Congress and students of government organization to have summaries of the statements of these witnesses and I ask unanimous consent that they be printed in the RECORD.

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

STATEMENT OF GEORGE P. SHULTZ, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. Chairman and Members of the Committee, the broad issue under consideration here is no less than the capacity of the executive branch of the Federal Government to serve as an effective instrument for the conduct of the Nation's business.

We have learned through hard experience that it is not enough to authorize programs, however, meritorious or well-conceived. We have learned that we must also establish machinery of Government capable of translating the aims of legislation into effective performance.

After eighteen months of intensive study and analysis, the Ash Council concluded that the current departmental structure for domestic programs was not adapted to the needs of Government in the 1970's. Acting on this conclusion, it urged a restructuring of the existing departments based on the organizing principle of the major purposes served.

The Cabinet Secretary has been regarded by the public and the Congress as both an innovator of new policies and programs and as a key executive who helps the President assure that the will of Congress is effectively carried out. Unfortunately, as the number of departments has increased, as independent agencies have proliferated and as missions have become more complex, the programs relating to any single purpose of Government have become fragmented or have overlapped with little design or coordination.

It is simply impossible today for the departmental Secretaries and their staffs to do many of the things the public and the Congress have the right to expect.

Consequently, many matters best settled at the departmental level must now come to the Office of Management and Budget or the White House or be relegated to interagency committees for the simple reason that there is no single department with enough authority or resources to make the appropriate decisions or to take the needed action within the scope of its discretion. The establishment of the four proposed departments with their well-defined, comprehensive missions constitutes a major step toward providing the departmental Secretaries with the mandate and tools to conduct the business of Government. The department can then become a primary instrument for seeing that the programs of Government are well designed and effectively executed. The Congress will benefit because the Secretaries can be held accountable for their deeds and accomplishments. This will be a sharp contrast to the present situation in which inadequacies of authority and diffusion of responsibility provide ample excuses for inaction or mediocre performance. The White House and Executive Office of the President will benefit because they will be relieved of a large part of the task of resolving disputes between narrow interests in the bureaucracy and can concentrate their efforts on the development of policies and the implementation of Presidential and congressional directives.

The four purposes which provide the basis for the creation of the four new domestic departments are:

1. *To manage and protect our natural and physical resources.* The Department of Natural Resources will consolidate programs for land and recreation resources; water resources; energy and mineral resources; oceanic, atmospheric and earth sciences; and Indian and territorial affairs.

2. *To enhance the personal development and well-being of our people as individuals and families.* The Department of Human Resources will carry out programs supporting this goal in the areas of health, human development, and income security.

3. *To make the American economy more productive, prosperous, and competitive.* The Department of Economic Affairs will consolidate programs in the areas of business development; farms and agriculture; social, economic and technical information; labor relations and standards; transportation and international economics.

4. *To foster the development of sound physical and social settings for the Nation's rural, suburban and urban commitments.* The Department of Community Development will be charged with administering Federal functions relating to urban and rural development, community transportation, housing and certain insurance programs.

While reorganization by the more rational grouping of functions is central to the President's program of improving departmental effectiveness, it cannot and does not stand alone. The new departments must also be effectively managed.

Each of the proposed departments will have:

The capability to react to changing needs by vesting in the Secretary the authority to organize and manage the department internally;

A team of policy-level management officials who share the Secretary's department-wide perspective and who have sufficient authority and stature to adequately support the Secretary in meeting his responsibility for accomplishing end results; internal groupings of related programs in a small number of administrations under officials reporting directly to the Secretary and who will be able to assist him in the direction of department operations;

Flexibility in the use of resources to accomplish program objectives by giving the Secretary increased discretion to allocate funds within broad appropriations;

A strengthened field system with more extensive decentralization of authority to work with and respond to State and local governments, private institutions, and individual citizens; and management systems incorporating the best experience in such areas as program management, program evaluation, management information, and budget analysis.

The impact of the proposed reorganization on the size of the affected departments is variable. Three of the new departments are not significantly larger than certain of the domestic departments which are being superseded. The Department of Community Development will, in fact, have only 30,000 employees, a total much smaller than several of the present Cabinet departments. The Department of Natural Resources will have approximately 111,000 employees, close to the present size of the Department of Transportation. The Department of Human Resources with 122,000 employees will represent only a 15 percent increase over the present employment of the Department of Health, Education and Welfare. Only the Department of Economic Affairs, which would have about 160,000 employees (including 43,000 military personnel of the Coast Guard), represents a challenge in managing bigness significantly beyond that previously faced by several civil departments. In this instance, as with the other departments, we are confident that the concept of the operating administration headed by a strong administrator responsible to the Secretary and other management techniques will make it possible to gain the benefits of a single comprehensive Department of Economic Affairs while still assuring the effective coordination and oversight of a very large number of programs.

The manageability of the new departments will also be determined by the extent to which the Secretary can and will decentralize and by the nature of the field organization.

Each department will have a Regional Director representing the Secretary in strategically located regional centers throughout the country. Although the authority placed in these Regional Directors will vary with the special management needs of the several departments, these key officials will be in a position to see that the field services are carried out in an effective and coordinated manner.

The really significant savings from the reorganization will flow from the better administration of existing programs, better decisions with respect to new programs, improved judgments with respect to the allocation of resources and the major streamlining of the field organizations which becomes possible when related activities are pulled together under a single Secretary. Here, too, it is impossible to assign precise dollar or percentage estimates to the savings, but I am confident that as the new departments take hold, the citizen will receive better and more responsive service from his Government at significantly lower costs than is now possible.

We do not expect significant immediate reductions in total employment as the result of the reorganization. To the extent that manpower is saved, it will be the policy of the Administration to rely on attrition to reach lower levels of employment. We have also written into each bill a provision similar to that in the Department of Transportation Act which prohibits for a period of one year separation or the reduction in grade or compensation of employees as the result of a new department being established. Officials in the Executive Schedule (that is, Level I to V) are also assured that their compensation will not be reduced if they are given appointments to positions with duties comparable to those which they performed prior to the reorganization.

Mr. Chairman, the issue before the Congress is good government, government that earns and retains the respect and confidence of its citizens, government that can adapt to new circumstances and new challenges. By proposing this reorganization, we seek to improve the capacity of Government to serve its citizens and for those citizens to hold the units of Government more clearly accountable for their performance. In this very real sense, we seek to strengthen and extend our democratic principles.

This is not a partisan matter. There is no special Democratic or Republican way to manage or to organize the executive branch. The various study groups, commissions and task forces whose findings and recommendations have influenced the departmental reorganization have been composed of Democrats and Republicans, of businessmen, educators, and Government officials. They have made strikingly similar recommendations to successive Presidents. The Executive and the Congress now have the opportunity, working together, to enhance effective and responsible Government in the United States.

STATEMENT OF JOHN W. GARDNER

Mr. Chairman, I appear before you as an individual, and am not presenting the views of Common Cause.

I shall express at the outset my view that President Nixon has exhibited an admirable concern for the effective organization of government. His creation of the Office of Management and Budget in the Executive Office of the President was a much needed step. Similarly, the creation of the Environmental Protection Agency and the new Postal Service were highly significant moves.

The President is right in emphasizing that Federal Government reorganization is not a partisan matter. All of the numerous Democratic presidential hopefuls should be praying—if they believe they have a chance in '72—that the reorganization goes through. The recommendations he makes distill some of the best thinking of a generation of thoughtful students of government.

The President's proposals bear directly on one of the most crucial issues of our day—the responsiveness and accountability of the giant institutions, corporate and governmental, that dominate our lives. The people are in a mood to demand that responsiveness and accountability. There is a widespread feeling among all segments of the populace, rich or poor, black or white, farmer or worker, that they have been had—as taxpayers, as consumers, as citizens. It is a discontent that cuts across party lines, across economic levels, across regions.

Perhaps the most common question about the President's proposals is whether the four new agencies will be too big to manage effectively. I do not regard the question as crucial. We are stuck with bigness. We are a big country, * * * the crucial question is how we manage bigness. * * *

If we address ourselves to the issue of how to manage bigness, the over-riding question is how to manage the bigness of the whole Federal Government; and the President's proposals are directly relevant to that point.

After the federal establishment expanded so spectacularly in the thirties and early forties, there was for a long time a minimum (almost a complete absence) of coordinating mechanisms below the President and above the multiple departments and agencies.

For the past quarter century we have groped—one might almost say we have fumbled blindly—to fill that vacuum.

President Roosevelt brought in presidential aides to help solve the problem. The Budget Bureau rose to power. The three military departments were put under a single secretary. HEW was assembled. The National Security Council was created. The Council of Economic Advisors was formed.

All these and more were in some measure responses to the urgent need for sub-presidential, supra-departmental mechanisms that would coordinate the innumerable fragmented federal enterprises.

The creation of the OMB was the most significant move that has yet been made to fill the vacuum.

Personally I put great emphasis on the potential role of OMB and upon the freedom of the new departmental secretaries to rearrange functions within their own departments. The reason for that emphasis is that no matter how perfect any reorganization may be at the time it is accomplished, next year will bring new problems that require new kinds of coordination. When that happens then the power of the new departmental secretaries to re-focus energies within their broad domains will be crucial. And the power of the OMB to re-focus energies among departments will be crucial.

Another highly sensitive question is whether the new departments submerge important subjects and constituencies—education, health, agriculture, labor and so on. There is a critically important balancing of values to be accomplished here.

There is every reason to avoid building into the top layer of government the factionalism inherent in the interplay of special constituencies. Government agencies should derive their form and structure from the nature of the problems to be solved, not from the nature of the constituency to be placated. Yet every special constituency yearns to violate that principle.

I can tell you out of my own experience that if all of the scores of constituencies of HEW had had their say, our organization chart would have consisted of one horizontal row of boxes a mile long and an inch deep. Each constituency would then have been represented "at the top of the department," with no layers between it and the Secretary. The anxiety and rage of a constituency which fears that its "home" in the bureaucracy has been—or is about to be—"downgraded" must be seen to be believed.

A compromise is possible. No constituency has a right to own a piece of the bureaucracy. On the other hand, government should not be faceless. This danger will be diminished if there are highly visible units, not at the top but further down, corresponding to the crucial problems that worry various constituencies.

No former cabinet member, especially perhaps a former HEW Secretary, could fail to be pleased with the intent of the President to enhance the power of the departmental secretaries.

I believe the Secretary should be far stronger than he now is within his own department. This is not to say that operating leadership should be sucked up into the Office of the Secretary. It is absolute folly for a Secretary to pursue any other path than to select strong operating people and then give them their heads.

But he himself needs very strong staff units to deal with legislation, budget, administration, evaluation, personnel and so on. He must plan, set goals, measure progress toward those goals, reorganize when necessary, and insure that all parts of his organization work together.

As everyone in this room knows but few people outside of Washington understand, questions of public policy nominally lodged with the Secretary are often decided far beyond the Secretary's reach by a trinity consisting of 1) representatives of an outside lobby, 2) middle level bureaucrats and 3) selected members of Congress, particularly those concerned with appropriations. In a given field these people may have collaborated for years. They have a durable alliance that cranks out legislation and appropriations in behalf of their special interest.

Participants in such durable alliances do not want the Departmental Secretaries strengthened. The outside special interests are particularly resistant to such change. It took them years to dig their particular tunnel into the public vault, and they don't want the vault moved.

Now let me say a word, Mr. Chairman, about the relations of Congress to the Executive Departments. I believe that Congress should exercise its function of oversight with far more rigor than it does. It should demand performance of the Executive agencies. It should itself be adequately staffed to measure performance, and it should be tough in holding Executive Departments accountable.

But Congress should let the Executive Branch organize itself. It should tell the Executive Branch what to do and demand results; but it should give the Executive Agencies broad leeway in how they organize themselves to do it.

Mr. Chairman, let me conclude on a note of urgency. The people of the United States are deeply troubled about the great institutions, corporate and governmental, that dominate their lives. To imagine that that concern is limited to the poor and the young and the black is to deceive oneself. Talk to suburban housewives. To middle level executives. To union members. The concern they have about their institutions is not ideological or radical or even political. It is just plain down-to-earth skepticism as to the performance of those institutions.

Yet with all that popular concern, few of our leaders have faced the tasks that must be accomplished in order to deal with it. When a reorganization plan comes up, the special interests move in like hornets, and most of our leaders tend to come down on the side of one or another of those special interests. And the reorganization fails to come off.

The President, any President, is no stranger to special interests. But the President, each President in turn, finds himself faced with the awesome task of making the great, clanking machinery of government work. As he studies the problem more closely, each President in turn is appalled, and resolves to do something about it. And then he discovers that it is a very lonely battle. It is a long way from the down-to-earth skepticism of the average American to the technicalities of Departmental structure. The President finds it hard to transmute the popular concern into the kind of pressure that will bring change.

But someone had better make the connection. A people that no longer believes in the effectiveness of its institution of government is a people in deep trouble.

STATEMENT OF ROY L. ASH, CHAIRMAN OF THE PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION

Mr. Chairman and Members of the Committee: Two years ago, the President appointed a six man panel to study in depth the structure of the Executive Branch of the Federal Government and to recommend changes necessary to improve its effectiveness.

While its original mandate was very broad, the President's Advisory Council on Executive Organization in consultation with the President, consciously limited its agenda to a half-dozen areas of executive organizations which together they believed were not as effective as they should be. These were: the Executive Office of the President, natural resources and environmental protection, social and economic progress, regulation of business activities through independent regulatory agencies, organized crime and narcotics rehabilitation and control.

The Council was aided by a professional staff augmented by hundreds of interviews with persons professionally knowledgeable on government affairs. It made extensive use of similar analyses of government organization which preceded its own.

Starting with the simple proposition: The role of Government is to serve those governed, the Council addressed itself to the questions: what are the major and enduring purposes of the Executive Branch in those areas under consideration and what structural arrangements of authority and responsibility for carrying out those purposes will best fulfill that role today and for the foreseeable future?

The proposed legislation now being considered by this Committee in considerable measure, reflects the Council's answer to those questions.

Many argue that the structure of government is of little importance.

The effectiveness of the Executive Branch, most of all, depends on proper organizational structure. For it has the job of execution—of carrying out the mandates of Congress—through the concerted efforts of hundreds of thousands of people. It is that part of the Government machine that has the most parts and the most different kinds of parts, all of which must work in some degree of unison if useful results are to be achieved.

The ideas contained in the proposed legislation now before you are not new. Many have been proposed before. Administrations and leaders of both political parties have advanced the need for substantive organizational improvement generally along the lines now recommended.

I would like to dispose of some of the main criticisms of the present proposals.

First, it sounds very earthy to disdain the importance of organizational structure by saying "Government ain't machinery", to say all that is required are good executives. Good executives are essential, but the best of executives are impotent if organizational arrangements are so ambiguous, confusing, overlapping and in conflict with each other that in the final analysis no one can be held responsible for results or has the means and authority to achieve them.

Another assertion, by those who prefer the status quo, is that government can't be organized like business and that's what the proposals represent. For any such entity whether government, business, professional, social—the prime determinants of effective form are:

What are you trying to accomplish? (purpose)

How do you intend to do it? (the focusing of means)

How will you know you've done it? (the accountability for the use of those means in achieving the stated purpose.)

Considered at this level, good organization of all kinds, including business and government, is based on the same three determinants. These are embodied in the changes proposed. In the proposals, the prime domestic purposes of government today have been identified, the applicable means assembled and focused, and accountability for results made possible. Because their purposes differ, the proposed organizations are very different from those found in industry. One need only compare the proposed structure to that of any business to see that the quite different purposes and means of the two kinds of entities give rise to completely different ways by which these fundamental principles for effective organization are translated into specific structural arrangements. As principles, no one would dispute their applicability to any class of purposeful organization.

Another shibboleth sometimes heard is that Government isn't intended to be efficient; that efficiency is somehow secondary. The President's Advisory Council defined its goal in terms of governmental effectiveness. While there also may be considerable oppor-

tunity for improvement in efficiency . . . governmental effectiveness—ability to produce results—is the keynote of the pending recommendations.

A variant of the theme that Government is not supposed to be efficient is the argument that the exercise of executive management in Government by which policy leadership and direction from the top is successively translated through a hierarchical organization to action producing units is undemocratic.

The Executive Branch can best serve the purposes for which it is charged by Congress by effectively carrying out legislative direction without debilitating conflict and distortion by those down the line from the Chief Executive who are not given a clear charge and who cannot therefore be held accountable by either the President or the Congress.

A further criticism of the proposed creation of four departments from seven present ones and several agencies is that departments such as those recommended will be unmanageable because they are too large.

This also is an invalid argument—but it does have rhetorical appeal.

Unmanageability is not a result of size, nor is it necessarily contributed to by great size.

The Department of Health, Education and Welfare is large in terms of numbers of people and expenditures. The Interior Department is quite small in comparison. Both are often said to be unmanageable. Similarly, the Defense Department is larger than H.E.W. by all measures one might conceive, and the Veterans' Administration employs almost 50,000 more people than H.E.W. and is one of the largest executive agencies. Both are generally accorded high grades for manageability although one may disagree with both their policies and with many of their procedures.

There are several reasons why organizations fail of management, but as a general rule, the manageability of an agency is directly related to the way authorities and responsibilities are distributed within it and the means established for interlinking and controlling these.

A variant of the argument that large departments are unmanageable is that the proposed changes further and dangerously centralize Government. In fact, just the opposite is the case.

Presently, even though the executive branch contains a number of departments concerned with different aspects of domestic matters, it is in reality one large department for these matters. It is nearer reality to say that the President is the head of a single "Department of Domestic Affairs"—a very large one of 400,000 people, along with his duties of being President. This is the phenomenon that has contributed to the need for a growing White House staff and observations of many Cabinet secretaries that their authority and hence their ability to get a job done is sometimes limited.

The recommended changes create four departments, each smaller than the one large one and each equipped with the authority and responsibility to carry out its own broad mandate. Only those fewer matters that require resolution as between the eight resulting departments, or are important in their own right, will demand the President's personal participation. He then can be a full-time President, not a part-time department head.

Now, let me address another argument that generates considerable support—that it would be heresy for any function now reporting directly to the President to be denied that direct relationship. Here, the issue is one of perspective—the view from the President's office, from the total responsibility he has for effective executive management.

Today, there are eleven departments and forty-one independent agencies each reporting as participants separately to the President. They are each important—to some group. But what the President does not need are even more narrow advocacy interests reporting directly to him and thus pressing him on behalf of their interests. Instead, he needs executives with whom he can share his job, that of integrating and balancing the varied interests from a broader perspective and charge than each department or agency head can be expected to have. The objective of good executive management is to force conflict resolution down, not up.

A parallel is that of the earlier creation of the Department of Defense. If, today, each of the three armed services reported directly to the President as two of them once did, he would, perforce, be the de-factor Secretary of Defense along with his other duties.

Change is not easy. It shouldn't be heresy either. The age of a department and its fit to the needs of earlier times has no necessary correlation with the validity of its current organizational placement. Organizations are means, not ends; they must be adaptive to changing purposes and goals. The alternative to needed change is failure.

As a final point, Congress has the clear opportunity to dispel the myth—one that I believe causes people to lose confidence in their Government—that government organization is immutable and cannot be changed anyway regardless of need. It can.

The question is not whether the proposals you are about to consider are a final solution, for they are not, but whether they increase the probability of more effective government. Do the changes proposed on balance, promise a net improvement in government effectiveness? It is my view that they clearly do.

STATEMENT OF JOSEPH A. CALIFANO, JR.

Mr. Chairman, Members of the Committee: It is a privilege to be invited to testify before this Senate Committee on Government Operations. The President has proposed the reorganization of seven Cabinet-level Departments and agencies and parts of agencies into four basic domestic Departments: Community Development, Natural Resources, Human Resources and Economic Development.

As a citizen and as a man who was privileged to work as a Special Assistant to President Lyndon B. Johnson, the proposals make abundant good sense.

Where one stands on the issue of Executive reform is unquestionably affected by where one has sat in the Federal government. I believe that anyone who looks at this problem from the viewpoint of the Chief Executive of the Executive Branch will come to roughly the same conclusion.

During the Presidency of Lyndon Johnson alone, more than 400 Federal grant-in-aid programs were enacted by the Congress and put into operation by the Executive Branch. It was this explosion of Federal activity which led President Johnson to place so much emphasis on government reorganization.

I would like to attempt to give you some sense of the perspective of the Federal government from the White House, where we attempted to guide an enormous Federal bureaucracy composed of so many independent agencies. The President, as Chief Executive Officer, must try to implement those policies he presents to the American people during his campaign—policies which form the basis for his election. His most difficult task in carrying out his mandates from the American people is to inquire, persuade, cajole, urge and—too rarely—order the Federal bureaucracy to follow those policies.

The President's power to achieve his goals is remarkably limited.

He can wage war more easily than he can rebuild cities, clean our air and waters, improve public education or end unemployment. Yet he is held politically responsible for the achievements of all these goals.

I believe that the President should have wide authority to organize the Executive Branch to make it more effective in carrying out the laws of our nation.

The time is long overdue to rearrange the old-line agencies and place responsibility more clearly in accord with authority in a set of domestic Departments. Coordination, super staffs or domestic czars can help, but their ability to do so will be greatly enhanced if the domestic Departments are reorganized in a functionally coherent fashion.

The Federal government today extends deeply into our personal lives. It is involved in programs relating to birth control as well as flood control. Welfare programs will have a greater impact on the family structure of millions of Americans than any tightening or loosening of divorce laws in all our fifty states. We look to the Federal government for security and for health care when we are over 65, and we shall soon be looking to it for health care from cradle to grave. The Federal government trains more workers than the Fortune 500; it funds more child care centers than any other institution in our society; and it is the single most important factor in financing and building the homes in which most of us live.

As our people become more dependent on the Federal government, we must make certain the Federal government is more responsive to our people. No President, no matter how hard and long he works, can hope to have more than a superficial knowleidge and control of the enormous bureaucracy over which he presides.

Democrats and Republicans will differ—sometimes sharply—over the people who should be placed in charge of the Executive Departments of the government. But they should not differ over the organization of these Departments. As a Democrat, Mr. Chairman, I believe that any Democratic Presidential candidate, who might be successful in winning the White House in 1972 or thereafter, will be immeasurably helped in his ability to put into effect the policies upon which he is elected if President Nixon's reorganization proposals are adopted by the Congress.

It is an ironic commentary on the greatest democracy in the history of mankind that the President has greater power to wage war abroad than to conduct intelligent and coherent domestic policies at home. This reorganization would provide the President, of whatever party or political philosophy, with a significantly greater opportunity to be responsive to the people he is elected to serve.

TESTIMONY OF MR. BEN W. HEINEMAN

In the remainder of this century, the American federal government faces extraordinary challenges. We will have to cope with perhaps another 100,000,000 people. We will have to do something about the central deterioration of too many major American cities. We will have to reconcile the economic aspirations of Americans, with our growing concern for the quality of our environment. In every area of life we will have to accomplish more with scarce public resources.

I do not think that the federal government is capable now of meeting these challenges.

I do not believe that the federal government is capable of concentrating upon and carrying through on the priorities Congress and the President establish.

I do not believe that the President has

sufficient managerial control of the federal government.

I do not believe that department secretaries have any significant control over their own departments.

And I do not believe that the performance of the federal departments is adequate—the departments are not converting Washington policies into local solutions to the problems of Americans.

All of us have read or observed that suspicion toward government is greater now than it has ever been. And we've blamed this on the Vietnam War or on the incumbent President—whoever he is.

In the course of thinking about this problem, I've come to believe in a simpler answer. I believe that the ordinary citizen's experience with the federal government is almost entirely bad. His time is wasted in powerless and inefficient regional offices and the country's problems never seem to be much improved by government action.

Yet year after year, the word floats down to him from Washington of yet another program, or new approach, or new philosophy that will improve his life or that of others for whom he is concerned.

How can we wonder when eventually he reaches certain conclusions about government. If he sees no significant connection between what Washington says and what government does, then his suspicions, and his cynicism are entirely rational. If expenditures rise constantly and his problems do not diminish, then his distrust is confirmed.

I believe that our federal government has been overwhelmed by the changes of the last few decades.

Since the end of World War II our population has grown from 141 million to over 205 million. In the same period our Gross National Product has grown by 450%. We now have over 1,400 separate domestic programs. And the federal government's expenditures have increased from $35 billion to over $210 billion.

Despite these vast changes there have not been equivalent changes in our management of the affairs of government. Yet surely we must question whether the means that were perhaps adequate to manage the expenditure of $35 billion are at all adequate to manage $200 billion.

Only large scale organization—and consistent attention to management—will permit the government of a nation of this size to accomplish anything at all.

It is because I believe that as firmly as I believe anything about government that I support the President's reorganization program. It is a serious and impressive effort to define and treat the problems of government performance. It is a program—I believe—that merits genuine bipartisan support. It is not a measure that will bring significant political gain to anyone—but it is a reform that will continue to bring advantage to all of us.

I have read and heard some of the criticism of the President's reorganization program. It has been said that it involves only the shuffling of organizational boxes; that it makes bigger and more complicated, departments that are already unmanageable; that it emphasizes structure without content.

I considered these criticisms and questions when I was more directly involved in a similar effort and I concluded at the time that, in my judgment, there was no necessary conflict between structure and content. Indeed, they are often complementary. Large government organizations must meet certain minimum conditions before they can adequitely carry out any policies.

To begin with, government itself must be built around the dominant concerns of the nation it serves.

In my judgement the President's program meets this requirement. It defines four great tasks for the federal government's domestic departments; (1) promoting the fullest possible development of every individual American, (2) encouraging the growth and vitality of American communities, (3) protecting and enhancing all of America's natural resources, and (4) understanding and guiding the American economy.

But these ends cannot be accomplished within our present scheme of government.

Our present departments are not—to be frank—manageable. Departmental secretaries—and their senior officers—are plagued by grossly inadequate staff at the top levels; their authority is challenged by the special interests of the narrowly focused bureaus they supposedly command; and their areas of concern overlap to such a degree with those of other departments that they spend as much time negotiating coordination as they do managing programs. They are often at the mercy of their own subordinates. Good men and sound intentions are frustrated by impossible organization.

However these departments are not unmanageable because they are large. I stress this since the President's reorganization program has been criticized because it creates consolidated departments that are even larger than the present ones and, therefore, the argument goes, even more unwieldy.

It is not size that frustrates organization, but the absence of leadership, of responsibility, of priorities, of decisions, and of evaluation.

And it is at these problems that the reorganization proposals are aimed. I would be skeptical indeed if the administration was proposing only a plan of consolidation. But that is not the case. The recognition of genuine problems of management is one of the strongest parts of the President's proposals.

In each new department the secretary will be provided with the resources and skills necessary to manage. He will be able to develop a skilled staff for planning, budgeting, and supervision. He will not be at the mercy of his subordinates. With expert help to analyze proposals, to set goals, and to evaluate accomplishment, he can take advantage of the strengths of the agencies he supervises and not be captured by their weaknesses.

However, management is still only a means to an end—and the ends for these new departments will be the solution of problems, the improvement of the American quality of life.

Nothing at all will be accomplished—regardless of how clearly we define our purposes, or how efficient we make our procedures—if they break down in the field.

What is needed—and what the President's proposals *begin* to provide—is an entirely new view of the federal field structure. The field is where the action is. It is far from Washington, but close to the problems. It is the proving ground for policies and programs conceived in Washington. It should be the arena for operational decisions and action.

Up to this point the federal government has been far too weak in the field. And far more decentralization of operational decisions is possible. Officials in Washington should concentrate upon policy, priorities, and evaluation. But programs should be administered away from Washington.

Each of the new departments will have strong regional officials, men who have or could be given line authority over functional units. And the President's proposals recognize the need for a general division of labor between policy making in Washington and operations in the field.

I have found at work in most organizations with which I've been connected something like a Gresham's Law of management: The instant crisis drives out long-range planning. But particularly in government the real benefits come only with careful, thorough planning.

And those responsible for organizations must spend their time on policy and planning and delegate operational decisions and momentary crises to others. This—it goes without saying—is easier when the purposes of organization are well understood and when leaders have the confidence to delegate.

The twin emphases upon the overall tasks of government and the importance of management give these reorganization proposals genuine significance. The President is to be credited for proposing them and you for considering them as seriously as you have.

STATEMENT OF CHARLES L. SCHULTZE

Mr. Chairman and Members of the Committee: I appreciate this opportunity to appear before you to discuss the President's reorganization proposals. My own ideas about this subject are undoubtedly colored by having served as Budget Director, and having observed the operations of the federal government from the viewpoint of the Executive Office of the President rather than from the viewpoint of the departments themselves.

Increasingly the federal government has been called upon to help in dealing with some terribly deep-seated and complex problems. A large and far-flung bureaucracy has been created to handle these laws and programs and appropriations. Yet all of us have the uneasy feeling that somewhere between the legislation and the execution, between the plan and the action, between what is hoped for and what is achieved, something has gone awry. To a greater or less degree, most of us have some sense of frustration, that the laws and the programs and the appropriations aren't doing all that we hoped; that we are not getting our money's worth; that the ratio of solutions achieved to activity carried on is far too low for comfort, and what is more important, far lower than is necessary.

Improvements in the organization of executive departments are not the sole, or perhaps even the principal means of increasing the effectiveness of government. But organizational improvements are important. They can help increase the efficiency, the flexibility and the responsiveness of the federal bureaucracy.

In considering the specific reorganization proposals which the President has submitted to the Congress, there are, I believe, three very practical questions which have to be addressed.

One of the most obvious characteristics of the President's reorganization proposals is the underlying premise that efficiency, responsibility, and flexibility can be improved by a merger and consolidation of existing federal agencies into a smaller number of units.

A major argument raised against consolidation is the claim that the resulting departments would simply be too large to be manageable.

Difficult as it may be for one man to run a large and complex federal department, it is infinitely more do-able than the task of trying to coordinate a host of related programs from the White House or OMB.

Consolidating federal activities into a smaller number of departments could help arrest the tendency which has been growing in recent years, for decision-making about federal programs to become increasingly concentrated in the White House and the Executive Office. I don't believe this centralizing trend has arisen simply because power-seeking Presidents decided to arrogate to themselves more authority. Rather it has to do with the changing nature of government

and what it has been called upon to do. The job of developing consistent policies and reconciling different views has necessarily gravitated to the White House and the Office of Management and Budget. It was either done there or not at all.

Equally, if not more important, the consolidation of related activities can achieve some results which Presidential coordination has never been able to bring about—a better relationship among federal programs outside of Washington, in the field. In Washington the force and presence of the Presidency can often—with painstaking and continued application—secure agreement and cooperation among several Cabinet departments on a common policy for related federal programs. But outside of Washington the writ of agreement seldom runs. *In the field, operating bureaus located in different departments are exceedingly difficult to coordinate for the simple reason that no one person has authority over them.* I want to return to this point later, because I think *that the field operations of the government constitute its chief organizational problem.*

Because it reduces the number of decisions which gravitate to the White House, the consolidation of activities into fewer departments should help arrest the trend toward excessive centralization in the Executive Branch. There is yet another reason why consolidation should achieve this result. Presidents often are forced to second-guess their Cabinet officers, and to look for advice to their own staff and that of OMB, for the simple reason that Cabinet officers are often special pleaders. * * * To the extent that a balance of interests can be represented in one Cabinet department, the head of that department will almost inevitably present a more balanced view to the President and can be relied upon to carry out Presidential decisions in a more balanced way. In turn, the voice of Cabinet officers will, I believe, begin to carry more weight in Presidential councils compared to the voice of relatively anonymous White House advisers.

Our political system provides enormous scope for particular interests to bring their views to the attention of the Congress and the President. Cabinet departments need not be organized by interest group categories. Paradoxically, the more a Cabinet department represents narrow interests, the less likely is the particular Cabinet officer to have a heavy weight in policy decisions. Consolidation of activities into a smaller number of departments will not, in my view, reduce the voice of legitimate organized interests in the governmental process.

Let me turn to the second major question I raised at the beginning of this testimony, the organizational problem in the *regional and field operations* of the federal government. They are increasingly the key to bringing about more efficient, flexible, and responsive federal government.

Twenty or thirty years ago, the success or failure of federal activity depended principally upon decisions taken in Washington. But the critical programs of the federal government today depend for their success or failure on decisions taken in thousands of communities across the nation. No set of decisions in Washington and no amount of coordination at the White House can overcome poor organization and bureaucratic rigidity in the field.

Yet, outside of Washington there is no federal government. There are only a series of bureaucratic fiefdoms. Even within single departments, the regional directors often have little authority over the field operations of the particular line bureaus. Each separate field staff reports directly back to its Washington bureau. Governors and mayors, wishing to plan a coordinated attack on some particular problem involving a number of different grant programs, have no place to go except directly to Washington.

In short, reorganization of governmental structure in Washington is probably most important because of what it can do for field organization, where the action is. The President's reorganization plans clearly move in the right direction with regard to field operations.

The thrust of the President's proposals would mean that over time the Washington bureau offices of the major grant-in-aid programs would principally serve to formulate policy and regulations, to provide technical services, and to audit performance. Actual operations, including the important function of approving grant applications, would be done in the field, under the authority and supervision of department-wide regional directors. In addition to cutting red tape and increasing the efficiency and consistency of federal operations, this system should significantly improve federal relationships with state and local governments. Governors and mayors would have a central point to deal with in each department. Someone with authority would be available to break bottlenecks, to force decisions, to make commitments.

Personally, I would go even further. I think in each region there should be a small counterpart of the Executive Office of the President, to provide the coordination and mediation needed across departmental lines. I think we should aim for accounting and budgetary systems which will translate Congressional appropriations and Executive decisions into regional and subregional budgets incorporating the programs of all departments in each region and subregion which significantly affect state and local governments. All grant-in-aid programs, housing subsidies, water resource investments, and similar programs would be included in these regional budgets. Further, I think that governors and mayors should eventually be given the right to request some limited transfer of funds from one federal program to another within their own jurisdictions.

Finally, let me address briefly the *third* question I raised at the beginning of my testimony: What tools are provided the secretaries of each of the proposed departments to manage those departments effectively?

In general I believe the proposed approach followed by the President in his reorganization plans is a sound one. It consists of two elements: *First,* the operating activities of each department are grouped into a limited number of *administrations,* each headed by an administrator with under-secretary rank.

The *second* element of the President's proposals is to provide each secretary with a substantial staff, free from direct operating responsibilities but handling matters of a department-wide nature. In each department there would be two under-secretaries and a number of assistant secretaries to fill this role. I believe the provision of adequate staff to Cabinet secretaries is absolutely vital. On the one hand, to run a complex modern bureaucracy the secretary needs to have strong line administrators to whom he can delegate responsibility. But if he wants to control his own department, to know what is really going on, to correct abuses and translate plans into actions, he must have a competent staff. Cynics to the contrary notwithstanding, knowledge is power. A secretary who can ask his operating heads embarrassing questions, who can knowledgeably review their proposals for policy and budget, who can recognize when things are going awry before major trouble erupts, is a secretary who is more likely than not to be a successful one.

Reorganization is no panacea. Even with the best organizational structure conceivable, the major ingredient of success still lies in picking the right man for the right job. Brilliant organizational structure staffed by incompetent or insensitive people, will produce at best mediocre results. And efficient organizations carrying out uninspired policy may simply be very efficient at doing all the wrong things.

The President's organizational proposals are, I believe, a major step forward. About which specific agencies or activities he proposes to consolidate, and where he proposes to place them, reasonable men can and will disagree. About whether such a major set of changes can or should be accomplished all at once, there will also surely be controversy. But the underlying elements of the proposals you are now considering are in my view fundamentally reasonable: the consolidation of activities into fewer departments; the modernization of the current chaotic regional structure of government; and the provision of internal mechanisms to help a secretary really run his department. However much some of the particular recommendations before you may be modified or rejected, the approach taken in those proposals seems to me to provide a sound basis on which to build an improved governmental organization.

EFFECT OF CERTAIN LABOR CONTRACTS ON AMERICAN PRODUCTION

Mr. FANNIN. Mr. President, last year some disastrous labor contracts were signed. Among the worst were construction industry agreements giving union workers pay increases of up to 22 percent.

Now, it appears, a new round of exorbitant wage settlements has started.

I see that the United Steelworkers of America this week reached agreement with four of the five major aluminum companies for 3-year contracts providing an estimated 30 percent wage increase. The fifth major company, Olin Aluminum, also agreed to the wage increase but a strike was called because of failure to agree on other matters.

And in Arizona, some 1,200 employees of Reynolds Metal Co. went on strike in Phoenix because of what is known as local issues—even though the high wage increase will apply to them.

At the same time we have negotiations going on in the steel and copper industries, with USW officials declaring their intention to match wage increases granted to aluminum workers. There has been much talk of strikes in the steel and coal industries.

Mr. President, from what I have seen recently of national and international economic conditions, I believe the union bosses have charted a nearsighted, shortsighted course which will result in disaster for American workers.

Unions are striking, or have threatened to strike, over jobs that would not even be in existence in a few years. They have priced themselves out of the international market and are fast on their way to doing the same on the homefront.

U.S. union leaders are seeking wage increases that in some cases are equivalent to the entire wage already paid to workers in other industrialized nations.

For example, the employment cost—wage and fringe benefits—per man-hour worked in the U.S. steel industry is $5.68. In Japan, the figure is only $1.80. When the employment cost for American workers goes up 30 percent, it means an in-

crease of about $1.70 per hour—or within a dime of the total hourly cost for the Japanese steel worker. What is it worth for a union member to have a $7.50 wage scale but no job?

In the past we have said that American workers deserve higher wages than workers in other nations because they are more productive. We like to think that Americans have been the hardest working people on earth. We know that when this industrious spirit was combined with a genius for technology we had a productivity unmatched anywhere in the world.

The American economy was stable as long as wage increases were kept at a level compatible with increased productivity. But in recent years the principle that a man should produce in relation to what he is paid, and should be paid in relation to what he produces, has gone out the window. It has been replaced by the idea that a group of men monopolizing the labor supply for a crucial industry should exact as much as possible from the industry and the Nation regardless of the long-run consequences.

And when the union and industry leaders find they are in deep trouble, then they yell for Government help.

Mr. President, as everyone here knows, I have been one of the most persistent in urging that the U.S. Government take action to stop the unfair trading practices of other nations. But I am not about to support any protectionism that will allow certain unions or industries to extort unreasonable prices from American consumers.

Union bosses, rank-and-file workers, and industry leaders must get together to stop the inflationary spiral that is wrecking our economy and ruining our chances for world trade. If some sane accord is not reached—and reached soon—the alternatives will be few and all painful.

We will either have severe, chronic unemployment—the recent 6-percent level will look mighty good by comparison—or else we will have Government intervention that will be devastating to our private enterprise system. In either event, all Americans lose.

Mr. President, I would like to return to the matter of productivity. The May 24, 1971, issue of Industry Week carried an article showing how American steel productivity is slipping while the Japanese not only have surpassed us but are widening the advantage. I ask that this article be printed in the RECORD.

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

JAPAN OUTSTRIPS U.S. IN STEELMAKING PRODUCTIVITY

Japan now outstrips the U.S. in steelmaking productivity.

The Land of the Rising Sun made raw steel in 1970 with only 5.70 manhours per net ton (2,000 lb), 22% less than the 7.31 manhours required in the U.S. that year.

Japan first passed the U.S. in this measurement of productivity in 1969 when it made raw steel with 6.91 manhours per net ton, 3.6% fewer than the 7.17 manhours used in the U.S.

For the last decade, both Japan and the U.S. have been improving steelmaking productivity, but Japan's achievements are immense. In 1960, Japan needed 20.63 manhours to make a net ton of raw steel, while the U.S. used only 10.56.

U.S. SLIPS

From 1960 through 1970, Japan's improvement in productivity was unbroken. The U.S. string of improvement from 1960 lasted until 1969. A loss of productivity caused the U.S. to need 7.31 manhours, about 2% more time, to make a net ton of raw steel in 1970 than in 1969.

Helping slightly to lower the Japanese figures is Japan's practice of contracting some maintenance work that in the U.S. would be done by plant crews.

Measurement of Japan's progress in steelmaking beyond the raw steel stage is more difficult because mill shipments figures comparable to those of the U.S. are not readily available. However, INDUSTRY WEEK was told by a steel industry analyst that Japan has reduced the manhours per ton of steel mill products from 44.2 in 1960 to 14.0 in 1969 and to an estimated 12.4 in 1970. In comparison, the U.S. steel industry reduced its manhours from 15.0 in 1960 to 11.7 in 1969, but lost ground in 1970 by using 11.9 manhours.

THE ROUTE

The giant strides in manhour reduction in making raw steel in Japan appear to be the result of the great extent to which that country has replaced the open hearth method of steel melting with the more productive basic oxygen process. In 1960, Japan made 67.96% of its raw steel tonnage in open hearth and 11.88% in basic oxygen furnaces. In 1970, only 4.13% of Japan's steel came from open hearths, and 79.13% came from basic oxygen furnaces. The remaining 16.74% came from electric furnaces.

In comparison, the U.S. made only 48.22% of its raw steel in basic oxygen furnaces in 1970. Open hearths accounted for 36.60% and electric furnaces, 15.18%.

JAPAN LEADS

In October 1970, Kaiser Engineers, Chicago, reported that Japan had the highest basic oxygen furnace steel-making capacity of any country, 88,820,000 net tons. In addition, capacity for an additional 21,400,000 tons were to be completed in 1971.

The U.S. is second in basic oxygen furnace capacity. Kaiser Engineers listed the U.S. capacity as 73,050,000 net tons, with 12,250,000 tons to be completed between late last fall and sometime in 1973.

Complementing Japan's efficient steelmaking furnaces are its blast furnaces, some of which are the world's largest.

The great improvement in productivity in raw steelmaking and a low employment cost give Japan a substantial advantage over the U.S. in steelmaking costs. Employment cost per manhour worked in the Japanese steel industry in 1970 was $1.80. In sharp contrast was the U.S. figure of $5.68.

The decade of productivity gains was marked with a multifold increase in the flow of Japanese steel into the U.S. From 601,375 net tons in 1960, Japanese steel imports into the U.S. grew to 7,294,380 net tons in 1968, then subsided to 6,252,654 tons in 1969 and 5,935,475 tons in 1970 as pressure from U.S. steel producers influenced foreign producers to put limits on their steel exports to the U.S.

BIGGEST COMPETITOR

Japan's ability to sell steel below U.S. prices, supply high quality material, and market aggressively has made it the biggest foreign competitor in the U.S. market. While Japan was supplying the U.S. with 5,935,475 net tons of steel in 1970, U.S. mills shipped 84,810,459 net tons to the domestic market.

Japan was the world's biggest gainer in 1970 over 1969 in raw steel production. Its 1970 output, at 102.9 million net tons, was up 12.3 million tons—more than half of the 21.1 million ton increase in the world. In contrast, U.S. raw steel production declined 9.9 million tons.

Japan is the world's third largest steel producer. The U.S. is still first, and the USSR is second.

MANHOURS NEEDED TO PRODUCE 1 NET TON OF RAW STEEL

	United States	Japan
1960	10.56	20.63
1961	9.78	18.13
1962	9.59	18.08
1963	8.83	15.39
1964	8.29	13.44
1965	8.26	12.79
1966	8.09	10.59
1967	7.75	9.21
1968	7.68	8.57
1959	7.17	6.91
1970	7.31	5.70

Source: Figures computed by "Industry Week" from statistics from American Iron & Steel Institute and the Japan Iron & Steel Federation.

THE FUTURE VALUE OF THE DOLLAR

Mr. FANNIN. Mr. President, a column by Gerald M. Loeb in last night's Evening Star summarized our situation very well. He points out that the future value of the dollar depends on our ability to compete in world trade and keep interest rates at realistic levels.

I ask unanimous consent that this column also be printed in the RECORD.

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

ABILITY TO COMPETE KEY TO VALUE OF DOLLAR

(By Gerald M. Loeb)

New York—The gold backing of the U.S. dollar has been depreciating for many years.

The trade value of the dollar started to fall when the U.S. balance of payments dropped into the red in 1949.

The future value of the dollar is not likely to depend on gold backing but on ability to compete in world trade and to keep interest rates at a realistic level.

AUSTERITY POSTPONED

The current monetary crisis has developed because our politicians do not believe the nation has the intestinal fortitude to accept the immediate sacrifices needed to control inflation. Neither does the voting majority understand that the price must eventually be paid. The longer it is postponed the more the cost compounds.

A year ago the decision was made in Washington to postpone until after November 1972 the required austerity to put the nation on a sound footing.

The result is the decline in the value of the dollar as the value of the West German mark and other foreign currencies "float" higher.

Consequently, things we import or any investigating or traveling we do abroad will tend to cost more. So will the cost of defense efforts beyond our shores. On the other hand, efforts to export will be helped as our goods should sell for less in world markets if we do not kill this advantage by further increasing costs at home.

Money will cost more and be more difficult to get. With the administration putting business recovery until election ahead of a sound dollar, these tendencies will be held as much in check as is practically possible.

Secretary of the Treasury John Connally points out that our record first quarter liquidity deficit of more than $3 billion is not sustainable. He said the principal in-

fluence was the result of our interest rates which are lower than in other parts of the world.

CONTROLS A DANGER

Connally also pointed out that the United States is faced with much sharper competition in world markets and that we must increase productivity. He summarized his talk by saying "the simple fact is that in many areas others are out-producing us, out-thinking us and out-trading us."

If we make realistic interest rates politically unpalatable, then we may be forced into even more distasteful actions such as wage, price and profit controls.

We might try giving away less. Warner and Swasey Co. for years has been running far-seeing though unheeded advertisements on improving our economic situation. The latest is entitled "no wonder we're broke!" and points out that "this country has been giving or loaning" to foreign countries $138 billion dollars from 1946 through 1969. (It's even higher today.)

We have borrowed billions so we could give them away—the interest alone on our debt is now in the billions of dollars every year. And we are still borrowing more to give more away. Cutting this down to size would help the dollar.

BENEFITS OF SACRIFICE

If each of us worked longer and to the utmost of our capability at no increase in pay, the dollar would quickly regain its old status as the strongest currency in the world. The problems of the Japanese and others seizing our markets in autos, steel, textiles, electronics, would soon solve themselves.

The fly in the ointment is that this is not going to happen. Too few would understand the long-range gains from the near-term sacrifice. For one thing, our rise in cost of living would stabilize.

England started on our current course in 1920 and has been going downhill ever since. The modern beginnings in this country date back to Franklin D. Roosevelt's 1933 policies. They have finally snowballed into the present crisis. Unless we change our present course, we will lose our position as the leader of the world financially, industrially and militarily.

The inevitable result will be a decline in our standard of living.

A SERVICE NATION

Henry Ford sounded this warning a few days ago. He said "we may become a service nation someday . . . wait until the Japanese get hold of the market in the central part of the United States and then see what they do."

Foreign labor costs are mostly from ½ to ⅓ what they are in the United States. The Tory government of Britain is taking strong, necessary, if unpopular, measures to check excessive wage settlements by threatening to eliminate tariffs on the import of foreign automobiles. This and not protectionism is the correct solution to open world trade, and can make the nation properly competitive and increase employment and prosperity.

It is unfortunate that we probably will have to wait 17 months before the inevitable corrective measures are made effective.

There is a plus for us as the result of the money crisis. The trade or "paper" dollar is devalued indirectly because of the higher evaluation of foreign currencies. Had we taken the initiative ourselves and devalued the dollar, foreign nations probably would offset it by taking similar action. It was the failure of President Hoover to devalue the dollar following the British devaluation of sterling in 1930 that prolonged our depression until we belatedly followed suit in 1933.

This time we are avoiding such a costly error.

A REVIEW OF THE MONETARY CRISIS

Mr. TAFT. Mr. President, earlier this month for the third time in 5½ years the Western World tumbled into a serious international monetary crisis. All the usual signs were manifest. Vast sums of moneys surged back and forth across national boundaries; tourists found themselves caught up in the confusion of rapidly fluctuating exchange rates; economics ministers met, adjourned, and met again; commentators and columnists talked at length of speculators, parity, exchange rates, the forward market, and the spot market. Most ominous was the description of the situation as a dollar crisis, and mention of the so-called revolt against the dollar.

Often, the complexity of these developments reached baffling proportions. Jargon and confusion seemed to combine to hide the real significance of events from expert and layman alike. What do these occurrences mean? What is happening to the worth of the U.S. dollar? What will be the effect on the international monetary system, and upon our own economy? What action should be taken? What reforms implemented?

First, an appreciation of the dollar's central role in world finance. This role was established at the Bretton Woods monetary conference in 1944 where representatives from 44 nations met to plan for postwar economic cooperation. There was set up an International Monetary Fund to stabilize national currencies, and an International Bank for Reconstruction and Development to extend loans to nations needing economic rehabilitation and development.

At that time the United States was a financial as well as a military super power. Our vaults at Fort Knox held 56 percent of all the world's gold. Under such circumstances it seemed only reasonable that we should assume the responsibility of stabilizing the money systems of the world by promising to exchange, on request, every dollar that flowed out of the United States for gold at the fixed price of $35 an ounce. For their part, other nations promised to set the official values of their currencies and prevent these values from varying in excess of 1 percent in either direction in official trading.

At first the values of these currencies were quoted in terms of gold, but soon they began to be quoted in terms of dollars which, because of our vast supply of the metal, were thought to be as good as gold. It was in this way that our currency became the international standard of value and our country the international banker to the free world.

Unfortunately, the rationale for this dollar dominance has slowly and steadily weakened. Over the years our country has followed policies at home and in foreign spending as well that poured much more currency into the world system than any one wanted or needed. Over $40 billion are now abroad and, in the words of one of my colleagues "sloshing around the world."

This vast sum has been moved abroad in part as a result of what is called a balance-of-payments deficit. Since the early 1950's the United States has suffered from a balance-of-payments deficit. We have been unable to earn on our sales abroad and from investment by foreigners in the United States a quantity of foreign money sufficient to balance the quantity of dollars that we have spent abroad for imports, foreign investments, economic aid and military assistance. Thus, more dollars have flowed out of the United States than foreign moneys have flowed in.

This has happened in 7 of the last 10 years. Most recently, our payments deficit has grown to alarming proportions. In 1970 the gap between international spending and receipts was $10.7 billion. The estimated figure for the first quarter of 1971 is $5 billion or an annual rate of $20 billion.

There are several reasons for these serious developments. For one, we have maintained and even expanded our extensive military role in the world while our relative economic dominance has declined. As Time magazine pointed out in its May 17 issue, our overseas military operations added approximately $2.5 billion per year to the country's payments deficit between 1960 and 1964. Last year they added over $3 billion to the deficit, with the Indochina war contributing almost half to that figure.

Large, too, is the so-called tourist deficit, which currently stands at $2.4 billion. Care must be taken, however, when considering this entry in our balance-of-payments accounts. Personal and pleasure travel spending by Americans in Europe and Mediterranean countries accounts for only about 20 percent of the total deficit. Business travel spending in these and other areas contributes significantly to our own economic prosperity.

The largest segment, $810 million in 1970, of the travel deficit is represented by passenger fares. Against this we must consider the earnings derived from the sale to other countries of U.S. commercial aircraft and parts. This totaled $1.53 billion in 1970.

Another factor we must consider in relation to the travel deficit is the hundreds of millions of dollars spent in this country each year by foreign government tourist offices, airlines, and steamship carriers. Against this background it would be specious to conclude that some form of restriction on U.S. travel to Europe would solve our payments problems. It simply would not.

The amounts spent by U.S. corporations to found and expand their operations abroad are very large. In the first half of the 1960's our net capital outflow to other countries averaged $4.5 billion per year. By the end of the decade the average had risen well above $6 billion per year. However, we must offset this deficit against the sizable return in earnings from such foreign investment. Over the years this return has totaled many billions of dollars. The estimated amount of such return for 1970 was $9.6 billion.

For some time our payments deficits

could be covered by our large surplus balance of trade. American products, enjoying the competitive advantages of superior quality and sales management, dominated the world market. But as other economies recovered from the ravages of war, and developed, we began to lose this competitive advantage. As our standard of living rose, so did our price levels. This further weakened our competitive position. As Americans became more wealthy they developed a taste for imported goods, and an ability to purchase them.

Our exports still exceed our imports in dollar volume, on an annual basis, but the gap is closing. In just 5 years, from 1964 to 1969, our trade surplus fell over $6.5 billion, from $8.5 billion to $1.9 billion. It is true that exports rose in 1970, but the improvement was far less than one would expect during a period of domestic economic slowdown.

Simply put, we Americans have been living far beyond our means for many years. We have continued to work and play, and sometimes fight abroad as if we were still the almighty economic colossus that stood astride the world in 1945. The fact is, we are no longer such a dominant force. We must face that fact and adjust our policies accordingly. No less is demanded of the people and their representatives in a free society, especially if, like it or not, we have responsibility for international monetary stability and rely on it ourselves and allow others to do so.

For some time now, we have talked of the need to correct our balance-of-payments deficits and the need to reform the machinery of the International Monetary Fund. Unfortunately, we have often done little more than indulge in vague rhetoric or resort to patchwork mending of the international finance system. For years, foreign nations were disposed to believe our assurances that something would be done. But in recent weeks conditions deteriorated. Rhetoric and patchwork repairs suddenly seemed no longer sufficient. Foreign doubts about the responsibility of U.S. economic behavior finally led to a distrust of the value of the dollar.

The immediate troubles centered in the so-called Eurodollar market—the dollars and dollar credits on deposit with banks abroad. Under the Bretton Woods agreement, foreign governments are obliged to keep the values of their currencies stabilized in relation to the dollar by exchanging dollars for their domestic currencies at the fixed official price. Our continuing payments deficits have pumped a flood of dollars into foreign banks, expanded the Eurodollar market to its present level of over $50 billion, and severely strained several foreign economies and the mechanism of the International Monetary Fund.

As dollars were converted by the foreign banks into domestic currencies, those domestic money supplies expanded and fueled inflation. Germany came under particular pressure, partly because of her large balance-of-payments surplus. There has been a strong demand abroad for German goods, and thus a demand for marks with which to pay for them. As with any commodity, the price of money rose with its demand. The glut of dollars abroad meant that the supply of that money was greater than its demand. The rules of economics dictated that the price of dollars had to fall. The efforts by countries like Germany to stem domestic inflation by raising interest rates made it attractive to transfer Eurodollar funds to that country for deposit, especially as interest rates fell in the United States. This aggravated even further the supply and demand imbalance between dollars and marks.

The situation was prevented from correcting itself by the fact that relative currency values are fixed by international agreement, and can only be changed through certain formal procedures. Thus, observers began to comment that the price of the dollar and other currencies was being artificially maintained at improper levels. The dollar was said to be overvalued, the mark and others to be undervalued.

Remarks by German Economics Minister Karl Schiller led speculators to believe that his country would revalue its currency at a higher price relative to the dollar. The crisis broke. Corporations and other holders of currencies rushed to sell dollars for marks, hoping to make a profit before the price rose. Soon the run extended to other undervalued currencies. In Germany, $1 billion poured into the country in 1 hour on the morning of April 5. In Tokyo the following day $340 million were sold for yen.

Overwhelmed by the onslaught, foreign banks simply stopped accepting dollars, and later several announced that they would either revalue their currencies or allow their values to be determined by free market trading.

A rise in the price of other currencies will certainly help to ease the immediate problem. Speculators will take their profits and sell off. The effective selective devaluation of the dollar will lower the prices of our goods and services in the world market somewhat and thereby make them more competitive. Sale of special Treasury security offerings will also help to soak up some excess dollars.

However, these things do little to solve the basic problem; the weakness of the dollar, and the effect of that weakness upon the workings of the International Monetary Fund. The United States obviously needs to strengthen its currency. How? There are several options open. They include unpleasant and difficult features.

A significant reduction in our foreign military expenditures would help, but could at the same time unsettle the international military and political equilibrium. Such a move would be opposed by many countries, including Germany.

A drastic rise in U.S. interest rates would certainly attract speculative dollars back to this country, but would also cut short our developing recovery from last year's slowdown and could throw thousands of Americans out of work. It seems that our economic recovery is going well, we should do nothing to interfere with its progress.

On the homefront we must do everything possible to fight inflation. The exercise of Presidential authority to dampen down wage and price increases in the vitally important construction industry deserves the support of all Americans. We in Washington must continue to do everything we can, in cooperation with management and labor, to see that wages and prices do not increase at a greater than acceptable rate.

Also we must work to insure that our goods and services regain their dominant place in the world market. In this respect I support the accelerated depreciation measures that were recently implemented by the Government. By encouraging industries to invest in new, more advanced equipment, these measures will help make our producers more competitive. I support legislation to expand the operations of the U.S. Export-Import Bank.

I also support the administration's imaginative proposal to found a Domestic International Sales Corporation which would allow American firms to set up domestic subsidiaries to market products abroad. Under this proposal, taxes on the products sold abroad by these sales corporations would be deferred until the profits were transferred back to the parent corporation, thus encouraging producers to expand their exports. Certainly, this is a desirable objective. A strong favorable balance of trade is essential if we wish to avoid such undesirable restrictions as controls on U.S. investment abroad, or limitations on spending by our tourists abroad.

The struggle to implement these suggestions will not be easy. Unfortunately, certain Democratic presidential hopefuls and high labor officials seem willing to sacrifice the jobs of American workers and the competitive position of American industry by launching partisan attacks on such programs as the asset depreciation range, and the proposed Investment Tax Credit and Domestic International Sales Corporation.

They appear to believe they can gain favor with the American worker by placing him at a competitive disadvantage so that his job may be taken by a foreign worker? They seem to believe that import quotas and restrictions on U.S. investment abroad are alternatives to a vigorous expansion of our export sector.

By their rhetoric these individuals have shown themselves to be either grossly misinformed, or the perpetrators of a shameless deception upon the American worker and his family. These tactics could sacrifice the American worker and his family upon the alter of political expediency. It is the duty of labor, business and political leaders to see that these tactics fail, and to see that our balance-of-payments problem is dealt with in a meaningful, responsible manner.

But there is more to the current problem that we alone can remedy. Indeed, the principal lesson of the recent crisis is that the days of unqualified control of the economic affairs of the free world by the United States are over.

The international monetary system must be restructured to match the altered reality. The values of many currencies must be changed. The system of exchange rate settings must be made more flexible so that speculative flows of

moneys cannot so easily have a destabilizing effect.

Most important, the present international monetary system must be altered so that some other medium or system of exchange certificates can relieve the dollar of its crushing burdens of exchange and reserve. Perhaps the unified currency that the Common Market nations intend at last to create could in part help fill this role, although one wonders if it might not follow the fate of the dollar. We hope to play a responsible part in these international processes, but we must recognize that political realities will delimit our possible participation. Yet, even though there are many pressing economic matters here at home, it is imperative that we do not neglect our international monetary responsibilities. To do so would be more malignant than benign.

Fundamental reforms must, of course, be approached with prudence. The present system has worked well in many ways and is not to be discarded lightly. But any social, economic, or political institution must be changed from time to time as dynamic reality demands. It should be the most significant attribute of a great people that they have the courage and intelligence to recognize the need for fundamental change and that they marshal their forces accordingly. This applies to all our institutions. With strong and willing leadership we can meet the challenge.

"NO-FAULT" AUTO INSURANCE NOT WITHOUT FAULTS

Mr. FANNIN. Mr. President, while the need for reform in automobile insurance is generally conceded, just what the nature of the reform should be is not quite so clear. Recent hearings in the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee have brought to light the complexity of the whole issue and the potential dangers involved in attempting to deal with this problem as if it were susceptible to quick and easy solutions at the Federal level.

One such solution being advocated is the so-called no-fault approach, which calls for the abolition of the tort liability system in favor of a first-part payment plan. Mr. James Kilpatrick, in a recent column, points out some fundamental weaknesses in this approach. Equally important, he notes that there are better avenues open which the states are beginning to consider and which do not involve the scrapping of our traditional concept of personal responsibility. I would like to note that in my own State of Arizona, legislation has been introduced entitled "The Guaranteed Protection Plan." This proposal is similar to one the American Mutual Insurance Alliance, which is mentioned in the column, has advocated. Other States are also active and should be encouraged.

Mr. President, I commend Mr. Kilpatrick's thoughtful column to the attention of my colleagues, and ask unanimous consent that his column be printed at this point in the RECORD.

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

"NO-FAULT" AUTO INSURANCE NOT WITHOUT FAULTS

(By James J. Kilpatrick)

The President proclaimed National Transportation Week, whereupon the railway signalmen went out on strike. It was not an auspicious beginning, but Transportation Week does offer an appropriate opportunity to discuss one of the oldest and toughest legislative battles still kicking around the Hill: Automobile liability insurance.

As far back as 1967, a House Judiciary Committee report criticized the existing system as "unsatisfactory." Congressional committees took thousands of pages of testimony in 1969. The Department of Transportation recently completed a two-year study of auto insurance that wound up in 26 volumes. Commerce committees in both Senate and House are up to their ears in witnesses this spring.

The most controversial proposal, endorsed by the influential American Insurance Association, is embodied in S. 945, sponsored by Senators Hart of Michigan and Magnuson of Washington. In effect, their plan would scrap the existing system of tort liability under state supervision in favor of a new "no-fault" system administered under federal controls.

Hart is principal spokesman for "no-fault." I think his approach is wrong, but let me summarize his position as fairly as I can.

The present setup, he complains, is needlessly expensive, often unfair, and generally inefficient. In 1969, the thousand largest liability insurers took in $5.8 billion premiums; their expenses, fees and costs were so large that only $2.4 billion, or 42 percent, actually was paid out in net benefits to claimants.

The injured motorist with a small claim frequently gets more than he deserves, because there is a tendency to get him over and done with through out-of-court settlement. By contrast, the seriously injured person, who needs help most, waits an average of 16 months for his suit to crawl through crowded courts.

Hart makes other points. The states, he contends, have been notoriously weak in supervising auto liability insurance. Americans travel widely across the land, crossing state lines constantly and thus creating a legitimate area for federal legislation. And why, he asks, is it any more radical to eliminate the rule of "fault" in auto insurance than it is in fire insurance?

On this line of reasoning, the Hart-Magnuson bill would write into federal law a "Uniform Motor Vehicle Insurance Act." Every motorist would have to carry his own insurance policy. If he were injured in an accident, regardless of whose fault it was, his own company would at once pay his "net economic losses" up to a certain maximum. Some of the alternative bills, offered by others, would permit old-fashioned "pain and suffering" suits beyond the cutoff point.

It is possible to concede most of the senator's points, and still doubt the wisdom of his revolutionary plan. Conservatives will raise two broad objections: (1.) The very concept of "no-fault" does violence to the principle of personal responsibility, which holds, in this context, that the innocent ought not to be penalized or the guilty rewarded. (2.) The Hart-Magnuson plan would strike one more blow against the valued structure of American federalism.

Under this bill, the irresponsible drunk driver is promptly made whole. His innocent victim stands to get nothing beyond his "net economic losses," which is a tricky clause in the plan. Only in the most serious injury cases could the victim hope to recover any compensation for the pain, inconvenience, and personal hardship he suffers. Hart's scheme, at bottom, is simply unfair.

One by one, states are beginning to consider reform in auto insurance. Massachusetts instituted a "no-fault" plan in January. The American Bar Association is urging a number of sensible proposals short of scrapping tort liability altogether. The American Mutual Insurance Alliance offers an attractive compromise.

Many other avenues are opening—in car safety, driver education, sterner court procedures—that could bring reduction in premium costs. This is one of those baby-and-the-bath-water things. We ought not to throw out a whole body of law and tradition unless we know exactly what we are doing. Hart, with deference, can't say that he knows.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the rollcall vote today on Senate Resolution 108, to disapprove Reorganization Plan No. 1 of 1971, the unfinished business be laid before the Senate.

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

Is there further morning business?

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

DISAPPROVAL OF REORGANIZATION PLAN NO. 1 OF 1971

The PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate Senate Resolution 108, disapproving Reorganization Plan No. 1 of 1971.

The Senate resumed the consideration of the resolution.

Mr. MUSKIE. Mr. President, one of the most hopeful developments to take place in the troubled decade of the sixties was the growth of programs through which Americans volunteered their time and efforts to serve the needs of their fellow man. Starting with the Peace Corps in 1961—through the creation of SCORE, ACE, VISTA, Foster Grandparents, Teacher Corps, and RSVP—the volunteer spirit of Americans rose to new challenges and to new heights. Young and old, skilled and unskilled, these dynamic Americans made significant and historic breakthroughs in the field of voluntarism and set an example which has been emulated by other nations in both the developed and developing world. Rather than agreeing to serve for 2 or 3 hours a week, they agreed to serve for up to 2 or 3 years. Rather than staying in the comfortable, secure surroundings of their own hometown, they uprooted themselves and settled into the culture of poverty—whether that was in a

lonely corner of Appalachia or a desolate place in the altiplano of Bolivia or Peru.

It is important, Mr. President, that we respect, not only these individuals for what they have done, but also the programs through which they have made their accomplishments. The volunteer spirit is a fragile, private initiative. It requires autonomy and independence, and a setting in which each volunteer is treated as an individual. Programs such as the Peace Corps and VISTA have proved they can provide this setting. One of the fastest ways to dampen the spirit of voluntarism in this country would be to overorganize the programs we have created for volunteers. I am convinced that the Nixon administration's proposal—Reorganization Plan No. 1 of 1971—that would force all the volunteer initiatives developed during the 1960's into one unfocused superagency would have precisely that effect.

The reorganization plan will blunt the special appeals which these programs have for volunteers. There is a definite merit in allowing them to remain independent and compete for recruits among the American people. The competition helps prospective volunteers to become interested in a specific program and to decide where they would like to serve. Under the administration's proposal, each of these programs would cease to function as we have known them. In their place will be substituted the gray, bland face of a Government superagency—specializing in volunteers. I do not think that such an approach will truly attract volunteers.

Studies conducted by the Peace Corps in the early days bear out this conclusion. The Peace Corps made many attempts to discover what makes a volunteer tick. The most consistent conclusion which emerged from these studies was that the setting into which a volunteer entered was extremely important. The psychology of a volunteer is such that the organization with which he becomes associated must be completely unbureaucratic. For this reason, a bureaucratic reorganization such as the one proposed could be the deathknell of the very exciting volunteer initiatives begun by previous administrations.

I am opposed to the reorganization plan for the following four reasons:

First. The reorganization plan is really not a plan at all.

Second. The reorganization plan will decrease—not increase—the effectiveness of present volunteer programs.

Third. The reorganization plan substitutes bureaucratic reshuffling for dynamic new initiatives.

Fourth. The reorganization plan is not complete.

First. Reorganization Plan No. 1 is not really a plan at all.

Reorganization Plan No. 1 of 1971 was not a carefully conceived proposal at the time it was submitted to Congress. As such, it violates the spirit and principle of the reorganization authority under which it has been presented. This authority is a special kind of authority. It enables the President to propose reorganization plans which go into effect unless either body of the Congress acts decisively. This creates an important burden on the part of the Executive to submit plans which are necessary and carefully thought through.

Events subsequent to the transmittal of the plan have disclosed that at the time of its submission it was not a finished plan at all. In fact, it was little more than an empty vessel which subsequently required elaboration and justification.

The full story of the confusion which reigned, and still reigns, within the administration on this matter is contained in a thorough and objective article in the National Journal by James Heard.

A careful reading of the article will show that the proposal of the administration can hardly be called a plan at all. When it was first announced by President Nixon on January 4 in Lincoln, Nebr., there was no consensus within the administration as to what the plan would contain. A task force was formed of Peace Corps and VISTA staff to develop a definite idea of how Action would be organized and which agencies would be included. There then followed months of discussion which resulted in fundamental disagreement. No reconciliation of these differences was ever made.

After Peace Corps and VISTA officials were unable to agree on even the basic organizational and functional questions, the White House turned the matter over to the Office of Management and Budget and asked it to come up with a plan. The OMB plan is basically a listing of the programs to be affected by the merger along with an organization chart. The OMB plan which the White House submitted to Congress does not answer the questions of whether these programs will retain their separate identities and names, how they would relate to one another, and where the efficiencies or savings will be. Administration testimony before the Senate Subcommittee on Executive reorganization has clarified very little.

Second. The reorganization will decrease—not increase—the effectiveness of present volunteer programs.

I do not understand how a superagency with more layers of bureaucracy—with a more elaborate network of offices, divisions, reporting procedures, authorities, and clearances—is going to streamline anything. On the contrary, our experience with bureaucracy is that increased size brings increased inefficiency and inertia.

In the case of Action, the effects of this general tendency will be further complicated by the fact that the programs proposed for inclusion in the super-agency are very different. For the most part, these programs appeal to totally different constituencies of potential volunteers. SCORE is not even a Government-run program. It is a private, nonprofit organization of retired businessmen. The Teacher Corps is not so much a volunteer agency as a teaching training ground designed to develop a new breed of teachers bent on reforming educational systems. The Foster Grandparents program was designed as a means of supplementing the incomes of the elderly poor. Even Peace Corps and VISTA differ enormously from each other. VISTA and Peace Corps volunteers deal with totally different environments which create different training and administrative needs.

The hasty and superficial grouping of several programs—each with its own unique purpose, design, history, and constituency—is unwise in the light of the guidelines established by the President's Advisory Council on Executive Organizations—the Ash Council. The Ash Council's key principle for efficient Government reorganization is that agencies be grouped according to function.

This principle was forcefully stated in regard to the proposed transfer of the Teacher Corps to Action by Education Commissioner, Sidney P. Marland, Jr., in a letter to Elliot Richardson, Secretary of Health, Education, and Welfare:

> Teachers Corps is a vital and a most appropriate component of the Office of Education. I would be severely handicapped without it as a fundamental component of this office.

Although all of the volunteer programs will be damaged in the bureaucratic shuffle proposed by the reorganization plan, this is especially true of the two major components of the new agency, VISTA and the Peace Corps. It is worthwhile to describe in more detail the practical consequences of this plan for these two volunteer agencies.

VISTA

There are legitimate reasons for supporters of the VISTA program to fear that the transfer of VISTA from OEO to Action might lead to further dismantling of OEO and to diverting the main thrust of the VISTA program from full-time to part-time service. Last year, the administration was seriously considering abolishing VISTA. The galley proofs of OEO's fiscal 1972 budget, dated December 30, 1970, provided no money for VISTA. The top VISTA official on the original Action task force advocated discarding the full-time volunteer approach and concentrating on local part-time volunteer programs.

This concern is so real that over 60 national organizations, headed by the League of Women Voters, have organized a committee to keep VISTA within OEO and to extend further OEO's authority over the program. To remove VISTA from OEO would deprive the poverty program of its major source of manpower for serving the needs of the poor.

VISTA can be far more effective within the agency responsible for the overall attack on poverty. Over 65 percent of the present sponsors of VISTA programs are "community action" programs. Many more are operating with funds provided under the Economic Opportunity Act. Within the Office of Economic Opportunity, VISTA can share experiences, program ideas, advice, and information on poverty problems. Their emphasis should remain, not on "volunteering," but on serving the problems of the poor.

PEACE CORPS

The Peace Corps stands to lose the most as a result of the reorganization plan. The Peace Corps, in its brief 10-year history, has become one of the most widely respected institutions ever

launched by the U.S. Government. In fact, in a poll conducted this year, more Americans approved of the Peace Corps than of the United Nations or the International Red Cross. The Peace Corps' reputation is international as well. It is now the largest language training institution in the world—the greatest international supplier of technical skills in pollution control and urban planning in the world. The reorganization plan would take this prestigious and influential international agency which has earned its stripes and make it a division—a small box in the organization chart—of an agency which has no past record, a questionable beginning, and a dubious future.

Much of the Peace Corps' early success can be traced to its tough-mindedness and fierce independence in the face of any threat to its autonomy. An attempt was made and rebuffed in the early days to make the Peace Corps a part of the Agency for International Development. Today, very few of us would think that this was a good idea. No compelling reason has been offered by the administration to change the very wise policy of independence the Peace Corps has followed during the past 10 years, and I think that it would be a mistake to begin tampering with success now.

Third. My third reason for opposing this plan is that it substitutes a bureaucratic reshuffling for dynamic new initiatives in promoting volunteerism.

In order to attract more volunteers, we need more than a reorganization of present programs. We need new ideas on what contributions volunteers can make to the important problems of our society, new challenges which will prove that "people will do for nothing what they never would have done for money." The proposed reorganization plan does not offer anything new or significant. An additional $20 billion is being requested for experimenting with new forms of Federal support to local volunteer activities but this does not amount to a Federal program of national dimensions. If the combined budgets of these organizations for fiscal year 1971 and 1972 are compared, the total for 1972, including the $20 million add-on, is only $4 million above fiscal year 1971. When the costs of making the merger are calculated, the combined volunteer programs will suffer a net financial loss rather than a gain from the reorganization.

One person who did create exciting new ways to stimulate volunteerism in this country was the Honorable Sargent Shriver, the first Director of the Peace Corps and OEO. We do well to ponder his advice against substituting the appearance of progress for the reality:

> No one has failed to volunteer for the Peace Corps, VISTA, Foster Grandparents, the Teacher Corps, or any other governmental program because of bad government organization. Not one additional person will volunteer in the future because of government bureaucratic reorganization. Probably nothing is of less interest to potential volunteers than the bureaucratic arrangements made by public administration experts in Washington. Volunteers will never rally around an organization chart.
>
> The basic fault, therefore, with the total Nixon Administration program so far as volunteers is concerned, lies in the fact that the leadership of the Administration concentrates on the appearance of change, rather than the substance.
>
> Americans who volunteer do so because they are interested in helping to solve a problem. Nearly always that problem is a human problem, because volunteers are people who want to work with and for other people. Thus, the Peace Corps came into existence because the compassion of millions of Americans was aroused by deprivation and poverty in the developing world, and their enthusiasm and idealism were stimulated by the energy and hopes of newly independent peoples.
>
> Originally, they responded to a call for help issued by President Kennedy, even though he never uttered a word about the governmental structure, not even the name of the organization of which the volunteers would become the most essential part.

Mr. Shriver suggests that a program is required to create new opportunities for volunteers throughout the country and new forms of recognizing their contribution. It is the kind of proposal which the Congress should be considering, rather than a reorganization plan.

Fourth. The reorganization plan is not complete.

The administration is using questionable legislative practice by withholding information from Congress on the required legislative authority for Action. And Congress has yet to receive the proposed legislation which would include the Teacher Corps. It would be unwise to lump together these volunteer groups in a single agency before we see what the new agency intends to do. All parts of the reorganization should happen at once. To shift the other agencies now would prejudice any congressional action on the authorizing legislation for Action.

The best experts to consult on the issue are the volunteers themselves. It is certainly a sad indictment of the administration's plan that not one person who had ever volunteered for any of the programs in question appeared to testify in its behalf. Representatives of five associations of active volunteers testified against it. The bureaucrats have failed to take into consideration a most important factor in making this proposal. A volunteer program is unlike any other Government program. It depends, not on money or on organizational structure, but on the good will of the volunteers who give freely of themselves. It is their program, not the Government's. And it is the volunteers who should help determine the final purpose and shape of the Government organizations formed to serve them.

Perhaps the most discouraging fact to emerge from this administration's initiative to stimulate volunteerism in this country is that it has lost contact with the volunteers themselves. Neither the poor, not the young, nor the elderly, nor any volunteers were consulted when this plan was being formulated. It remains a plan written by bureaucrats for bureaucrats, a plan that will snuff out the real life and appeal of some of the most exciting ventures ever launched by the volunteer spirit in America.

Mr. McINTYRE. Mr. President, I favor the principle of government reorganization. I have supported each reorganization plan proposed to the Congress by President Nixon. There have been several during his term of office. I have supported the score of reorganization plans which have come to the Congress during the years I served here under Presidencies of Kennedy and Johnson.

I believe that Government just as every organization must be updated from time to time. The basic principle of the Government may be inviolate but the structure necessary to carry out the principle must be changed and restructed periodically to meet new needs, to deal with a changing nation, to take advantage of new and better ideas of how to deal with the problems we face.

I face each reorganization proposal on its own merits. I try to judge the effect it will have on the orderly, smooth, and efficient functioning of the Federal Government.

Unfortunately, Congress does not have the privilege of making changes in reorganization plans presented by the President. We must vote them down or stand by and let them go into effect. We cannot offer amendments to make them better meet the needs of the Government and people as we see these needs.

Reorganization Plan No. 1, which is currently before the Senate has much to recommend it. It is an attempt to better coordinate the vast effort of the volunteer programs of the Government. I have supported these programs such as VISTA, the Peace Corps, SCORE, ACE, and the many others. I believe they have accomplished much. They have made excellent use of the abilities of vast numbers of Americans who are willing to give fully or partially of their time at little cost to the country to aid in many areas of national need.

However, I find some difficulties with details of the proposed reorganization plan. Specifically, I am concerned about the transfer to the proposed new agency of the Service Corps of Retired Executives—SCORE—and the Active Corps of Executives—ACE—which are most vital to the proper function and success of the Small Business Administration. The Administrator of the Small Business Administration made some assurances to the Subcommittee on Small Business, which I chair, that the work of SCORE and ACE would not be impaired.

I have heard, Mr. President, from many SCORE and ACE volunteers that they do not necessarily share the Administrator's feeling about the future of these valuable programs under the new plan. They believe that these programs may lose their identity and their ties with SBA. I fear that many of those who have contributed so much of their time and effort may lose their enthusiasm if SCORE and ACE become lost in the welter of bureaucracy.

The same thing may occur with other programs of volunteers. I am afraid these programs may also suffer.

We are not dealing here with people who depend upon the Federal Government for their livelihood. They are volunteering their time or receiving minimum coverage of expenses. Part of their

remuneration comes from their association with a clearly defined group which is attached to one of the vibrant organizations of the Government. If this association is blurred, their interest will be lessened.

For these reasons, Mr. President, I feel called upon to vote for the resolution to disapprove Reorganization Plan No. 1.

SUPPORT FOR PRESENT ORGANIZATION OF VISTA AND PEACE CORPS

Mr. SYMINGTON. Mr. President, before the Senate is the resolution of disapproval for the President's proposed Reorganization Plan No. 1, introduced to the Congress on March 24.

Under this proposed reorganization plan, a new agency would be established within the executive branch to be known as Action. This agency would be given substance by bringing together the several volunteer programs presently housed in their program-directing agencies.

Such transfer of volunteer programs seems counterproductive to what appears to be the administration's underlying basis for reorganization of the executive departments, namely to "group, coordinate and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes."

Action's stated purpose is the amalgamation of volunteer organizations based on their shared commitment to "volunteerism." In no way do I mean to denigrate the high and noble motivations behind the participation of our young as well as older Americans in such effective programs as VISTA, Foster Grandparents, Retired Senior Volunteer Program—RSVP—the Active Corps of Executives—AEC—or the Peace Corps. Yet "volunteerism" serves only as a means for marshalling our human resources in effort to resolve the problems of the poor and disadvantaged, both at home and abroad.

It is this concern for the physically and financially disadvantaged that must remain central to any volunteer efforts. This "major purpose" of these volunteer organizations would be better accomplished by continued close association with their program-directing agencies.

For these reasons I will vote for the resolution disapproving the President's Reorganization Plan No. 1.

I agree with the sponsor of this resolution—Senator WILLIAMS—that "we do not need a program focusing on the concerns of volunteers; rather we need programs which continue to stress the plight of the poor and disadvantaged." This most abused segment of our citizenry deserves no less. And through the Peace Corps this same compassion is shared abroad.

For the underprivileged, for America and for humanity, we must strengthen our commitment. Weakened departments or programs cannot answer the needs of the disadvantaged. With determination to resolve our "paradox of poverty," let our actions speak louder than our words.

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, the Senate will now proceed to vote on Senate Resolution 108.

On this question the yeas and nays have been ordered and the clerk will call the roll.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state it.

Mr. CURTIS. Is my understanding correct that a vote of "nay" will be in support of the Reorganization Plan?

The PRESIDENT pro tempore. The Senator is correct.

Mr. CURTIS. I thank the Chair.

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

The legislative clerk called the roll.

Mr. MOSS (when his name was called). On this vote I have a pair with the distinguished Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Iowa (Mr. HUGHES). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), and the Senator from Indiana (Mr. BAYH) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from South Dakota (Mr. MCGOVERN) is absent because of illness.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCHWEIKER) is absent on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 29, nays 54, as follows:

[No. 79 Leg.]

YEAS—29

Anderson	Hart	Muskie
Bible	Hartke	Nelson
Burdick	Hollings	Pell
Cannon	Jackson	Ribicoff
Church	Jordan, N.C.	Sparkman
Cranston	Kennedy	Stevenson
Eagleton	Magnuson	Symington
Fulbright	McIntyre	Tunney
Gravel	Metcalf	Williams
Harris	Montoya	

NAYS—54

Aiken	Curtis	Packwood
Allen	Dole	Pastore
Allott	Dominick	Pearson
Baker	Ellender	Percy
Beall	Fannin	Prouty
Bellmon	Gambrell	Proxmire
Bennett	Griffin	Randolph
Bentsen	Gurney	Roth
Brock	Hansen	Saxbe
Brooke	Hatfield	Smith
Buckley	Hruska	Spong
Byrd, Va.	Humphrey	Stennis
Byrd, W. Va.	Jordan, Idaho	Stevens
Case	Long	Taft
Chiles	Mathias	Talmadge
Cook	McClellan	Tower
Cooper	McGee	Weicker
Cotton	Miller	Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Moss, against.
Mansfield, against.

NOT VOTING—15

Bayh	Goldwater	Mondale
Boggs	Hughes	Mundt
Eastland	Inouye	Schweiker
Ervin	Javits	Scott
Fong	McGovern	Thurmond

So Senate Resolution 108 was rejected.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, H.R. 6531, which the clerk will please state.

The legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending business is amendment No. 106, offered by the distinguished Senator from Oregon (Mr. HATFIELD), which the clerk will please report.

The legislative clerk read as follows:

In the amendment numbered 76, proposed by Mr. SCHWEIKER (for himself and others) strike out all of the proposed new title V in the amendment and insert in lieu thereof the following:

TITLE V—TERMINATION OF AUTHORITY TO INDUCT PERSONS INVOLUNTARILY INTO THE ARMED FORCES

SEC. 501. Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, will the Senator from Oregon yield to me for 1 minute?

Mr. HATFIELD. I am glad to yield to the distinguished Senator from Missouri, but first I wish to make an inquiry of the Chair.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please be seated. The Senate will be in order.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may yield to my distinguished colleague from Missouri for whatever time necessary for him to make some comments, without the time being deducted from my time on the amendment.

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

Mr. SYMINGTON. I thank my distinguished friend from Oregon.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. LONG). The Senate is not in order. The Senator will suspend until the Senate is in order.

The Senator may proceed.

ANNOUNCEMENT OF INTENTION TO REQUEST CLOSED SESSION OF THE SENATE

Mr. SYMINGTON. Mr. President, next Monday I will request a closed session of the Senate. I also state that if at that time my request is seconded, I will ask unanimous consent that the time incident to the closed session be limited to 1 hour and 30 minutes.

I thank my colleague from Oregon.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, will the Senator from Oregon yield to me for 15 minutes?

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois for 15 minutes, without the time being deducted from my time on the amendment.

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

NATO

Mr. PERCY. Mr. President, I have just returned, as have certain other Members of the Senate, from a meeting of the North Atlantic Assembly. These are preliminary committee meetings prior to the general meeting of the Assembly to be held in Ottawa this fall.

I was rather dismayed in attending and participating in the proceedings of the Military Committee to detect a feeling on the part of NATO Parliamentarian Members attending that committee meeting that now that the Mansfield amendment had been defeated by the Senate that, therefore, the issue was perhaps dead, and they more or less expressed the attitude, "Thank heavens, that is behind us."

In attending that meeting I found that a draft statement had been prepared. I understand it is very unusual for the Military Committee to release a press statement. I do not know when it was done before.

The release expressed the thought that there should be no unilateral withdrawal by NATO members from NATO forces, and that was the general tone of the meeting.

I chose once again to raise somewhat of a discordant note at these meetings by bringing in what I felt was a feeling of realism. I was pleased later that some prominent members of that Committee from the British delegation indicated they felt that was the only realism interjected in that meeting where everyone hoped the subject would not be raised. But to be realistic it had to be.

I commented on the fact that I did not feel, and I felt it would be a mistake on their part to feel, that the Mansfield amendment is now behind us and that it is a dead issue; that this amendment reflected a deep concern shown by many Americans—millions of them—and by many Members of the Senate and the House that the European nations were not bearing their full share of the load; that far from being a dead issue it was my understanding that it is the intention of the majority leader to raise this issue in the future, if not in the near future; that they would be mistaken to feel this was an issue that is behind them now.

I stated that the part of the press release that was adopted that inferred that there should be a more realistic approach to balance-of-payments burden-sharing was the important part that had to be emphasized; that no longer could America be expected, 25 years after the war, with rich and powerful nations in Europe, to carry this unfair share of the burden.

I stated again that the issue is not dead, and that negotiations being undertaken bilaterally with the West German Government had better take on a much more realistic tone than they had to date.

We had two sessions, the third having been canceled because of the monetary crisis in Europe. I understand negotiations will be resumed; and a note of realism must be injected.

I wish to read the final paragraph of a short statement by Secretary of State William P. Rogers, in which he stated:

> The debate in the Senate will also strengthen our position with our allies on sharing the costs of our NATO forces in Europe. We shall vigorously continue our present discussions on off-set with the Federal German Republic. I have no doubt that the discussion in the Senate during the past week will help our European friends and allies to appreciate more fully the attitude of the United States on this important matter.

My personal observation was that it had not been helped sufficiently to cause them to really want to do something about it and face up to their real responsibilities in Europe.

Once again, we are in the position where everyone is quite willing for the United States to carry the load, and anxious for the United States to carry the load; they are horrified at the thought we would think of unilaterally withdrawing our forces, but when it comes to their taking on the burden of defending Europe that is a horse of a different kind. I did not find a sympathetic attitude, nor did I find that the European nations have taken into account the lesson we should learn from the fact that if you take the Mansfield amendment, the Mathias amendment, and resolutions which indicated there should be a greater recognition by European nations of the undue burden we are carrying, 58 Members of the Senate approved some form of action being taken by our Government.

It is very interesting that eight, I believe, of the Democratic hopeful candidates for President voted in favor of some kind of resolution along this line. The European countries should take note of that. I feel certain that the West Germans, who have been very fine friends of ours in many respects, will. I want them to continue to be our friends, but I want them to respect us.

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

Mr. PERCY. I yield.

Mr. AIKEN. The Senator said eight of the Democratic candidates expressed themselves by taking an affirmative position on this matter. What about the rest of them?

Mr. PERCY. That is a rather apt question. I have not taken a survey or poll, but I would presume that every Member of the Senate harbors some presidential aspirations at some time. If the Senator from Vermont excludes himself, I count him out.

Mr. MANSFIELD. Count both of us out.

Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished senior Senator from Illinois has taken the initiative at this time on this question, as he has so often in the past. I want to corroborate what he has just said.

What our European partners have seen is just the tip of the iceberg, and what we have seen in the Senate is just the first step. It is true that the vote was quite decisive and that, in that respect, the administration won, but I want to say for the record that I am very satisfied with the outcome because I think I achieved the objective sought and I feel that something will be done and that this matter is simmering on the front burner. It will not be forgotten because Mr. Laird met with the Defense Ministers last week in Brussels and Mr. Rogers, our Secretary of State, is meeting at this moment with his counterparts, the Foreign Ministers, in Lisbon.

I would suggest to our European friends that if they have any idea that this issue is behind them and behind us, they could not be more mistaken, because this issue will not die. And I think that on the basis of the reaction, at least as I have seen it, on the part of the American people they, too, are much more aware of the situation which has developed, they are much more aware of what it costs us, they are much more aware of how much we are immersed with military personnel and dependents, a quarter of a century after the end of the Second World War.

I intend to put into the RECORD commentaries and editorials which have been sent in from all over the country. One of the commentaries refers to me as a "little American," I believe, and I accept that title with honor, because I am back here representing, I hope, the little Americans in Montana and the Nation. It is about time that the little Americans were being given some consideration in the conduct of foreign affairs and the foreign policy of this country and the expenditure of funds entailed therein.

So let me again commend the distinguished senior Senator from Illinois and reiterate that what we have seen is just the first step, and that, as far as the Senator from Montana is concerned, he

intends to pursue his objective with vigor, with persistence, and with determination. I think it is about time that we recognize that we have reached a foreign policy watershed; that we have too many troops and dependents in Europe; that we have too many bases throughout the world; that we should withdraw from Southeast Asia at the earliest practicable time; and that we should bring about a reorientation, to the end that the needs of our people can be faced up to and attended to; that the problems at home may be solved. It is about time we recognized the fact that 25 years have passed since the end of the Second World War and that policies which were good then may not necessarily be good now. They are not necessarily bad. NATO must survive, but not on the basis of 525,000 military personnel and dependents from this country, not on the basis of $14 billion a year taken out of the defense budget. You can define that in any way you want, but the dollars are there, and, as the distinguished Senator from Illinois said during the course of the debate, the cost there is increasing also.

So the issue is with us, and will stay with us, and something will be done, at least as far as this country is concerned, and something will have to be done by our NATO partners, if they are sufficiently concerned.

May I reiterate this one point in connection with unilaterialism. France has withdrawn unilaterally and NATO did not collapse. Canada is in the process of withdrawing unilaterally, and NATO did not collapse. And NATO will not collapse if we leave our forces, in some proportion, there. NATO may become stronger, more viable, more flexible, certainly a reduction will give our European allies in the front lines a chance to look after their own defenses to a greater degree than they have up to this time, because they are all better off economically than we are, they can afford it, they have the manpower, and they should not enforce their own conditions on this Nation, Brezhnev to the contrary notwithstanding.

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

Mr. PERCY. I shall be glad to yield in a moment. I had promised to yield to the Senator from Maryland (Mr. MATHIAS).

First I want to say to the majority leader that he does speak for the little Americans on many occasions. I think all of us do. But I have never seen an issue on which the little Americans and what might be called the "fat cats" would unite as on this issue. They stand united on this issue. I think if a survey or poll were taken of these Americans by Harris or Gallup or anyone else, and the question was asked of them, "Do you think our European allies should pay more and do more for the common defense of Western Europe?", 99.44 percent of the Americans polled would answer "Yes." They would support a change in the formula and the manpower that we provide to NATO.

I am delighted to hear the distinguished majority leader say it is not a dead issue, because it will not be forgotten. It will not be by those of us who feel a reordering of the present balance must be taken into account. From what I have heard so far from the negotiations carried out, I want to say they are totally unacceptable as far as I am concerned.

Mr. MANSFIELD. Nor is it a partisan issue.

Mr. PERCY. Nor is it a partisan issue.

I am happy to yield now to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. I thank the Senator for yielding. I shall not detain the Senator from Virginia very long.

It is very difficult to add anything to a colloquy between the Senator from Illinois and the Senator from Montana, who have both contributed so much of their own time, energy, and thinking to this subject.

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator from Illinois has expired.

Who yields time?

Mr. PERCY. Mr. President, I ask unanimous consent to have an additional 5 minutes.

Mr. MANSFIELD. With the time not being charged to any Senator.

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

Mr. MATHIAS. The Senator from Montana, the majority leader, may embrace the title "little American," but he is a very big Senator, and I think one of the factors that makes him a big Senator and that makes the Senator from Illinois a big Senator is the fact that what they would do here has a great educational effect beyond these walls. I think nothing has had a more educational effect than what they have done on this issue.

Since the vote on the Mansfield amendment I have had a number of visitors from Europe who have spoken to me about the effect of the combined votes on the Mansfield amendment and the Mathias amendment, a total aggregating 58 votes, which is a clear majority of the Senate. I replied in very much the same way that the Senator from Illinois has spoken. I said that while a majority of the Senate felt it was not the time to use the draconian method of adopting this change by legislative means, there is a very clear feeling that NATO has to have more viability and flexibility than it has shown and that the status quo is not going to be maintained indefinitely.

Now, that response is not necessarily confined to the military field. We have trade questions. We have questions of monetary exchange. We have questions of evolving political institutions. These are all areas in which there has to be progress, because the status quo will not hold very much longer.

I thank the Senator from Illinois for initiating this discussion.

Mr. PERCY. I thank my colleague. I was very happy to support and be a cosponsor of his amendment, which I felt certainly contributed greatly to the scope of the debate, and I felt reflected the attitude and feeling of a great many Members of Congress as well as the American people.

I am happy to yield to my distinguished colleague from Virginia.

Mr. SPONG. I thank the Senator from Illinois. I simply want to express my thanks to him for making this report to the Senate today, and to commend him for seeking to dispel any misreading of signals that our NATO allies may have experienced as a result of the defeat of the Mansfield amendment.

I did not support the Mansfield amendment, for reasons stated in the RECORD. I did support the Mathias amendment. At the time of the debate, I observed that I felt it incumbent upon this body to make some collective judgment with regard to the future of our participation in the NATO Alliance.

We have not done that as yet. The Mansfield amendment was defeated and the Mathias amendment was defeated, although cumulatively, as has been pointed out, the votes in favor of the two amendments perhaps represent a majority view that some change is indicated.

So I thank the Senator for bringing up this subject this morning. I again commend the Senator from Montana. I think he rendered a great public service in initiating this important debate. I would again remind my colleagues that in my judgment all of us have a responsibility to make some expression, so that there is no chance of a misreading of signals as to how we feel about the future financial and force level participation of our allies, and what our posture in NATO is going to be.

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

Mr. PERCY. I am happy to yield to my distinguished colleague from Louisiana.

Mr. LONG. I congratulate the Senator from Illinois on the statement he has just made.

From a bankers' point of view, this Nation is an international insolvent. Our short-term liabilities to foreign government banks and agencies exceed the gold reserves and other reserves that we have available to meet them. Our overall liabilities have enormously increased, and from a banker's point of view, it would be very difficult to see how they can be paid, unless foreign countries proceed, at some point in the not too distant future, to start taking over the American plants we have built over there with our capital, and simply giving us credit by sending back some of our dollars or giving us an allowance of whatever they think would be fair, after having taken our plants that have been built over there as a part of our overall trade program.

We are running an international deficit of about $10 billion a year. Part of that is military, part of it is trade, part of it is aid. So far, we have not been able effectively to bring under control any one of the three. If we do not do something effective about this matter, it is just a matter of time until people overseas will no longer accept our currency, and when that day arrives, they will solve the problem for us in a most unacceptable fashion.

The PRESIDING OFFICER. The additional 5 minutes of the Senator from Illinois have expired.

Mr. LONG. I ask that I might have 1 more minute.

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

Mr. LONG. Anyone who looks at this problem would agree that everyone has his own ideas about how our very bad international balance-of-payments situation should be corrected. However, I think the way that our foreign friends would solve it for us is probably the least acceptable of them all, and it would be far better for us to seek to solve it on our own terms.

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

Mr. PERCY. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. The distinguished Senator referred to the resolution voted on during the past week as "draconian."

It was a draconian resolution, and was made so deliberately, because, as I tried to indicate during the course of the debate, sometimes you have to use a sledge hammer to make a dent.

I do not want that dent to be forgotten, and I do not want our European friends to think that because a vote has been taken and has turned out in favor of the administration's position, that is the end of the matter. It is not the end of the matter, because both the administration and the Senate, in my opinion, won a victory.

But let me repeat, what our European friends have seen is only the tip of the iceberg, and what we have seen is only the first small step in a journey which will continue until the objective desired by this body and the American people—the little Americans—is achieved.

Mr. PERCY. Mr. President, I intend next week and each and every week thereafter until we find an answer to this problem to say something in the Senate on behalf of all Americans who feel there is a gross inequity in this particular case.

Once again I thank my distinguished colleague, the majority leader, for the leadership he has exerted in this area. May I say that whoever would call him a "little American" would be required to make some explanation, because I will defend every single action he has taken in this regard through the years, and I think the sledge-hammer approach was vital and was needed and necessary, and that it has provoked a very important debate; and I am very pleased indeed at the broad-gage judgment exercised by the Secretary of State in commending the Senate debate last week as useful in the international interest. I think it has immeasurably strengthened our Government's ability to deal much more realistically with our European allies.

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

Mr. PERCY. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I would not want this discussion of the Mansfield amendment and the recent deliberations in the NATO Assembly to go on without some comment on my part, simply because I was one of those who voted against the Mansfield amendment but did not vote against its purpose, but rather, as I said at the time—and I repeat, at the time—its procedure or its methodology.

It would be a sad mistake for anyone to assume that those of us who voted in opposition to the Mansfield amendment were of the mind that there was no need for troop reductions in Europe. As a matter of fact, having joined with the Mathias amendment as a cosponsor, we called for the Government of the United States to negotiate within NATO and between NATO and the Warsaw Pact countries for a reduction in the level of troop strength.

I had said at the time of that debate that I thought the Senator from Montana had once again reminded the whole Nation of the imperative necessity for a total reevaluation of American commitments throughout the world, not as a way to withdraw from our responsibilities, but rather a way to sensibly fulfill those responsibilities, and I wish to add my voice today in commendation of the Senator from Montana, our majority leader, for his courage in initiating what he has called a sledge-hammer blow in the effort to at least a dent—and may I say he not only made a dent, he rang a bell, and it is an alarm to the entire world and the Nation that something needs to be done.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. I ask unanimous consent that the colloquy may proceed for 1 additional minute.

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

Mr. HUMPHREY. I simply want to conclude by saying that we are indebted to the Senator from Illinois for his forthrightness in the NATO conference in speaking up to properly represent the views of the Senate, and I think the views of an overwhelming number of Americans, and that any misreading of American public opinion as to our commitments in Europe, the necessity for reducing of troop levels, or the necessity for a more equitable sharing of the payment of costs, would be a disservice to the whole concept of NATO.

I am a strong supporter of the NATO organization. I do not want to see it weakened. But I do want to see the responsibilities appropriately and proportionately shared. That was the whole effort of the debate of the Senator from Montana, and, may I say, I think also the purpose of those who finally voted in opposition of the amendment of the Senator from Montana.

Mr. PERCY. I thank my distinguished colleague.

I think we should keep in mind that if the mutual withdrawal is successful, as we all hope it will be, there is still the decision to be made within the NATO councils of what portion of those forces will be American forces. At that time I hope we will be fighting to say that a very large proportion of those, if not all of them, should be American forces.

Certainly our other NATO allies can well afford to improve the proportion and have 100 percent come out of U.S. forces, but that is a long way down the road and in the meantime I think we have got to face up to the real burden.

Mr. MANSFIELD. May I say, Mr. President, that I would hope we would also give consideration to the possibility of getting away from an American being the commander in chief of all NATO forces, because in my opinion that is a way of holding us hostage. Certainly there are good military men among our allies. Their abilities and capabilities ought to be used, and the primary responsibility should be placed on the Europeans themselves; because, like everyone who has spoken here today, I, too, believe in NATO. But so far as our physical participation is concerned—that is, referring to military personnel and dependents—I think it should be reduced considerably.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

DR. REINHOLD NIEBUHR: REALIST WITHOUT DESPAIR AND IDEALIST WITHOUT ILLUSION

Mr. HUMPHREY. Mr. President, I am deeply saddened by the death this week of a friend and inspiring teacher.

Dr. Reinhold Niebuhr surely has been one of the great intellectual and moral forces in 20th century America—and the Western world. I once attributed his deep influence on American life to his ability to combine decisive action with a sensitive knowledge of the complexity of life, including politics.

I described him "a realist without despair and an idealist without illusion."

His thought has and will continue to greatly affect Western theology, ethics, and politics. His active personal leadership in American life will long be remembered with gratitude.

And his personal friendship and counsel will continue to guide and inspire me, as well as many, many others.

I first became privileged to be Dr. Niebuhr's friend and associate in the formation of the Americans for Democratic Action in the late 1940's. I have been fortunate to continue that friendship and to have benefited from correspondence with him only a few weeks ago.

In Feburary of 1966, I addressed the 25th anniversary dinner for the magazine Christianity and Crisis. Dr. Niebuhr's founded this journal in the 1930's to warn the democracies of the world against the rising tide of Nazism and totalitarian thought. As always, he was a leading voice in the defense of freedom and justice.

While Dr. Niebuhr could not attend the dinner because of illness, I was fortunate to spend the early evening with him in his apartment. I will always remember that fine and inspiring visit.

I wish to express, for myself and Mrs. Humphrey, our deepest sympathy to Mrs. Niebuhr, his son Christopher and his daughter, Elizabeth.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from my address to the "Christianity and Crisis" dinner, in which I attempt to express my gratitude and

deep respect for this great citizen and teacher of the world; an editorial published in the New York Times, and an editorial and article published in the Washington Post.

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

EXCERPTS FROM THE REMARKS OF VICE PRESIDENT HUBERT HUMPHREY

I am honored to be here this evening at your dinner honoring Christianity and Crisis on its 25th anniversary.

The quarter century since the founding of Christianity and Crisis has been one of the most extraordinary in the history of mankind—a period of great crisis . . . great triumphs . . . great events.

If we looked back through the pages of the magazine we honor tonight, we could find a wisdom and vision about these events that other journals—and perhaps our public policies—have not always reflected.

There are journals of huge circulation that we all must read, just in order to know what is going on. But there are other journals that we want to read or should read—in order to get some perspective—some insight and guidance and reflection—about what is going on. For me, Christianity and Crisis is foremost among journals of the latter type.

With all respect to the many fine contributors and editors through the years, to Dr. John Bennett and to Wayne Cowen and all the others, we all know that to speak of Christianity and Crisis is to speak of Reinhold Niebuhr.

It is with a sense of deep privilege and humility that I join this distinguished assemblage in honoring one of America's—yes and one of the world's—most profound political philosophers, theologians and prophets.

The 1920's and early '30's were empty years in American intellectual and political life. It was into this moral vacuum that a new voice was heard—the voice of an unknown preacher serving a working class community in Detroit.

Ever since that time, Reinhold Niebuhr has been taming cynics and pulling utopians back to earth.

No preacher or teacher in our time has had a greater impact on the secular world. No American has made a greater contribution to political wisdom and moral responsibility.

Reinhold Niebuhr, like Abraham Lincoln and Mark Twain, came out of that great Midlewestern river valley, and he brought East with him realism and humor and energy and a brooding thoughtfulness.

Like Lincoln and Mark Twain, Dr. Niebuhr brought a mixture of profundity and practicality. Like Lincoln, who I am sure has always been his favorite statesman, Dr. Niebuhr showed how to combine decisive action with a sensitive knowledge of the complexity of life, including politics.

That combination is what Dr. Niebuhr taught to a whole generation of us, as we came out of the Great Depression. We know there were urgent demands of social justice that required direct action and idealism.

At the same time, we had to learn that politics was complicated and many-sided—that life wasn't simple.

Dr. Niebuhr was the man—more than any other—who put these two things together, and who showed how they are both connected with our religious faith.

Dr. Neibuhr helped us to see that politicians and theologians have a mutual interest in the sin and evil of the world.

Martin Luther, I believe, once noted that the state was ordained by God because of man's sin—and the function of the state was to "restrain evildoers."

If these words sound a bit old-fashioned, I can assure you that, when I was mayor of Minneapolis, one of my main jobs was to do just that—restrain evildoers.

And I suspect Mayor Lindsay is not wholly free of this burden.

James Madison expressed the same proposition in somewhat different words in the Federalist: "If men were angels, no government would be necessary."

The vocation of the politician includes the task of dealing with fallen angels—of restraining evildoers—of mitigating man's inhumanity to man.

In positive terms, our task is to create the external conditions for social justice, human dignity and freedom.

But we must be willing to accept man as he is—to work with the material at hand. This is surely at the core of our democratic faith and democratic institutions.

In a score of books, hundreds of articles, and thousands of lectures—in classroom and seminar, here and abroad, Niebuhr has hammered away at this one basic theme: "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

By affirming "man's capacity for justice" and the possibility of a democratic society, Niebuhr has asserted his belief in the upper reaches of human nature.

He has believed in what he has called "original righteousness"—that man is made in the image of God—that at his best, man is capable of justice—of granting to other men their due.

And, the achievement of democratic government—the most difficult and least tried form of government—is not wholly beyond human attainment.

At the same time, Dr. Niebuhr has affirmed what we all know—that all men, including good men, have a tendency to pursue their private ambitions and interests—often to the detriment of the rights and interests of their fellow men.

This he has called "man's inclination to injustice."

After the rhetoric is over, the case for democracy must rest on its realism.

Democracy takes into account the full range of human nature. It is the only form of government that can guarantee both justice and freedom because it is the only one that seeks to recognize and respect the legitimate claims of all conflicting interests.

With these insights into human nature and the human condition, Dr. Niebuhr helped many of us understand our obligation to work for social justice without falling into soft utopian nonsense.

These were the essential truths that my generation of Americans had to hear—and Reinhold Niebuhr spoke to us clearly and courageously. Yes, Dr. Niebuhr was not only a man of thought but of action—and in the realm of human affairs—political action. It was this combination of philosophy and action that lead Dr. Niebuhr to spearhead the formation of the Americans for Democratic action. Yes, and of the Liberal Party, too.

In sum, Reinhold Niebuhr has contributed to American life and thought because he has been a realist without despair and an idealist without illusion.

But I believe that Dr. Niebuhr's wisdom should be heard by other generations as well, by the social activists of today—the young left, the students and clergy and civil rights workers who are speaking out with such conviction and courage.

I applaud much that they are doing. I am never happier than when I can speak to a group of students, and the revival of social idealism among the young is one of the most heartening developments of the 1960's.

Going through the Great Depression is one way to develop a social conscience, but apparently it's not the only way.

I know there has been a new burst of social idealism among the clergy and laymen, too, as well as among students.

One of the many side benefits of the civil rights movement is this new social conscience. But sometimes it occurs to me that the new generation of students and clergy also needs to sit at the feet of Reinhold Niebuhr—as many of us certainly did in the 1930's and 1940's.

The great tradition of social protest in America has failings that crop up regularly.

One is oversimplification. Another is self-righteousness.

Another is political naivete. Another is sweeping impatience with everybody in authority, "the establishment" and the "power structure" is what they are called now; we had other names in my younger days.

If you would go back to the Abolitionists you would find—along with their great contribution and moral idealism—all of those faults.

Reinhold Niebuhr demonstrated for us—as he demonstrates for the young social reformer today—the vital need for self-criticism—criticism of humane movements by those who believe in their purposes.

One aspect of this liberal self-criticism is to understand the limits of politics. Many idealists just picture what ought to be, without enough attention to what can be. They do not put themselves in the place of responsible officials, and try to imagine what is possible—and what isn't possible.

On one occasion Dr. Niebuhr illustrated this point by quoting the passage that Stephen Vincent Benet gives to Abraham Lincoln:

"They talk to me about God's will
In righteous deputations and platoons,
Day after day, laymen and ministers.
They write me Prayers from Twenty Million Souls
Defining me God's will and Horace Greeley's.
God's will in General This and Senator That;
God's will is this poor colored fellow's will.
It is the will of the Chicago churches;
It is this man's and his worst enemy's.
But all of them are sure they know God's will.
I am the only man who does not know it."

Reinhold Niebuhr has never claimed to know God's will. But he has understood the importance of preserving in America the great liberal humanitarian objectives we derive from our Anglo-Saxon heritage—the rule of law, the consent of the governed, and fair play. And, he has understood why this nation must be committed to the great Judeo-Christian values—human dignity, equality of opportunity, and the dream of a better and more just society.

He has been both a reformer and a prophet. But he has not been a crusader. He has steadfastly warned against the nostrum peddlar, the salesman of simple solutions the fixer—all of whom promise easy answers.

[From the New York Times, June 2, 1971]

REINHOLD NIEBUHR

Reinhold Niebuhr blended theology and practical politics as articulator of the concept of "liberal realism." His writing provided the intellectual underpinning for much of what was most constructive in the anti-totalitarian left.

Beginning in the late 1930's, Dr. Niebuhr was profoundly influential in moving American Protestantism away from pacifism and a utopian view of politics toward a more complex, more tragic and politically more realistic view of man and society. In his masterpiece, "The Nature and Destiny of Man," and in his lesser books, he brought to bear old Christian insights into man's fallibility and pride and made them relevant and convincing in this secular age. Because of his great gifts as public speaker and lucid, forceful writer, there were few within the Protestant community who did not feel his influence, while many who shared other be-

liefs or rejected religion also responded to his arguments.

Not one to be a theorist only, Dr. Niebuhr tested his concepts in the arena of electoral politics. He was among the founders of New York's Liberal party in 1944 and an architect of Americans for Democratic Action. In the years following World War II his influence on the thinking of many key Government policymakers was so profound that George F. Kennan saw him as "the father of us all"—the "all" being the liberal trendsetters of the fifties and sixties.

Dr. Niebuhr's ideas were not, of course, always accepted with the grace and facility with which he propounded them. But even his adversaries of the right and the left cheerfully conceded the effervesence of his mind and the humanitarianism of his philosophy. Dr. Niebuhr helped infuse vigor into the American democratic process. In a time of moral confusion and rapid political change, he was a frequent source of political wisdom and an illuminating spokesman for the moral values that sustain human freedom.

[From the Washington Post, June 3, 1971]

REINHOLD NIEBUHR

Large numbers owe large debts to the teaching of Reinhold Niebuhr. For secularists who sought to make sense out of the mysterious ways of politics—never mind the mysteries of religious faith—he was a careful explainer of the creative role that law can play in causing positive social change. For believers, whether in God, Christianity or some form of metaphysical truth, he insisted that the religious experience should be less a form of parochial loyalty than a commitment to values that help men to overcome hate, injustice, ignorance. For pragmatists who wanted here-and-now results, he was the pastor of a Detroit church who, more than 50 years ago, daringly spoke out against what he considered the callous management practices of Henry Ford.

All these different roles might suggest a man on the run, a part-time specialist touching many bases but never fully covering any. Yet diversity was a main reason for Mr. Niebuhr's excellence, because essential to anything he did or thought was a tie-in to Christian realism. He wrote:

"The finest task of achieving justice will be done neither by the Utopians who dream dreams of perfect brotherhood nor yet by the cynics who believe that the self-interest of nations cannot be overcome. It must be done by the realists who understand that nations are selfish and will be so till the end of history, but that none of us, no matter how selfish we may be, can be only selfish."

Because his writing and preaching on religion had little or none of the revival tent to it, Mr. Niebuhr attracted a wide following in those seminaries where students demand that the church help solve the problems of war, racism and poverty. More than a few of the clergymen jailed in recent years for civil disobedience, or those who work to organize the poor or the ethnic communities, were first nudged that way by Niebuhr. He disdained what he called "a simple pietistic version of the Protestant faith" by which celebrity-preachers try to prove "that prayer can harness divine power to human ends, particularly to the ends of business success and happiness."

Although he could be as abstruse as the next theologian when the moment was right, Mr. Niebuhr's writing and speaking style generally remained simple. A tribute many will pay him is not only to go back and reread his better-known works, but make the effort to go forward and apply them to one's daily life. His notions of Christian realism apply so well, perhaps because they are needed so much.

[From the Washington Post, June 3, 1971]

THEOLOGIAN REINHOLD NIEBUHR

(By William R. MacKaye)

Reinhold Niebuhr, who died Tuesday in Stockbridge, Mass., at 78, was one of the intellectual giants of the 20th century, a man who shunned the titles of theologian and political philosopher but was those and more.

He came as close as any man of his time to marrying the immiscible strands of the American past—the society's biblical, Christian inheritance and the secularist, utilitarian origins of its political institutions—into a unified view of the world.

He was one of those rare church leaders who spoke with power not only to the church on churchly matters but also to the world on worldly matters.

Dr. Niebuhr's principal pulpit during his long public career was as professor of applied Christianity at New York's Union Theological Seminary, on whose faculty he served for more than 40 years. But even as he taught new generations of ministers and academic theologians, he took on such assignments as adviser to the State Department's Foreign Policy Staff and officer of the Liberal Party, a political third party in New York state.

An early Socialist and pacifist, he abandoned these positions in the 1930s in favor of staunch support of the New Deal and a conviction that the United States was morally obligated to intervene internationally to put down Nazism.

The nature of his times, an era that saw the rise of a multiplicity of totalitarianisms, and his own reading of the Bible and of history stimulated in Dr. Niebuhr a skepticism about man and society that he called "Christian realism." His understanding of man was in effect an emphasis on human limitation and fallibility that set him in opposition to the easy optimism preached for opposite reasons by both theological liberals and by fundamentalists.

Dr. Niebuhr's dark vision of the human situation is illustrated in typical fashion in the closing paragraphs of his major work, "The Nature and Destiny of Man," a two-volume essay that grew out of his delivery of the Gifford Lectures at the University of Edinburgh in 1939:

"The freedom of man transcends the flux of nature in such a way that the hope of completely severing the spirit from the integuments of nature is an understandable illusion. The processes of growth in history are, furthermore, so obvious that the modern error of confusing growth with progress may be regarded as an equally inevitable mistake.

"Yet both these mistakes also rested upon a willful disregard of some of the obvious evidences.

"It is obvious that man does not have the power to extricate himself from flux and finiteness, as idealists and mystics of the ancient and the modern world believed.

"It is equally obvious that history does not solve the basic problems of human existence but reveals them on progressively new levels.

"The belief that men could solve his problem either by an escape from history or by the historical process itself is a mistake which is partly prompted by the most universal of all 'ideological' taints: the pride not of particular men and cultures, but a man as man."

The rolling sentences of this passage also illustrate the sonority that was characteristic of most of his writing, lecturing and preaching. One Niebuhr admirer recalled that a woman rushed up to him at the conclusion of one of his appearances saying that she couldn't understand a word he said but that she would be content to hear him recite the alphabet.

Reinhold Niebuhr—his friends called him "Reinie"—was born in Wright City, Mo. He was the son of an immigrant father who was a pastor of the Evangelical Synod of North America, a denomination of German origin that is now a part of the United Church of Christ.

Of the Niebuhr children, three achieved exceptional ecclesiastical distinction. In addition to Reinhold Niebuhr there were also H. Richard Niebuhr, for many years a professor at Yale Divinity School, whose theological impact on American Christendom was nearly as profound as his brother's, and Hulda Niebuhr, a sister, who had a long career as a teacher at Mc-Cormick Theological Seminary in Chicago.

Reinhold attended Eden Theological Seminary, a seminary of this denomination, and graduated from Yale Divinity School in 1914.

After receiving a Master of Arts degree in 1915 he was ordained to the ministry of the Evangelical Synod and thereupon took up the only pastorate of his career, a 13-year stint as minister of Bethel Evangelical Church in Detroit, a struggling congregation composed principally of laborers on automobile assembly lines.

Before long the young minister found himself locked in struggle with Henry Ford. Mr. Niebuhr's outrage at the conditions under which auto workers of that era labored led him into his temporary espousal of socialism, an embrace, he later confessed, that preceded his reading the works of Karl Marx.

In 1928 he moved on to the faculty of Union Seminary, where he spent the remainder of his life.

The multifariousness of Dr. Niebuhr's interests and activities and the prodigiousness of his energy led him over the years into close associations with such disparate figures as diplomat George Kennan, Episcopal Bishop William Scarlett, Supreme Court Justice Felix Frankfurter, historian Arthur Schlesinger Jr., Scottish theologian John Baillie, Jewish scholar Rabbi Abraham Heschel, lawyer and public figure Dean Acheson and a list that could run on much longer.

Many of these men kept up with the unfolding of Dr. Niebuhr's thought by following his writing in "Christianity and Crisis," a Christian journal of opinion he founded in 1941 to promote the activist, interventionist stance he espoused.

During World War II and thereafter, Dr. Niebuhr relied more and more firmly on historical analysis of issues he saw confronting his nation and world.

Ronald H. Stone, one of his students and the collector of the most recent volume of his essays, noted:

"As his thought became more historically oriented, it also grew more pragmatic. The results of the New Deal and Franklin D. Roosevelt's pragmatic foreign policy convinced Niebuhr of the dangers and irrelevance of ideology to the problems confronting the United States . . .

"His influence on purging Protestantism of absolutisms in social ethics has been one of his more important contributions in American life. No man or political idea was good enough to be trusted completely; both had to be checked by other men and ideas and continually evaluated in the light of their contribution to the common good."

Dr. Niebuhr suffered the first of a long series of crippling strokes in 1952, when he was only 60, and physically he was a semi-invalid thereafter.

But if his body was weakened, his mental energies remained undaunted, and commentary and analysis continued to flow from his pen at a scarcely lessened pace.

In addition to innumerable articles in newspapers and magazines, Dr. Niebuhr was the author of more than 20 books. Besides "The Nature and Destiny of Man," some of the more memorable are "Leaves from the

Notebook of a Tamed Critic," "Moral Man and Immoral Society," "Beyond Tragedy," "The Children of Light and the Children of Darkness," "Faith and History," "Irony and American History" and "The Structure of Nations and Empires."

Dr. Niebuhr's participation in the exchange of ideas covered so long a span of years and grappled with such a variety of public issues that that at least one younger scholar forgot too soon that he was still alive and active.

This writer imprudently suggested a few years ago that Harvard Divinity School theologian Harvey Cox was 'this generation's Reinhold Niebuhr." The scholar was promptly assailed by an angry swarm of Niebuhr disciples who retorted that "Reinhold Niebuhr is this generation's Reinhold Niebuhr."

Dr. Niebuhr's funeral will be conducted at 3 p.m. Friday in the United Church of Christ in Stockbridge, Mass., the western Massachusetts town where he died. Friends said a memorial service would probably be conducted later in New York.

He is survived by his wife of 40 years, the former Ursula Keppel-Compton, a son Christopher, Albany, N.Y., and a daughter, Elizabeth Sifton, Brooklyn.

QUORUM CALL

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following act and joint resolution:

On June 1, 1971:

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

On June 2, 1971:

S.J. Res. 103. Joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Col. William A. Willis from further consideration for appointment as an Air Force Reserve brigadier general, which nominations were referred to the appropriate committees.

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

QUORUM CALL

Mr. HART. 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.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi I yield 2 minutes to the able Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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 the recess not extend beyond 1 p.m. today.

The motion was agreed to, and at 12:27 p.m. The Senate took a recess, subject to the call of the Chair.

At 1 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. HATFIELD).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask that the time not be charged against either side.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. HATFIELD. Yesterday, Mr. President, the distinguished Senator from Mississippi (Mr. STENNIS) questioned the quality of recruits that would be forthcoming under a volunteer military.

He first noted the influence of the draft on Navy enlistments and then the Air Force.

The Gates Commission thoroughly studied this matter and concluded that neither the Navy nor the Air Force would fall short of their enlistment quotas or their quality needs.

"Study 3" of the Gates Commission by David Reaume and Walter Oi analyzed the educational attainment of military and civilian labor forces.

They compared civilian and military mental groupings with respect to specific occupations.

They concluded that "even when it is assumed that the lowest 20 percent of workers in civilian occupations with close military counterparts are dropped from the civilian labor force, the Navy and Air Force still employ a surplus of talent."

They further noted that the mental standards in groups I–II could be dropped by 14.2 and 4.8 percent and "the resulting Navy and Air Force enlisted labor forces would still have the same mental abilities (judged by AFQT scores) as a labor force consisting of the top 80 percent of civilians in similar or like occupations."

The study concludes by noting that the Navy and Air Force have been able to retain a surplus of talent because of the draft.

Both branches have had more talented individuals in jobs than in comparable positions in the civilian sector.

In other words, "the mental qualifications in their standards which prevailed in the pre-Vietnam period, were too stringent. The armed services could effectively staff the enlisted billets with a leaner mix of talent."

Mr. President, this is a direct quote from the study made by the Gates Commission. I would like to further quote from this study because we have sufficient information to the effect that the Navy and Air Force would be staffed with sufficient personnel.

I would like to quote two or three paragraphs from this study of the Gates Commission by David Reaume and Walter Oi:

The Armed Services have always insisted that all men are *not* qualified for military service. They have accordingly established mental, physical, and moral qualification standards which have varied with the demands for military personnel. In 1960, a period of relatively low demands for new recruits, it was estimated that nearly one-third of the nation's youths failed to meet the minimum standards for military service. The Services have argued that the technology of modern warfare has created many highly technical occupational specialties that can only be staffed by enlisting recruits of a higher quality than the average available to the economy as a whole. Thus, in 1952, 52.6 percent of all enlisted men had high school degrees compared to only 41.2 percent for the civilian labor force. By 1967, the gap had further widened, 82.7 vs. 59.0 percent with high school degrees. Part of this differential is attributable to the age distributions of the two labor forces. Fully 86.1 percent of Servicemen in 1968 were under 35 years of age, while the corresponding figure for the male civilian labor force was only 36.4 percent.

Each of the four Services has established a detailed occupational classification system which identifies the military tasks of enlisted men. For each detailed military occupational specialty [rating in the Navy, AFSC in the Air Force, and MOS in the Army], we tried to identify a civilian occupation that was most nearly equivalent to the military occupation. Repeated references were made to the following documents in arriving at these matchings:

Mr. President, I ask unanimous consent that the full study, which is only about 8 pages, be printed in the RECORD at this point.

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

STUDY 3.—THE EDUCATIONAL ATTAINMENT OF MILITARY AND CIVILIAN LABOR FORCES

(By David M. Reaume & Walter Y. Oi)

The U.S. economy has experienced a dramatic improvement in the quality of its labor force. If quality is measured by formal educational attainment, one finds that the percentage of the male labor force who had completed 12 or more years of schooling rose from 27.7 to 60.7 percent between 1940 and 1968.[1] Dennison[2] and others have argued that this investment in the education of the labor force accounts for much of the secular growth in labor productivity. This improvement in educational attainment has also characterized the composition of the active duty Armed Forces. The cumulative percentage distributions of enlisted men and officers, classified by years of school completed, are presented in the first two panels of Table I.3.1. The combined educational distribution of all uniformed personnel appears in the third panel. Finally, for comparisons, we present the educational distributions of the civilian male labor force, 18 to 64 years of age.

The Armed Services have always insisted that all men are *not* qualified for military service. They have accordingly established mental, physical, and moral qualification standards which have varied with the demands for military personnel. In 1960, a period of relatively low demands for new recruits, it was estimated that nearly one-third of the nation's youths failed to meet the minimum standards for military service. The Services have argued that the technology of modern warfare has created many highly technical occupational specialties that can only be staffed by enlisting recruits of a higher quality than the average available to the economy as a whole. Thus, in 1952, 52.6 percent of all enlisted men had high school degrees compared to only 41.2 percent for the civilian labor force. By 1967, the gap had further widened, 82.7 vs. 59.0 percent with high school degrees. Part of this differential is attributable to the age distributions of the two labor forces. Fully 86.1 percent of Servicemen in 1968 were under 35 years of age, while the corresponding figure for the male civilian labor force was only 36.4 percent.[3]

TABLE I.3.1.—CUMULATIVE PERCENTAGE DISTRIBUTION OF MILITARY AND CIVILIAN LABOR FORCES BY EDUCATIONAL ATTAINMENT

Year	Number (thousands)	Percentage of men completing J or more years education: 8	9–11	12	13–15	16+
Enlisted men (all services):						
1952	3,109	(1)	83.4	52.6	12.7	2.8
1956	2,814	95.5	86.3	55.2	12.3	2.8
1960	2,159	98.0	92.4	66.1	13.5	1.5
1962	2,323	98.6	95.1	72.7	15.7	1.4
1965	2,507	98.5	96.2	81.6	19.7	1.3
1967	2,982	99.2	97.1	82.7	21.5	2.2
Officers (all services including warrants):						
1952	381			95.6	76.2	46.6
1956	351			97.2	80.9	52.2
1960	316			98.6	87.0	53.8
1962	332			99.4	90.4	61.6
1965	338			99.6	88.7	69.0
1967	402			99.8	88.1	68.6
Officers and enlisted:						
1952	3,490	(1)	85.2	57.3	19.6	7.6
1956	3,165	96.0	87.8	59.9	19.9	8.3
1960	2,475	98.3	93.4	70.3	22.9	8.2
1962	2,655	98.8	95.7	76.0	25.0	8.9
1965	2,845	98.7	96.7	83.7	27.9	9.3
1967	3,384	99.3	97.4	84.7	29.4	10.1

Footnotes at end of article.

Year	Number (thousands)	Percentage of men completing J or more years education: 8	9–11	12	13–15	16+
Male civilian labor force (18–64 years of age):						
1952	38,658	92.3	60.6	41.2	16.6	8.3
1957	40,687	93.6	67.6	46.9	18.8	9.6
1959	41,324	94.5	68.5	47.8	19.7	10.5
1962	42,693	95.2	72.0	52.0	22.4	11.9
1965	44,111	96.0	75.7	56.0	23.2	12.6
1967	44,581	96.7	78.0	59.0	25.3	13.3
1968	45,213	97.0	79.5	60.7	26.1	13.7

[1] Not available.

Sources: Data for active duty military personnel were taken from table P25.5, military manpower statistics, Office of the Secretary of Defense. Data on the educational attainment of the male civilian labor force are from E. Waldman, "Educational Attainment of Workers, March 1968" "Monthly Labor Review" (Feb. 1969) pp. 14–22 and 19. See especially table A, p. A–5.

That younger members of the labor force are more educated can be seen from the following comparison:

PERCENTAGE OF THE CIVILIAN MALE LABOR FORCE WITH 8 OR MORE YEARS OF EDUCATION, 1968

Years of education	Males 18 to 34 years old	Males 35 years old and over
8	95.2	85.9
9 to 11	89.9	71.4
12	70.6	53.2
13 to 15	29.6	23.5
16 plus	13.5	13.6
Number (in thousands)	17,214	30,041

Even when the comparison is made with civilian males 18–34 years old, the enlisted men in 1967 are seen to have more formal schooling than their counterparts in civil life.

It is argued that the occupational skill structure of the Armed Forces is more technical than that of the civilian sector and hence, requires uniformed personnel of higher average mental capabilities. Others contend that the Services (given the coercive influence of a draft liability) have been able to establish and enforce minimum mental standards that have produced flows of enlisted men who possess more than the requisite mental skills demanded by the military tasks of enlisted men. This latter argument suggests that the Armed Services are presently operating with a surplus of talent and that they could lower mental qualification standards with no appreciable loss in force effectiveness. In order to evaluate whether the "necessity" or "surplus of talent" is the more plausible hypothesis, it is instructive to examine the way in which the civilian and military sectors have staffed comparable occupations. This approach was originally developed by C. Worth Bateman in his study of the mental requirements for Army enlisted men.[4]

Each of the four Services has established a detailed occupational classification system which identifies the military tasks of enlisted men. For each detailed military occupational specialty [rating in the Navy, AFSC in the Air Force, and MOS in the Army], we tried to identify a civilian occupation that was most nearly equivalent to the military occupation. Repeated references were made to the following documents in arriving at these matchings:

1. NavPers. 1806P, Appendix C, Table of Navy-Civilian Occupational Relationships.
2. DOD Document 1312.I–E, Occupational Conversion Table (Oct. 1968).
3. U.S. Navy Enlisted Occupational Handbook.
4. Dictionary of Occupational Titles.
5. 1960 U.S. Census of Population: Subject Report on Occupational Characteristics, Table 9, pp. 116–122.
6. Airman Personnel Programming Office, "Authorized and Assigned a/0, May 1969."

There were many overlaps. For example, the Navy ratings "AV, AX, DS, ET, ST" describe military tasks that are similar to the jobs performed by civilians in the "Electronic technicians" and "Television and radio Mechanics" occupations. Recognizing this, the weights assigned to these two occupations reflected the number of men in the five listed ratings. When necessary, a similar procedure was followed elsewhere. Many military occupations, especially in the combat forces do not have close civilian counterparts, while some civilian occupations like beauticians are not found in the Armed Forces. We attempted, however, to match the most nearly equivalent civilian occupation to each detailed military occupational specialty.

We next determined from the 1960 U.S. Census of Population the educational distribution of the male civilian labor force in those civilian occupations which had close military counterparts. These distributions for six selected occupations are shown in the top panel of Table I.3.2. Since our data on the educational quality of enlisted men apply to 1968, it was necessary to adjust the 1960 civilian educational distributions to reflect the overall improvement in educational quality. If one refers back to Table I.3.1, he will observe that the percentage of the male civilian labor force with 12 or more years of education rose from 47.8 to 60.7 per cent between 1959 and 1968. Since data on the educational distribution of civilians were unavailable for detailed occupations, we had to resort to an approximation. The educational attainment of males was, however, available for broad occupational groups; these are presented in Table I.3.3. Let πj denote the percentage of males in a particular broad civilian occupational group who had j years of education in 1968, while πj is the corresponding percentage in 1960. The estimated percentage of males in a detailed civilian occupation who had j years of education in 1968 was calculated by the formula,

$$P_i^* = P_i + (\pi_j^* - \pi_j). \qquad (3.1)$$

This adjustment assumes that the increment or decrement in the percentage falling into "years of education" interval for the parent broad occupation is precisely equal to the increment or decrement for the particular detailed occupation over the period 1960–68. Although one could refine this adjustment procedure, the results are unlikely to be significantly altered by more sophisticated adjustments.[5] The adjustment factors ($\pi j^* - \pi j$) appearing in the middle panel of Table I.3.2 were obtained from the data of Table I.3.3; the number in parentheses indicates the parent occupation group for the particular occupation. "Sailors and Deck Hands" is one of the occupations included in "Operatives", while "Technicians, medical and dental" falls under "Professional, Technical and Kindred Workers." By using equation 3.1 we approximated the 1968 educational distribution for each civilian occupation.

TABLE I.3.2.—EDUCATIONAL ATTAINMENT OF WORKERS IN SELECTED CIVILIAN OCCUPATIONS

	Years of education						
	0 to 4	5 to 7	8	9 to 11	12	13 to 15	16+
1960 percent of civilian employees P_i:							
(a) Sailors and deckhands	8.8	18.8	19.4	27.8	20.0	4.5	0.7
(b) Technicians, electronic	0.2	0.9	2.9	14.3	45.8	31.3	4.6
(c) Technicians, medical and dental	0.7	1.9	6.2	16.2	32.9	26.7	15.3
(d) Machinists	2.3	11.0	19.4	28.6	32.0	5.9	0.7
(e) Plumbers and pipefitters	4.0	14.0	20.0	28.9	27.9	4.6	0.5
(f) Cooks (excluding private household)	10.0	17.1	19.2	26.8	19.8	5.7	1.2
Adjustment factor ($\pi^*_i - \pi_i$):							
(a) (6)	−2.6	−5.7	−5.7	−1.5	+13.3	+1.5	
(b) (1)	−0.2	−0.6	−1.2	−3.0	+2.0	−1.2	+4.2
(c) (1)	−0.2	−0.6	−1.2	−3.0	+2.0	−1.2	+4.2
(d) (5)	−1.9	−4.7	−5.1	−2.2	+12.2	+2.0	−0.5
(e) (5)	−1.9	−4.7	−5.1	−2.2	+12.2	+2.0	−0.5
(f) (7)	−2.7	−5.3	−4.9	−4.5	+12.7	+3.9	+0.6
1968 estimated percent of civilian employees P^*_i:							
(a)	6.2	13.1	14.4	26.3	33.3	6.0	0.7
(b)		0.3	1.7	11.3	47.8	30.1	8.8
(c)	0.5	1.3	5.0	13.2	34.9	25.5	19.5
(d)	0.4	6.3	14.3	26.4	44.2	7.9	0.4
(e)	2.1	9.3	14.9	26.7	40.1	6.6	0.2
(f)	7.4	11.8	14.3	22.3	32.5	9.6	1.8

TABLE I.3.3.—EDUCATIONAL DISTRIBUTION OF THE CIVILIAN LABOR FORCE, BY MAJOR OCCUPATIONS, 1960 AND 1968

	Years of education						
Occupation	0–4	5–7	8	9–11	12	13–15	16+
1. Professional, technical:							
1968	0.1	0.4	0.9	3.0	18.2	17.4	60.0
1960	.3	1.0	2.1	6.0	16.2	18.6	55.8
2. Managers, officials, etc.:							
1968	.9	3.3	6.6	12.2	36.0	19.0	22.2
1960	2.0	5.8	10.5	17.5	29.7	17.7	16.8
3. Clerical and kindred workers:							
1968	.5	2.4	5.8	16.0	45.8	21.1	8.4
1960	1.1	4.9	9.6	22.0	37.3	17.3	7.8
4. Salesworkers:							
1968	.7	1.8	4.7	12.2	39.9	24.2	16.5
1960	1.6	5.6	10.6	22.2	29.2	17.8	12.3
5. Craftsmen, foremen:							
1968	2.3	8.6	14.1	24.2	40.7	8.4	1.5
1960	4.2	13.3	19.2	26.4	28.5	6.4	2.0
6. Operatives and kindred workers:							
1968	4.3	11.4	15.3	26.5	36.2	5.6	0.7
1960	6.9	17.1	20.3	28.0	22.9	4.1	.7
7. Service workers:							
1968	6.2	11.2	14.0	21.4	33.7	11.1	2.2
1960	8.9	16.5	18.9	25.9	21.0	7.2	1.6
8. Laborers:							
1968	11.3	14.2	17.6	26.9	24.0	5.2	.7
1960	15.1	21.5	19.3	25.4	15.1	3.0	.6
9. Foremen, n.e.c.:							
1968	1.0	5.9	11.4	20.9	45.8	11.4	3.8
1960	2.2	9.5	17.0	25.9	31.3	9.4	4.8
10. Mechanics and repairmen:							
1968	2.2	8.8	15.2	27.4	38.1	7.3	1.1
1960	4.1	13.7	19.7	27.3	28.3	6.0	.9

The detailed civilian occupations (like those shown in the bottom panel of Table I.3.2) were classified into the nine major Department of Defense (DOD) occupational groups listed on the rows of Tables I.3.4 and I.3.5. The civilian education distributions included under a major DOD occupation code (e.g. Navy Code 0 for "Infantry, Gun Crews, etc.") were weighted by the actual 1969 enlisted force strengths assigned to the military occupational specialty corresponding to the civilian occupation.[8] The estimated 1968 civilian educational distributions appearing in the top panel of Table I.3.4, thus represent the probable educational distribution of Navy personnel *if* the Navy ratings had been staffed in the same way that civilian employers staffed comparable positions. To amplify, if the tasks in the "Infantry and gun crews" category were manned by men with educational attainment of civilians in comparable jobs, only 37.3 per cent of them would have had 12 or more years of schooling. However, in 1969, 75.5 per cent of Navy enlisted men in occupation 0 had high school degrees. The discrepancy between the estimated civilian and actual Navy labor forces is somewhat smaller in other occupations; 77.2 vs. 96.5 per cent of occupation 1, "Electronic repair" were high school graduates. Combining all Navy occupations, civilian staffing indicates that 59.7 per cent of Navy personnel would have had 12 or more years of education as compared to the actual Navy figure of 87.8 per cent. The estimated civilian staffing implies the use of only slightly fewer individuals with some college education, 18.1 per cent with 13 or more years compared to the actual Navy enlisted distribution of 20.1 per cent. Before drawing conclusions, attention is directed to the analogous data for Air Force specialties.

TABLE I.3.4.—CUMULATIVE PERCENTAGE DISTRIBUTION OF MILITARY AND CIVILIAN LABOR FORCES IN COMPARABLE NAVY OCCUPATIONS BY EDUCATIONAL ATTAINMENT, 1968

	Number (thousands)	Percentage completing J or more years of education					
Major DOD occupation		8	9–11	12	13–15	16	17+
Civilian educational distribution:							
0. Infantry, gun crews	66.9	76.8	60.4	37.3	8.3	1.6	0.3
1. Electronic repair	78.3	99.8	95.8	77.2	26.3	5.8	1.3
2. Communication/intelligence	62.2	98.5	92.8	76.2	24.8	6.1	1.1
3. Medical/dental	33.1	94.3	84.9	67.9	34.1	14.8	8.1
4. Other technical	12.8	95.6	90.5	70.7	29.9	11.6	5.3
5. Administrative/clerical	76.6	96.3	90.2	75.1	33.6	13.7	4.0
6. Electrical/mechanical	186.0	91.1	78.4	54.4	10.1	1.3	.3
7. Craftsmen	53.7	83.5	67.6	41.8	6.9	.7	.1
8. Service/supply handlers	51.2	84.8	71.5	49.2	14.8	3.1	.8
All occupations	620.8	91.1	80.6	59.7	18.1	4.9	1.5
Navy enlisted educational distribution (1st-term):							
0. Infantry, gun crews	66.9			75.5	10.7		
1. Electronic repair	78.3			96.5	33.6		
2. Communication/intelligence	62.2			93.5	30.1		
3. Medical/dental	33.1			95.8	33.2		
4. Other technical	12.8			94.3	40.9		
5. Administrative/clerical	76.6			95.3	35.0		
6. Electrical/mechanical	186.0			85.1	12.4		
7. Craftsmen	53.7			82.0	10.8		
8. Service/supply handlers	51.2			81.5	6.7		
All occupations	620.8			87.8	20.1		

TABLE I.3.5.—CUMULATIVE PERCENTAGE DISTRIBUTION OF MILITARY AND CIVILIAN LABOR FORCES IN AIR FORCE OCCUPATIONS BY EDUCATIONAL ATTAINMENT, 1968

	Number (thousands)	Percentage completing J or more years of education					
Major DOD occupation		8	9–11	12	13–15	16	17+
Civilian educational distribution:							
0. Infantry, gun crews	8.7	86.7	74.4	55.8	25.7	17.5	4.8
1. Electronic repair	101.8	99.4	95.0	76.8	28.1	7.8	2.2
2. Communication/intelligence	47.3	98.0	93.3	81.1	36.4	12.2	3.5
3. Medical/dental	21.5	94.2	86.4	68.3	31.0	12.1	6.9
4. Other technical	19.0	98.0	93.3	76.6	35.4	14.8	6.1
5. Administrative/clerical	161.7	98.6	95.4	82.0	35.0	11.1	3.2
6. Electrical/mechanical	193.5	96.8	88.6	65.6	17.2	4.5	.8
7. Craftsmen	49.3	89.7	76.5	50.7	9.1	1.0	.1
8. Service/supply handlers	106.0	90.0	78.0	56.2	14.9	2.8	.9
All occupations	708.8	96.0	88.9	69.8	24.2	7.2	2.1
Air Force enlisted educational distribution (1st term):							
0. Infantry, gun crews	8.7			97.8	19.8		
1. Electronic repair	101.8			98.9	20.2		
2. Communication/intelligence	47.3			99.5	24.1		
3. Medical/dental	21.5			97.4	21.8		
4. Other technical	19.0			98.7	32.8		
5. Administrative/clerical	161.7			97.8	21.2		
6. Electrical/mechanical	193.5			96.5	7.0		
7. Craftsmen	49.3			94.6	6.8		
8. Service/supply handlers	106.0			95.2	8.9		
All occupations	708.8			97.1	14.8		

Footnotes at end of article.

The individual Air Force occupational specialties which comprise each major DOD occupation appear to require more talent when compared with the Navy. For all Air Force enlisted occupations, the data of Table I.3.5 indicate that 69.8 per cent of Airmen would have had 12 or more years of education if all Air Force jobs were staffed like their civilian counterparts. The Air Force has, however, been able to attract highly qualified recruits so that in 1969, 97.1 per cent had high school degrees. There is some agreement across Services; the major DOD occupations which had high estimated civilian staffing percentages of high school graduates in the Air Force have similarly high percentages in the Navy.

One fact is, however, apparent from both Tables I.3.4 and I.3.5. Although the Navy and Air Force do assign men with more education to the more highly technical jobs, the dispersion across major occupation groups is considerably less than in the civilian male labor force. Thus, in the Air Force, the actual percentage of Airmen with high school degrees varied from 99.5 per cent (code 2) to 94.6 per cent (code 7); the comparable range for civilian staffing is from 82.0 per cent (code 5) to 50.7 per cent (code 7). There are at least two ways to explain the comparatively small variance in the educational attainment across occupations in the military labor forces. First, an enlisted man must be able to perform his specific military job such as a Minute Man repairman, but he is also expected to have the capability of being transferred to another duty assignment in the event of mobilization.

The rank structure also operates to fix fairly stable ratios between apprentices, journeymen, and supervisors in all occupational specialties even though in some low-skilled jobs, the ratio of supervisors to journeyman is extremely low in the civilian sector. Second, and perhaps, more important, the civilian economy is characterized by extremely wide variations in pay across education groups and even for individuals of equal educational attainment. It is not surprising to find high school graduate carpenters whose full-time annual civilian incomes vary from $2,500 to $15,000. The differentials across educational groups are equally impressive. Given this wide range of pay rates for individuals of different educational attainment and skills, the civilian employer hires that mix of workers which maximizes his profits.

The civilian employer is prepared to hire more high school drop outs and fewer high school graduates, if the pay of the former (in relation to productivity) is lower. Indeed, pay rates and employment will simultaneously adjust to equilibrate the demands for and supplies of labor of different skills. This kind of market force is, unfortunately, nearly absent in the Armed Services. Men with higher mental abilities are assigned to the more technical jobs (which typically bestow proficiency pay and higher variable reenlistment bonuses) and do realize faster promotions.

The pay differentials resulting from these Service policies are, however, extremely small; an enlisted man in mental group II may earn 10 to 15 per cent more per year than his peer in mental group IV. Given these modest pay differentials for rather large skill differentials, there is an understandable tendency to emphasize considerations other than the maximization of "product." A high school graduate Navy recruit may be a slightly better cook than one with 9 years of education, but if both are paid the same pay, the Navy would prefer the graduate. Revisions of military pay practices which further expand existing skill differentials (as proficiency pay and VRB have done) could provide incentives for more efficient utilization of military manpower.

Data on the educational attainment of enlisted men classified by major DOD occupation were available for only three education groups: less than 12, 12, and more than 12 years of schooling. Moreover, they apply *only* to first-term enlisted men. An alternative and more readily accessible measure of mental ability is, however, provided by scores on the Armed Forces Qualification Test, AFQT. All enlisted men are placed into five mental groups according to their scores on the AFQT. The mental group and other indicators of a recruit's ability to absorb training are used to assign individuals to specified military occupations.[7] In this study, we do not try to judge whether existing mental standards are "too high" or "too low" in some absolute sense.[8] We propose instead, to compare the actual mental group distributions of enlisted men with predicted civilian mental group distributions.

The mental group distributions of civilian workers in occupations with close military counterparts were derived from the estimated 1968 educational distributions of Tables I.3.4 and I.3.5. A study by B. D. Karpinos[9] assembled data on AFQT scores and educational attainment for a random sample of all youths 19–21 years of age. From these data, it was possible to determine the relationship between educational attainment and mental group.

Let a_{ij} denote the proportion of men with j years of schooling that can be expected to fall into mental group i.

$$\sum_{i=1}^{5} a_{ij} = 1 \quad \text{[for all } j\text{]} \tag{3.2}$$

Let P_j^* represent the proportion of civilian workers in a particular major DOD occupation who have j years of education.

$$\sum_{j=1}^{J} P_j^* = 1$$

[where there are J education groups] (3.3)

The proportion of civilian workers Z_i who can be expected to fall into the i-th mental group is given by,

$$Z_i = \sum_{j=1}^{J} a_{ij} P_j^* \tag{3.4}$$

The Karpinos estimates of a_{ij} are presented in Table I.3.6. It will be noticed that the Karpinos education groups differ from the Census necessitating a slight adjustment in the estimated civilian educational distributions.[10] The approximate civilian mental group distributions for the nine major DOD occupations are shown in the top panels of Tables I.3.7 and I.3.8.

TABLE I.3.6.—EXPECTED PERCENTAGE DISTRIBUTION OF MALE YOUTHS: AGES 19-21 BY AFQT MENTAL GROUPS [1]

	Years of education							
	0–4	5–6	7–8	9–10	11–12	13–14	15–16	17+
I	0.1	.....	0.3	1.3	6.8	20.5	31.7	37.7
II	.5	0.5	4.0	11.2	29.4	43.4	43.4	41.5
III	3.0	5.7	23.2	39.0	45.6	31.4	22.6	18.9
IV	15.4	35.8	47.8	38.1	16.9	4.6	2.3	1.9
V	81.1	57.9	24.6	10.3	1.3	.1	.....	.....

[1] The mental groups correspond to the following AFQT percentile scores: I equals 93–100; II equals 65–92; III equals 31–64; IV equals 10–30; V equals 0.9.

Source: The Mental Qualification of American Youths for Military Service and Its Relationship to Educational Attainment, by B. Karpinos.

Note: Figures may not add vertically to 100 percent because of rounding.

TABLE I.3.7.—MENTAL GROUP DISTRIBUTION OF CIVILIAN AND MILITARY LABOR FORCES IN COMPARABLE NAVY OCCUPATIONS, 1968

Major DOD occupation group	Number (thousands)	Percentage in mental group					
		I	II	III	IV	V	Unknown
Civilian male labor force (14 and over):							
0. Infantry, gun crews	66.9	5.0	18.0	31.4	26.5	19.1	.....
1. Electronic repair	78.3	10.7	30.4	39.5	16.5	2.8	.....
2. Communication/intelligence	62.2	10.4	29.6	39.0	17.3	3.8	.....
3. Medical/dental	33.1	12.5	28.6	34.2	17.8	6.7	.....
4. Other technical	12.8	11.7	29.3	36.7	17.3	5.0	.....
5. Administrative/clerical	76.6	12.5	30.2	36.1	16.4	4.8	.....
6. Electrical/mechanical	186.0	6.5	23.1	37.2	23.5	9.6	.....
7. Craftsmen	53.7	5.2	19.6	34.2	26.1	15.0	.....
8. Service/supply handlers	51.2	7.0	21.9	33.8	23.3	13.9	.....
All occupations	620.8	8.4	25.0	36.2	21.2	9.2	.....

Major DOD occupation group	Number (thousands)	Percentage in mental group					
		I	II	III	IV	V	Unknown
Navy enlisted men [1] (as of Mar. 13, 1969):							
0. Infantry, gun crews	66.9	.....	32.6	37.5	26.6	0	3.3
1. Electronic repair	78.3	.....	81.6	12.9	1.3	0	4.2
2. Communication/intelligence	62.2	.....	69.5	23.6	3.4	0	3.5
3. Medical/dental	33.1	.....	67.1	28.3	1.5	0	3.1
4. Other technical	12.8	.....	68.4	23.9	3.5	0	4.2
5. Administrative/clerical	76.6	.....	53.4	31.6	9.4	0	5.6
6. Electrical/mechanical	186.0	.....	54.8	30.6	11.3	0	3.2
7. Craftsmen	53.7	.....	44.0	37.2	15.3	0	3.4
8. Service/supply handlers	51.2	.....	17.5	39.1	40.9	0	2.5
All occupations	620.8	.....	54.0	29.6	12.8	0	3.6

[1] Mental group distribution for Navy enlisted men combined mental groups I and II; the sum of the percentages appear under mental group II.

Footnotes at end of article.

TABLE I.3.8.—MENTAL GROUP DISTRIBUTION OF CIVILIAN AND MILITARY LABOR FORCES IN COMPARABLE AIR FORCE OCCUPATIONS, 1968

Major DOD occupation group	Number (thousands)	Percentage in mental group I	II	III	IV	V	Unknown
Civilian male labor force (14 and over):							
0. Infantry, gun crews	8.7						
1. Electronic repair	101.8	11.2	30.5	38.9	16.5	3.0	
2. Communication/intelligence	47.3	13.0	31.7	36.8	15.1	3.4	
3. Medical/dental	21.5	11.8	28.5	35.2	17.9	6.5	
4. Other technical	19.0	13.2	31.1	36.6	15.6	3.6	
5. Administrative/clerical	161.7	12.3	31.8	37.8	14.9	2.9	
6. Electrical/mechanical	193.5	8.6	26.9	39.0	20.0	5.5	
7. Craftsmen	49.3	6.1	22.3	36.7	24.1	10.7	
8. Service/supply handlers	106.0	7.4	23.7	36.1	22.4	10.0	
All occupations	708.8	10.0	28.2	37.9	18.4	5.5	
Air Force enlisted men (as of Mar. 31, 1969):							
0. Infantry, gun crews	8.7	18.6	42.6	31.7	5.8	0.1	1.1
1. Electronic repair	101.8	25.5	56.7	16.0	1.5	0	.3
2. Communication/intelligence	47.3	16.3	52.6	27.8	3.0	0	.2
3. Medical/dental	21.5	10.2	47.4	34.1	7.9	.1	.4
4. Other technical	19.0	20.2	47.3	26.5	5.3	0	.7
5. Administrative/clerical	161.7	10.3	37.4	40.0	11.8	.1	.3
6. Electrical/mechanical	193.5	7.6	39.6	43.2	9.3	.1	.3
7. Craftsmen	49.3	5.3	29.6	46.5	18.2	.2	.2
8. Service/supply handlers	106.0	3.6	25.8	48.9	21.1	.3	.3
All occupations	708.8	11.1	40.1	37.7	10.6	.1	.3

Except for DOD occupation 8, "Service/supply handlers," the Navy and Air Force employ more talent relative to the civilian sector when talent is measured by mental test scores. Over all occupations, the percentage of Navy enlisted men in mental groups I and II was 54.0 per cent, while only 33.4 per cent of civilian workers in similar jobs are estimated to be in the top two mental groups. This surplus of talent appears to be smaller than that indicated by the educational distributions where the percentage of high school graduates was 87.8 per cent for first-term Navy enlisted men vs. 59.7 per cent for the civilian labor force. This narrowing of the difference between military and civilian labor forces is attributable to the fact that the civilian labor force contains larger fractions of college graduates. Some civilian occupations which were matched to military specialties include supervisory positions held by college graduates. These same positions in the military sectors are likely to be assigned to officers. The omission of officers thus imparts a downward bias in the educational and mental quality of our military labor forces.

In comparing educational distributions, one might argue that the use of data for only first-term men leads to an upward bias in the military educational distributions. We could not accurately quantify the magnitude of this potential bias. However, data were available on the mental distributions of first-term and career enlisted men; these are shown in Table I.3.9. It will be noticed that there is very little difference in the percentages of men in the top two mental groups: for the Navy 58.5 per cent for first-term men vs. 48.4 per cent for career Navy men.[11] The data of Table I.3.9 also reveal significant occupation differentials with larger fractions of high quality men assigned to the more technical occupations, 1, 2 and 4.

Moreover, the Air Force and Navy have been able to attract and retain more high quality men relative to the Army and Marine Corps in almost every occupational group. For all occupations, 51.4 per cent of Airmen were in mental groups I–II compared to only 33.3 per cent of Army enlisted men. Part of this differential is, however, attributable to the occupational structures of the Services. The percentages of the enlisted forces as of 31 March 1969 that were assigned to the nine DOD occupations are presented in Table I.3.10. If the Services allocate larger fractions of high quality men to the more technical jobs, the data of Table I.3.9 suggest that occupations 1, 2 and 4 are highly skilled occupations, while occupations 0, 7, and 8 are the unskilled groups.[12] The last three rows of Table I.3.10 present the percentages falling into the three skill categories. By this measure of skill requirements, the Navy and Air Force "require" more talent relative to the other Services.

TABLE I.3.9.—PERCENTAGE OF ENLISTED MEN IN MENTAL GROUPS I AND II (BY SERVICE AND MAJOR DOD OCCUPATION AS OF MAR. 31, 1969)[1]

Major occupation	Army	Navy	Marine Corps	Air Force
All enlisted men:				
0. Infantry and gun crews	26.7	33.7	22.7	61.9
1. Electronic repair	52.3	85.2	85.4	82.4
2. Communication/intelligence	47.1	72.0	54.3	69.0
3. Medical/dental	43.1	69.2	48.1	57.8
4. Other technical	59.5	71.4	58.6	68.0
5. Administrative/clerical	37.4	56.6	47.5	47.8
6. Electrical/mechanical repair	28.3	56.6	52.3	47.3
7. Craftsmen	23.5	45.5	33.9	35.0
8. Service and supply handlers	20.6	17.9	20.8	29.5
9. Training and unknown	34.6	45.2	28.0	47.1
All occupations	33.3	55.3	37.2	51.4
1st-term enlisted men[2]:				
0. Infantry and gun crews	27.3	35.4	21.8	62.3
1. Electronic repair	54.2	88.3	83.4	85.9
2. Communication/intelligence	47.9	75.1	48.9	67.0
3. Medical/dental	45.7	71.5	(3)	56.5
4. Other technical	62.3	78.0	54.0	67.9
5. Administrative and clerical	37.7	62.1	41.5	43.3
6. Electrical/mechanical repair	28.0	59.2	52.2	46.8
7. Craftsmen	23.2	51.0	34.1	35.5
8. Service and supply handlers	20.3	24.1	19.3	28.5
9. Training and unknown	34.6	45.4	31.2	47.0
All occupations	33.5	58.5	35.0	49.4

[1] Figures represent men in mental groups I and II as a percentage of men in mental groups I to V excluding men whose mental group is unknown. The percentage of unknown mental group men were Army 11.9, Navy 3.7, Marine Corps 1.5, and Air Force 0.5 percent.

[2] 1st-term enlisted men defined as men with less than 4 years of service.

[3] Insufficient number of men to compute a meaningful percentage. The Marine Corps reported fewer than 30 men in this occupation.

TABLE I.3.10.—OCCUPATIONAL STRUCTURE OF ENLISTED FORCES, BY SERVICE

[Percentage of enlisted men as of Mar. 31, 1969][1]

Major DOD occupation	DOD	Army	Navy	Marine Corps	Air Force
0. Infantry, gun crews	17.2	25.7	10.8	39.2	1.2
1. Electronic repair	10.1	7.0	12.6	6.0	14.4
2. Communication/intelligence	8.2	8.2	10.0	7.3	6.7
3. Medical/dental	3.8	4.3	5.3		3.0
4. Other technical	2.2	2.2	2.1	1.4	2.7
5. Administrative-clerical	18.1	19.5	12.3	13.3	22.8
6. Electrical/mechanical	22.4	16.3	30.0	17.1	27.3
7. Craftsmen	5.8	4.0	8.7	3.5	7.0
8. Service/supply handlers	12.2	12.7	8.3	12.2	15.0
All occupations	100.0	100.0	100.0	100.0	100.0
Number (in thousands)[2]	2,691.2	1,093.5	620.8	268.1	708.8
Unskilled (0 plus 7 plus 8)	35.2	42.4	31.4	54.9	23.1
Semiskilled (3 plus 5 plus 6)	44.3	40.1	44.0	30.5	53.1
Skilled (1 plus 2 plus 4)	20.5	17.4	24.7	14.7	23.7

[1] Figures represent the percentage of all enlisted men assigned to a job in the major DOD occupational group.

[2] Total number of enlisted men in each service exclude men in entry-level training who have not yet been assigned to an occupational specialty and men whose occupational specialties were unknown. The percentages in a "training and unknown" status were: Army, 19.1; Navy, 6.3; Marine Corps, 6.7; and Air Force, 1.7.

Footnotes at end of article.

Assume for the moment that the underlying skill requirements for jobs in each major occupational group are the same in all four services. If the Air Force and Navy had employed the same percentages of high quality recruits as the Army, the percentages of Airmen and Navy enlisted men in mental groups I–II would have been 34.9 and 34.5 per cent respectively; the actual percentages shown in Table I.3.9 were 51.4 and 55.3 percent. This result suggests that these Services could reduce the quality of enlisted men with no loss in effectiveness where effectiveness is judged by the Army's staffing of comparable positions.

From the evidence assembled in this study, we must conclude that the Air Force and Navy employ more talent than the civilian economy when talent is measured either by educational attainment or mental test scores.[12] The "necessity" argument contends that this talent is needed to effectively staff the more technical occupations found in these Services. The military sector contains many repair and maintenance type jobs and relatively few repetitive, assembly line types of positions. Both military and civilian sectors employ significant numbers of men for identical tasks in transportation, food services, clerical positions, and the like. In fact, it is generally believed that between 70 to 80 percent of all enlisted billets have close civilian counterparts. In order to adjust for the difference between Air Force/Navy and civilian skill mixes, we have attempted in this study to pair each military occupation with a detailed civilian occupation involving similar tasks. The educational and mental group distributions of civilian workers in these paired occupations (which yield comparable skill mixes and appear in the top panels of Tables I.3.4, I.3.5, I.3.7 and I.3.8) reveal less talent than the actual distributions of enlisted men.

A direct comparison of the educational attainment (or mental group distribution) of military and comparable civilian labor forces might be criticized on the ground that some civilian workers are *not* fully employed in jobs described by their occupational classification. Thus, some workers with low educational attainment who are nominally classified as dental technicians may be performing tasks of a janitorial or clerical nature. These marginal workers who are paid low wages can be profitably employed by the civilian sector. However, these workers may not have enough talent to achieve the adaptability demanded by the Armed Forces. They may be capable of performing a specific task, but lack the ability to be transferred to another duty assignment in the event of mobilization. Let us assume that the lowest 20 per cent of civilian workers (measured either by education or mental group) lack the requisite adaptability for military service. Given this assumption we can re-calculate the educational and mental group distributions of the upper 80 per cent of the civilian labor forces in each of the nine major DOD occupations.[14] If the re-calculated percentages of high school graduates and civilian workers in mental groups I–II are weighted by the enlisted strengths in the nine major DOD occupations, we obtain the following comparisons:

Item	Navy	Air Force
Percentage of high school graduates:		
(a) Civilian labor force	59.7	69.8
(b) Upper 80 percent of civilian labor force	74.1	85.1
(c) 1st-term enlisted men	87.8	97.1
Percentage in mental groups I–II:		
(a) Civilian labor force	33.4	38.2
(b) Upper 80 percent of civilian labor force	41.1	46.6
(c) All enlisted men	55.3	51.4
(d) 1st-term enlisted men	58.5	49.4
(e) Career enlisted men	48.4	53.7

These comparisons show that even when it is assumed that the lowest 20 per cent of workers in civilian occupations with close military counterparts are dropped from the civilian labor force, the Navy and Air Force still employ a surplus of talent. The percentages of high quality enlisted men in mental groups I–II could be lowered by 14.2 and 4.8 percentage points, and the resulting Navy and Air Force enlisted labor forces would still have the same mental abilities (judged by AFQT scores) as a labor force consisting of the top 80 per cent of civilians in like occupations. A similar conclusion holds when talent is measured by the percentage of high school graduates in military and the upper 80 per cent of the civilian labor force.

It is our contention that the Navy and Air Force have been able to attract and retain military enlisted labor forces that possess a surplus of talent because of the coercive influence of a draft. The same mix of tasks that are demanded of Airmen and Sailors have been staffed in the civilian economy with men of lower educational attainment and measured (AFQT) mental abilities. We have, in this study, directed attention to these two Services because they presumably needed the most talent. The aforementioned study by Bateman (confer super note 4 above) arrived at the same "surplus of talent" conclusion; namely Bateman found that the Army uses more talented enlisted men than civilians in similar occupations. Finally, the experience gained from the New Standards program (Project 100,000) further confirms the "surplus of talent" hypothesis.

Under this program, the Armed Services relaxed mental qualification standards in October 1966 and permitted individuals in lower mental group IV to enter the active duty forces. Some training programs had to be modified to permit recycling of individuals and to place less reliance on verbal skills. Although the attrition rates of the mental New Standards men were higher than the control groups, the differential in supervisor's ratings of successful job performance was negligibly small. In the light of these findings, we have concluded that the mental qualification standards which prevailed in the pre-Vietnam period, were too stringent. The Armed Services could effectively staff the enlisted billets with a leaner mix of talent.

FOOTNOTES

[1] E. Waldman, "Educational Attainment of Workers, March 1968" *Monthly Labor Review* (Feb. 1969) pp. 14–22 & 19. See especially Table A, p. A–5.

[2] E. F. Dennison, *The Sources of Economic Growth in the United States and the Alternatives Before Us*, CED (New York: Library of Congress, 1962)

[3] Data on the age distribution of military personnel were obtained from "Estimated Age Distribution of Male Military Personnel on Active Duty" DOD Statistical Tables, Table p. 25.1. The percentage of male military personnel under 35 years of age in 1965 was 82.8 per cent. Data for the age distribution of the male civilian labor force appear in Waldman, *op. cit.* Table D, p. A–8.

[4] C. Worth Bateman, "Qualitative Requirements Study" Office of the Assistant Secretary of Defense/Manpower (mimeograph: March 1965). The methodology followed in this study closely follows that developed by Bateman.

[5] A weakness of the procedure described by equation (1) is that P_j^* could either exceed 100 per cent or fall below zero. If, for example, in the case of high school graduates, $(\pi_j^* - \pi_j)$ could have been 10 per cent for the parent group. However, for one small occupation included in this group P_j in 1960 might have been 91 per cent. A more sophisticated procedure that can be suggested is to assume that the frequency distribution by years of education has a constant variance; improvements in the overall level of education only affect the location of the distribution, viz the median years of schooling. This alternative method requires the estimation of the variance (and standard deviation) and is considerably more complex.

[6] For the Navy data of Tables I.3.4 and I.3.7, the weights reflected the number of strikers and petty officers assigned to the occupation. In the case of civilian occupations which are limited to apprentices, the weights represent only the strengths of strikers.

[7] The present and previous draft laws have all stipulated that individuals in mental group V (AFQT scores of 0 to 9) are legally exempted from military service. The recruitment and assignment policies vary across Services. The Army, for example, honors recruitment promises in determining occupational assignments. The Air Force promises the recruit an occupational "area," and specific assignment to a particular job is later determined by availability of an opening, aptitude test scores, etc. All Services also employ prior educational attainment and aptitude test scores in their assignment policies.

[8] The value of AFQT and aptitude test scores as predictors of successful completion of training courses or later job performance is examined by J. Sullivan, "Qualitative Requirements for Enlisted Men."

[9] B. D. Karpinos, "The Mental Qualifications of American Youths for Military Service and Its Relationship to Educational Attainment" Medical Statistical Agency, Office of the Surgeon General, Department of the Army (1966). The sample included individuals who were given pre-induction examinations so that the educational attainment pertains to the time of examination. Since many youths with say 12 years of education will go on to complete college, the mean AFQT score of high school graduates contains an upward bias. This bias operates to shift the estimated civilian mental group distribution upward toward the higher mental groups I and II.

[10] The Census groups "5–7" and "8" had to be converted to the Karpinos breaks "5–6" and "7–8". The current population report for March 1968 provided estimates of the 18–21 male labor force by single years of educational attainment. These data revealed that 39.6 per cent of those completing 5–7 years of education had completed 7 years. Likewise, 54.3 per cent of the 9–11 years group completed 11 years of education, and 14.8 per cent of the 13–15 years group completed 15 years of education. These three percentages enabled us to transform the Census educational intervals into the Karpinos definitions.

[11] Let F, C, and T, denote the percentages of mental group I–II men in the first-term career, and total enlisted forces. If k denotes the ratio of first-term to total enlisted men, we have,

$$T = kF + (1-k)C$$

$$C = \frac{T - kF}{1-k}$$

In this manner, one can compute the career percentages from Table I.3.9. In the case of the Navy, k=.687.

[12] The aggregation to major occupation groups conceals the variations within each group. Some specialties in the "Electronic repair" and "Other Technical" groups could be effectively staffed with mental group IV men, while some highly skilled individuals would be demanded for the data processors in the "Administrative/clerical" group.

[13] In all fairness, it should be pointed out that the mental group distribution of the civilian labor force was derived from the educational distribution via the transformation given by Table I.3.6. The two measures

of civilian talent are, therefore, not independent. However, for the actual enlisted forces, data on educational attainment and mental group were taken from the master tape records of the active duty forces as of 31 March 1969.

[14] The adjustment was made in the following fashion. The cumulative percentage of civilian workers who were high school graduates was estimated to be 37.3 per cent for Navy code 0, "Infantry, Gun Crews." If the lowest 20 per cent were assumed to be unqualified for military service, the percentage of the remaining top 80 per cent who would have been high school graduates is given by,

$$P_f^1 = \frac{P_f^*}{0.8} = 1.25 P_f^* = 46.6 \text{ percent}$$

If P_f^1 exceeded 100 per cent (as it will in the Air Force occupations when P^* exceeds 80 per cent), it was arbitrarily set at 99 per cent. Finally, we made no change in the civilian distributions for occupation 8, "Service/supply handlers" where the military presently employs less talent than the civilian economy. A similar adjustment was made for the mental group distributions of Tables I.3.7 and I.3.8.

Mr. HATFIELD. Mr. President, the study states:

The individual Air Force occupational specialties which comprise each major DOD occupation appear to require more talent when compared with the Navy. For all Air Force enlisted occupations, the data of Table I.3.5 indicate that 69.8 per cent of Airmen would have had 12 or more years of education if all Air Force jobs were staffed like their civilian counterparts. The Air Force has, however, been able to attract highly qualified recruits so that in 1969, 97.1 per cent had high school degrees. There is some agreement across Services; the major DOD occupations which had high estimated civilian staffing percentages of high school graduates in the Air Force have similarly high percentages in the Navy.

One fact is, however, apparent from both Tables I.3.4 and I.3.5. Although the Navy and Air Force do assign men with more education to the more highly technical jobs, the dispersion across major occupation groups is considerably less than in the civilian male labor force.

Mr. President, I think it is very obvious that we find additional data on the subject in "Study 5" of the Gates Commission by Alvin Cook and John White specifically studied the quality of airman recruits.

They found the influence of the draft on quality of enlistments could be both negative and positive, depending on the situation.

The Berlin crisis, for instance, had a positive effect on the quality of airmen "because this rapid buildup tended to temporarily inflate the eligible pool of potential recruits."

On the other hand, the marriage deferment and the war in Southeast Asia depleted the pool. Consequently, lower quality men were accepted into the Air Force to meet manpower requirements.

The most significant finding of the study, however, was that the strongest variable for quality changes in the Air Force is the earnings ratio.

In other words, the pay increases voted by Congress will have a more significant effect on the quality of Air Force personnel than pressure from the draft.

Mr. President, I wish to repeat that the pay increases voted by Congress will have a more significant effect on the quality of Air Force personnel than pressure from the draft.

They further stated:

The Air Force has always had an excess supply of volunteers to draw from, and has had little difficulty recruiting the airmen it needs in any period. It has not participated in the draft in the last two decades, and its recruiting problems and hence, its techniques differ from the other services. The draft and the pressure on youths resulting from the specific form of the draft, however, has affected Air Force recruiting techniques, although it has still been relatively easy to obtain the quantity and quality of recruits desired.

The Air Force "creams" the volunteer population. However, the creaming is not a rigorous process. Recruiters prefer better applicants to poorer ones but, in terms of the stochastic arrival of volunteers, will undoubtedly accept some less qualified men because of the uncertain arrival of more qualified ones. There is a constant queue of individuals awaiting acceptance into the Air Force, and those within the queue have all been ranked in some order of preference. In filling its requirements in each period, then, the Air Force first accepts the more qualified individuals, and subsequently the less qualified ones. However, the quality distribution will vary over time, both because of the quality of volunteers available as well as the levels of manpower required in any given period.

In obtaining its recruits in any one year, the Air Force uses a quota system. The quotas vary from month to month to better adjust to the available supply, which is highly correlated with school graduation, and they also vary geographically to take account of regional variations in population. Although the quotas are generally specified in terms of the total number of recruits desired, a certain number of men with specific capabilities are sought. But if these capabilities cannot be found explicitly, the next best men are accepted. Near the end of the fiscal year all positions, heretofore unfilled, are filled with whatever volunteers are available and there are always more than enough.

The earnings ratio need not equal one for an individual to be indifferent between civilian and military life. If he has an aversion to the military service, for instance, then the earnings ratio for the military/civilian occupations must be more than one for him to voluntarily enter the service because military pay must be increased to offset nonpecuniary disadvantages. Although nonpecuniary factors are important to the individual in the civilian versus military choice context because of the marked differences in occupational setting, they are only important to the analysis if their relative value changes markedly over time. This does not appear to be the case.

Mr. President, I think it is very obvious we have in these instances good sound data and significant evidence to back up the fact that the quality problem that was raised is not to give us too much concern when we look at the over-all military versus civilian requirements.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point Study 5 of the Gates Commission relating to airman recruits.

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

STUDY 5.—ESTIMATING THE QUALITY OF AIRMAN RECRUITS

(By Alvin A. Cook, Jr., and John P. White)

The Air Force has always had an excess supply of volunteers to draw from, and has had little difficulty recruiting the airmen it needs in any period.[1] It has not participated in the draft in the last two decades, and its recruiting problems and hence, its techniques differ from the other services. The draft and the pressure on youths resulting from the specific form of the draft, however, has affected Air Force recruiting techniques, although it has still been relatively easy to obtain the quantity and quality of recruits desired. With the possibility that the United States may switch to an all-volunteer force, the relevant question is this: If there were no draft, would the Air Force be able to meet its manpower requirements with recruits of adequate quality?[2] To answer this question, it is necessary to analyze the determinants of the quality of Air Force volunteers.

The Air Force "creams"[3] the volunteer population. However, the creaming is not a rigorous process. Recruiters prefer better applicants to poorer ones but, in terms of the stochastic arrival of volunteers, will undoubtedly accept some less qualified men because of the uncertain arrival of more qualified ones. There is a constant queue of individuals awaiting acceptance into the Air Force, and those within the queue have all been ranked in some order of preference. In filling its requirements in each period, then, the Air Force first accepts the more qualified individuals, and subsequently the less qualified ones. However, the quality distribution will vary over time, both because of the quality of volunteers available as well as the levels of manpower required in any given period.

To determine the variation in recruit force quality, we use the economic model to derive quality supply curves, which can be used to predict quality changes in recruits and, by extension, in volunteers, as a function of the draft and economic considerations. We have not considered any changes in the present recruiting procedures, the existing test procedures, or the methods of setting and meeting the manpower requirements in any given period. We constructed our model solely within the confines of Air Force established institutional arrangements. Within this framework we can consider plausible changes in the draft and the economic environment and explain the changes in recruit quality by means of the estimated supply curve.

"The Demand for Recruits" discusses the demand for recruit and the selection process for choosing volunteers as enlistees. "The Supply of Volunteers," describes the volunteer supply in terms of occupational choice as well as the variables that affect recruit supply and quality. "The Model" contains the specification of the model. Then "The Data" defines the variables used in the analysis and "The Results" contains the estimation of the supply of quality parameters. Finally, "Conclusions" summarizes the results of the model and its estimation. By couching the results in the framework of a hypothetical but plausible scenario, we show how the model can be used to determine a specified quality level and to estimate the cost of achieving such a level.

DEMAND FOR RECRUITS

We assume that the Air Force always obtains the number of recruits it demands. In satisfying this quantity, the Air Force allows the quality of its recruit force to vary from period to period. This is an essential factor in the analysis, and a fundamental assumption of the model. If we treat volunteers, for the moment, as homogeneous with respect to quality, the required number of volunteers actually accepted, i.e., the number of recruits, is defined by the number of manpower vacancies[4] for enlisted men in the Air Force; these vacancies, in turn, are determined by Air Force manpower require-

Footnotes at end of article.

ments, which are assumed to be constant, for enlisted men and by enlisted personnel losses during the period. The actual number lost is a function of quits at the end of obligated tours, transitions from enlisted to officer status, retirements, deaths, and terminations at the initiative of the Air Force for whatever reasons. Thus the manpower vacancies for any period equal the number of losses from the prior period. (The number of recruits needed is also adjusted for the normal attrition in any recruit class.) Since this is a static model applicable to any period, the force size, the manpower losses, and the vacancies are all assumed to be stable.

The size of the recruit force equals the demand for recruits, which is assumed to be given. Calculations of historical changes in the number of recruits will not yield information about the supply of young men available to the Air Force. Thus, estimation of traditional supply curves is extremely difficult. This would not be the case, if data on all those who volunteer were available, but they are not.

In obtaining its recruits in any one year, the Air Force uses a quota system. The quotas vary from month to month to better adjust to the available supply, which is highly correlated with school graduation, and they also vary geographically to take account of regional variations in population. Although the quotas are generally specified in terms of the total number of recruits desired, a certain number of men with specific capabilities are sought. But if these capabilities cannot be found explicitly, the next best men are accepted. Near the end of the fiscal year all positions, heretofore unfilled, are filled with whatever volunteers are available; and there are always more than enough.

The foregoing reflects the Air Force emphasis, in its recruiting, on meeting numerical personnel quotas under a constraint of fixed wages and prerequisites. Some of the prerequisites offered to a prospective recruit, such as choice of occupational specialty and training, may vary, but the model is not materially affected as long as the "better" recruits get the "better" offers and the offerings are relatively constant over time.

In more general terms, the labor market (i.e., the recruit market), like most economic markets, has both extensive and intensive margins.[5] Emphasis on the extensive margin implies that the buyer views the inputs as basically homogeneous in quality. The Air Force behaves this way in its recruitment activity. It attempts to attract the largest number of possible volunteers, limited only by some minimum standards of acceptance which have varied from time to time, but are explicit for any given period. The standards are established by the Selective Service System and relate to moral standards (number and seriousness of criminal convictions), medical standards (physical and psychiatric fitness), and mental standards (ability to learn and be trained). Each recruit must satisfy minimum criteria in each category.

Search at the extensive margin, however, only determines the volunteers who are eligible for enlistment. Who will actually be admitted must also be determined. In solving this task, the Air Force behaves as any rational maximizer; it prefers more to less, better to worse.[6] Having attracted a given number of volunteers, it no longer views them all as homogeneous, but rather creams the group to select those who are best qualified.

Quality refers to the mental capability of recruits and volunteers. Given that the percentage of rejections for physical and moral reasons is constant and that volunteers are not tanked physically or morally, the key variant then becomes mental quality. The military services assume that the mental quality of a recruit can be adequately measured by their classification scheme and this is the device used for creaming. Each volunteer is put into one of five possible categories by the Air Force depending on his education, his Armed Forces Qualification Test (AFQT) score, and his Airman Qualification Examination (AQE) score. Once he has been categorized, a good surrogate for the "ideal" measure of quality is the median score assigned to the particular category. This assignment process is described in more detail later. Age and educational attainment are somewhat important, but 90 per cent of all enlistees are 20 or younger and "a high positive correlation exists between mental aptitude group and educational attainment."[7] Most important, however, the Air Force and the Department of Defense accept the Armed Forces Qualification Test as the basic index of quality.

THE SUPPLY OF VOLUNTEERS

An understanding of possible changes in the composition of the recruit force requires and understanding of the nature of the volunteers. The supply curve can be conceptualized in the traditional economic context: How many units of the item (labor) will be offered for a fixed price reward? In the perfectly competitive situation, the construction of such a curve depicting the different quantities offered for different (hypothetical) prices requires that the laborers have absolutely no direct influence over any particular price. This is the case for labor supplied to the Air Force. Each prospective volunteer is a price taker. Moreover, the volunteers are engaged in selecting an occupation, a long-run decision.

OCCUPATIONAL CHOICE

Occaptional choice can be viewed in the traditional Marshallian framework—"The attractiveness of a trade depends not on its money-earnings, but its net advantages."[8] Initially, the individual surveys the occupations open to him and weighs the advantages and disadvantages of each, such as earnings, long-term expected income, working conditions, prerequisites, and location. Naturally, he selects the one with the highest net advantage, given his preference schedule.

For simplicity, consider the decision facing an individual who is already employed. Assume he makes an implicit valuation summarizing all of the advantages and disadvantages of his current occupation and a similar valuation for the alternative occupation, given his knowledge of the occupations. As long as his subjective dollar valuation of his current occupation, call this his implicit reservation price, is greater than the subjective dollar valuation of the alternative occupation, call this his implicit transfer price, he remains in his current occupation. The decision is made in terms of the ratio of the reservation price to the transfer price. As long as the value of the ratio is greater than one, he does not change occupations; at one he is indifferent, and below one, he transfers.

Of course, these subjective valuations are not observable; however, the earnings in the two occupations are. The behavior of individuals in moving from one occupation to another as the actual earnings ratio changes demonstrates the effect of their decisions, which are based on the reservation-price to transfer-price ratio. The supply curve for an occupation can then be constructed in terms of the observable ratios. In a sense, the process is one of revealed preference.

EARNINGS

The earnings ratio need not equal one for an individual to be indifferent between civilian and military life. If he has an aversion to the military service, for instance, then the earnings ratio for the military/civilian occupations must be more than one for him to voluntarily enter the service because military pay must be increased to offset nonpecuniary disadvantages. Although nonpecuniary factors are important to the individual in the civilian versus military choice context because of the marked differences in occupational setting, they are only important to the analysis if their relative value changes markedly over time. This does not appear to be the case.

DRAFT PRESSURE

The effect, or pressure, of the draft on young men is the direct result of the process that brings about the induction of individuals into the Armed Force. Since every male is obligated to register with the Selective Service System on his eighteenth birthday, no male avoids contact, however little, with the draft system. When individuals register, those who have good cause are placed in a classification status termed "exempt," that is, ineligible for induction while so classified. Recipients of such exemptions have traditionally been those who are mentally insane, divinity students, sole surviving sons, farmers, or students still in high school. All others are classified as I–A, "eligible but not yet examined."

An individual is not inducted directly from the I–A category without a preinduction physical examination, prior but close to his potential induction date. When a young man receives his notice to report to an Armed Forces Examination and Entrance Station (AFEES) for his "pre-induction physical," he knows that he is being considered for induction into the Armed Services. The pre-induction physical examination eliminates some men from consideration for mental, moral, and physical reasons. Those who pass this examination are classified as "I–A, examined and qualified," and can expect to be inducted very soon, depending on the particular urgency and demands of the moment. Thus, the very existence of the Selective Service System and the induction process is bound to affect the enlistment decisions of young men choosing between military and civilian life. This effect can be disaggregated into two rather broad components.

First, there is the draft pressure upon those who have passed their preinduction physical examination and face imminent induction into the Army. The pressure on these persons who are unable to acquire deferments precipitates an enlistment decision. Those wishing to avoid induction into the Army may seek the relative security of the Air Force. Individuals who feel this draft pressure the most, however, are those who are less qualified and have fewer alternatives open to them. Because of the creaming process, these men probably do not become Air Force recruits. As a result the quality of recruits should be unaffected.

In general, and in a broad context, the number of volunteers and quality of recruits will be positively related to draft pressure. The total volunteers to the Air Force and the other services should be positively related to draft pressure. But a distinction should be made between "true" volunteers (i.e., those who would have enlisted in the absence of the draft) and "draft-induced" volunteers (i.e., those motivated to enlist to acquire the benefits of particular training and/or assignments not obtainable by draftees). The draft-induced volunteers clearly react in the expected manner to draft pressure.

Second, there is the draft pressure upon those who are classified as eligible, but who have not been notified to report for their pre-induction physical examination. Pressure on this group increases as the eligible pool of young men shrinks and as more and more individuals are called for their "preinduction physicals." The increased pressure forces these young men to seek deferments to remove themselves from the eligible pool, if

Footnotes at end of article.

possible. As these individuals seek options to Army induction, they tend to increase the number of volunteers to the Air Force. This should tend to increase the quality of recruits.

UNEMPLOYMENT

Changes in the unemployment rate should cause changes in the number of volunteers to the Air Force in each mental category. If the unmployment rate is higher for less qualified levels, relatively small changes in the unemployment rate will yield only modest changes in the number of volunteers on the relevant portion of the quality scale. In addition, changes in the size of the Armed Forces "in toto" change the relevant population pool. Unemployment varies inversely to these changes. Unemployment therefore, is endogenous to the system of which the number and quality of volunteers is a part.

In summary, assuming a constant force size, the supply of volunteers to the Air Force is basically a function of the military to civilian earnings ratio, draft pressure, the size of the relevant population pool of eligible youths and the unemployment rate.

THE MODEL

This section describes the model used to determine the quality of Air Force volunteers. As previously mentioned, each volunteer receives a quality ranking based on his AFQT score and his AQE score, and is then placed in a specific category defined in terms of AFQT scores as given in Table II.5.1.[9]

TABLE II.5.1.—AFQT GROUPINGS

Category	Raw score	Percentile score	Midpoint (percentile score)
1	89–100	93–100	96.5
2	74–88	65–92	78–5
3	53–73	31–64	47.5
4	25–52	10–30	20.0
5	0–24	0–9	4.5

We can now consider the AFQT percentile scores as a quality scale and assume that volunteers are distributed across the percentile scores between 0 and 100, as shown in Figure II.5.1, where v denotes the number of volunteers and q the values of the quality scale.

Let f(q) represent the distribution of volunteers with respect to quality; let h(E,D,U,P) represent the relationship between the number of volunteers and net advantages, draft pressure, unemployment, and the size of the population pool at the various quality levels, where h(E,D,U,P) shifts the distribution f(q) such that at each quality level $\delta h/\delta E$, $\delta h/\delta U$, $\delta h/\delta D$, $\delta h/\delta P > 0$. The volunteers at any specific quality level are then given by

$$v = h(E,D,U,P)f(q) \tag{5.1}$$

The total volunteers V, then, for specified levels of net advantages, is the area under the curve f(q) in Figure II.5.1 [not printed in the RECORD.]

$$V = \int_0^{100} h(E, D, U, P)f(q)dq = \int_0^{100} v dq \tag{5.2}$$

However, the Air Force has a minimum standard of mental quality which is an AFQT score of 24, so that the total number of acceptable volunteers, V_A, is the area under the curve f(q) to the right of 24 in Figure II.5.1.

$$V_A = \int_{24}^{100} h(E, D, U, P)f(q)dq \tag{5.3}$$

Now a minimum quality level of airmen recruits can be identified. Let q_o denote this minimum quality level ($q_o \geq 24$), then the number of airmen recruits, R, is given by

$$R = \int_{q_o}^{100} h(E, D, U, P)f(q)dq \tag{5.4}$$

which is the area to the right of q_0 under the curve in Figure II.5.1.

If we assume that the parameters of f(q) are given, the lower quality bound, q_o, in equation (5.4) becomes a function of the manpower accessions requirement (R), net advantages (E), draft pressure (D), unemployment (U), and the eligible population (P). But for a given accessions requirement, q_0 is positively related to E. U. D and P. As the number of volunteers at each quality level increases due to an increase in E, U, D, or P, the fixed accessions requirement can be satisfied with more qualified men. Hence, the implicit lower bound q_0 increases. For specified levels of E, U, D, and P, the lower bound is inversely correlated with the accessions requirement—the greater R, the lower q_o.

Once the lower bound has been specified so that the accessions requirements are satisfied, recruit quality can be specified.

$$Q = \int_{q_o}^{100} qvdq = \int_{q_o}^{100} qh(E, D, U, P)f(q)dq \tag{5.5}$$

where Q represents the average recruit quality. Again, for fixed parameters of f(q) and fixed levels of E, U, D, and P, the average quality, Q, is a function of the lower bound, q_o: the greater q the greater Q. Since q_o is a function of R, Q is a function of R. Thus, the average quality of accessions is a function of the net advantages of military to civilian life, draft pressure, the eligible population, their unemployment rate, and the manpower requirement in a given period. This function can be written in a general form as

$$Q = t(E, D, U, P, R), \tag{5.6}$$

where

$$\partial Q/\partial E, \partial Q/\partial D, \partial Q/\partial U, \partial Q/\partial P > 0 \text{ and } \partial Q/\partial R < 0.$$

Equation (5.6) indicates the determinants of the quality of the recruited population and hence, by extension, the quality of the volunteer population.

The bounded nature of the quality scale implies that the appropriate specific functional form of Equation (5.6) should have a decreasing elasticity[10] of quality with respect to each argument for relatively large values of quality. Of several possible functional forms possessing this characteristic, we have chosen the following:[11]

$$Q/100 = 1 - \alpha_0 E^{\alpha_1} D1^{\alpha_2} D2^{\alpha_3} U^{\alpha_4} R^{\alpha_5} P^{\alpha_6}, \tag{5.7}$$

where Q denotes the mean quality level of the recruit force ($0 < Q < 100$), E the net advantages of military service, D1 and D2 draft pressure, U the unemployment rate, P the eligible population, and R the airmen recruit requirement. This functional form implies that a one-percent increase in the i^{th} argument leads to an α_i decrease in the complementary quality level (1—Q/100) of volunteers; that is, a one-per cent increase in the i^{th} argument leads to an ϵ_i change in the means quality level of recruits, where ϵ_i is given by[12]

$$\epsilon_i = -\alpha_i \left(\frac{100 - Q}{Q}\right), \tag{5.8}$$

and ϵ_i is the elasticity of quality with respect to the ith argument of (5.7).

THE DATA

Time series data were used to estimate the parameters of Equation (5.10). The data consisted of quarterly observations from the first quarter of 1959 through the second quarter of 1967. This period was determined on the basis of certain a priori considerations. In August of 1958, there was an important change in the recruit testing procedure and hence, earlier data were not used. At that time, additional mental tests, and minimum mental requirements based on these tests, were introduced. Subsequently, individuals classified in mental group IV on the basis of their performance on the AFQT test were further tested to determine their potential usefulness in particular military jobs. The observations stopped prior to the third quarter of 1967 because at that time the full impact of Project One Hundred Thousand began to be felt. This program stipulates that the Air Force must accept a certain proportion of their recruits from mental group IV, and the proportion required, 18 percent, substantially exceeded the percentage being accepted prior to that time.

We used the following quantification of the specified variables in an ordinary least squares (OLS) regression.

QUALITY

The quality of the recruit population is measured by an index, which is constructed by weighting the recruits in each AFQT category in each period by the midpoint percentile score of that category. Thus,

$$Q = \sum_{i=1}^{5} K_i C_i, \tag{5.9}$$

where K_i is the proposition of recruits in category i, and C_i is the midpoint percentile score of category i.[13]

NET ADVANTAGES

Net advantages are computed as the ratio of the present value of an enlistment term in the Air Force to the present value of the income an individual could receive in the civilian economy. This ratio of the respective present values of future income for a decision made in quarter k of year j is simply the ratio of the expected military earnings to the expected civilian earnings:[14]

$$E_{jk} = \frac{V_{jk}^M}{V_{jk}^C} = E_t, \tag{5.10}$$

where E_{jk} is normalized to E_t, the net advantage at time t. Constructed in the above manner, the pay ratio explicitly considers expected dollar pay over the relevant period as well as discount rates suitable for use in the analysis of the occupational choice between military and civilian life.

DRAFT PRESSURE

As described above, draft pressure consists of two components:

$$DI = \frac{I}{EAQ}$$

where I denotes the inductees in any one period and EAQ denotes the individuals who have been examined and found morally, mentally, and physically capable of serving in the armed forces but have no prior military service; and

$$D2 = \frac{PPE}{IAP}$$

where PPE represents those who have been called for preinduction physical examinations and IAP represents those in the I–A pool who have not yet been examined. The data for I, EAQ, PPE, and IAP were taken from the Annual Reports of the Director of Selective Service to the U.S. Congress.

UNEMPLOYMENT

The unemployment rate, U, is the seasonally unadjusted unemployment rate for males, age 16–19. These statistics are supplied by the Bureau of Labor Statistics from unpublished data.

POPULATION

The Air Force draws its recruits from the population of young men who are eligible to enlist in any given period. Broadly speaking, this population is the relevant age group (males, probably 17 to 20 years old)[15] for the time frame of the analysis. The proportion of this population unfit for physical or moral reasons can easily be subtracted because it has remained relatively stable for the last twenty years and can be assumed to

Footnotes at end of article.

remain so; approximately 16 per cent are found physically unfit, and approximately 2.5 per cent are found morally unfit (habitual criminals).[16] Mental qualification is more complex as was discussed earlier. Hence, the number of possible volunteers who qualify for military service (eligibles) can be defined in terms of demographic variables and the military's minimum admission standards. The young men who actually volunteer for Air Force service as enlisted men are contained within this population.

For our study, we consider the relevant population, P, to be the number of civilian, noninstitutionalized males, 16–20 years of age. The actual data, published in the *Manpower Report of the President*,[17] are adjusted to represent that proportion of the population which is mentally qualified for service in the Armed Forces.

AIRMEN RECRUITS

The recruits, R, in any one period are given by the volunteers (who have no prior military service) who enlist in the Air Force. The number of desired recruits is fixed by the Air Force prior to each year and represents its changing requirements. Accession (to enlisted ranks) statistics were compiled from the same source as the quality statistics.[18]

DUMMY VARIABLES

Three dummies are introduced to account for periods during 1959 to 1967 when changes exogenous to the economic model may have significantly affected the individual's occupational choice. These dummies capture some of the draft pressure on the young men. But whereas the draft variables consider explicitly the functioning of the actual institutional makeup of the Selective Service, the dummies represent situations outside of the institutions.

The first dummy, D(B), represents the Berlin crisis of 1961 when 75,000 reserves were called to active duty, 84,000 enlisted men were kept in service after their terms of enlistment had expired, and draft calls were increased. The variable assumes the value of 1 during this crisis.

The second dummy, D(M), represents the period during which a marriage deferment was in effect and essentially all married young men were exempt from the draft. This deferment policy, instituted by President Kennedy, offered an individual a way of escaping draft pressure and thus rendered it unnecessary for him to calculate the probability of future military service in his employment plans. This dummy has a value of 1 from the third quarter of 1963 to the second quarter of 1965 inclusive.

The third dummy, D(V), represents the Vietnam War, which has changed young men's perception of military service and hence affects the overall quality of volunteers. The variable assumes a value of 1 from the initial buildup in the third quarter of 1965 to the end of the period under analysis.

In addition, we include three dummies D(1), D(2), and D(3) for the quarters winter, spring, and summer respectively to account for seasonal variation in recruit quotas and recruit quality. These variables take on the values of 1 for their respective periods and zero otherwise.

THE RESULTS

By taking logarithms of both sides of Equation (5.7) and adding the dummy variables, we obtain the estimation equation:

$$\log\left(\frac{100-Q}{100}\right)=\log\alpha_0+\alpha_1\log E+\alpha_2\log D_1+\alpha_3\log D_2+\alpha_4\log U+\alpha_5\log R+\alpha_6\log P+\alpha_7 D(B)+\alpha_8 D(V)+\alpha_9 D(M)+\alpha_{10}D(1)+\alpha_{11}D(2)+\alpha_{12}D(3) \quad (5.11)$$

Ordinary least squares regression was used to estimate the parameters of Equation (5.11), which is linear in the logarithm of the variables. The results of this estimation are presented in Equation (5.12):[19]

$$\log\left(\frac{100-Q}{100}\right)=\underset{}{2.01664}-\underset{(0.17017)}{0.80326}\log E+\underset{(0.01422)}{0.00773}\log D1-\underset{(0.01855)}{0.04173}\log D2+\underset{(0.14328)}{0.04275}\log U+\underset{(0.04884)}{0.18325}\log R-\underset{(0.25550)}{0.30689}\log P-\underset{(0.01844)}{0.03206}D(B)+\underset{(0.04784)}{0.11940}D(M)+\underset{(0.02701)}{0.05862}D(V)-\underset{(0.01545)}{0.00262}D(1)+\underset{(0.01746)}{0.00073}D(2)-\underset{(0.01506)}{0.03515}D(3)$$

$$R^2=.7184, \quad (5.12)$$

where the numbers in parentheses are standard errors.

Earnings, the second component of draft pressure, the number of Air Force recruits per period, the marriage deferment and Vietnam dummies, as well as the seasonal dummies for the third calendar quarter, are statistically significant at the 5 per cent level. The signs of the equations are reversed from those postulated in the model because of the use of the complementary supply function. The continuous variables are discussed below in terms of their elasticities; however, some comments on the dummy variables are in order. Both the marriage deferment and the Vietnam War caused decreases in recruit quality. In both cases, this apparently resulted from a decrease in the size and quality of the available pool for specific levels of the draft variables. During the first period, young men were provided an additional option for escaping military service and the war represents an additional incentive for avoiding military service. The result has been a marked reduction in the size of the eligible pool with the more qualified young men having an advantage in the competition for student and occupational deferments. This decrease in quality is reflected in the positive coefficients of D(M) and D(V) in (5.13). The significant value for the third calendar quarter reflects the end of the school year and the rapid influx of new high school graduates.

From Eq. (5.8), we can compute the following elasticities of quality with respect to each independent variable evalulated at their respective means:

ϵ_1=.51856 (military/civilian earnings)
ϵ_2=−.00499 (draft pressure 1)
ϵ_3=.02694 (draft pressure 2)
ϵ_4=−.02760 (unemployment) [20]
ϵ_5=−.11830 (accessions)
ϵ_6=−.19812 (population).

The relative military to civilian earnings ratio is clearly the most important variable in terms of elasticities. It indicates that a 1 per cent increase in the net advantages of military service induces a 0.52 per cent increase in the average quality level of volunteers.

The recruit quota variable is relatively small, with a 1 per cent increase in the quota causing only a 0.1 per cent decrease in recruit quality. However, it has significance for the near future when the Air Force will be striving to maintain at least present quality even though its forces may be reduced.

The statistically significant draft pressure variable (D2) must be interpreted in conjunction with the marriage deferment and Vietnam War dummies. As noted above, the conditions represented by the two dummies have decreased quality by offering an escape from the draft and providing an incentive for such escape. The variable D2 indicates that the quality of Air Force recruits will increase as the number of young men who are called for preinduction physicals increases for a pool of a given size. Thus, those threatened with the draft seek a preferred solution, e.g., Air Force enlistment; and, given the creaming of Air Force volunteers, the quality of the recruit force increases. The negative sign of D1 is consistent with these findings. Draft pressure is sequential, and the quality of the pool has already been reduced when those in the examined and qualified portion seek to avoid the draft. Entry into the Air Force from this group tends to reduce quality because such individuals are less qualified and have not previously been able to obtain better alternatives; however the effect is negligible, i.e., the coefficient is statistically insignificant.

CONCLUSIONS

The Air Force is concerned with its ability to attract a sufficient number of recruits while maintaining the quality to fulfill its assigned missions. Currently, this problem is of particular interest because of strong indications that draft calls will be sharply reduced, and perhaps eliminated in the post-Southeast Asia period. Such action will undoubtedly affect Air Force ability to recruit young men. Our research attempts to identify the principal determinants of the quality of Air Force recruits in order to provide information for planning the necessary recruiting strategies. By identifying these determinants and their separate and net effects on quality, personnel and manpower policies can be shaped to maintain or improve the quality of planned forced structures explicitly.

Thus this particular study has examined the relative significance of key variables in determining the changing quality of recruits over time. The results provide insight into the importance of possible changes in the environment and suggest ways in which the Air Force can maintain the quality of its recruit population if such changes occur. The findings are interpreted below, with their use illustrated in a hypothetical scenario.

INTERPRETATION

Two caveats are in order before the summary discussion of the statistical results. First, while it is necessary to explain the variables separately, it must be understood that the multiple regression coefficients of each relate to the dependent variable, quality, given the values of the other variables; that is, no variable may be strictly interpreted in isolation from the others. Second, while one goal of this research is to gain inferences about the supply of recruits in a changing recruiting environment, the statistical results are limited to estimating quality changes within the range of the observations used in the study. Extensions are valuable but must be made with caution.

The earnings ratio is the most significant variable for quality changes and has the largest elasticity. This result is important because it indicates that the recruit quality responds to changes in military vis-a-vis civilian pay. Of course, only monetary earnings have been computed; but if the proportion of non-monetary to monetary earnings remains the same in both sectors over time, this restrictiveness does not affect our results. A problem might arise because traditionally non-monetary benefits have had a greater share of total earnings in the military sector and because the prospective recruit tends to underestimate the non-monetary pay. However if, as appears likely, the proportion of military pay to non-monetary military benefits increases over time, then the supply response to total earnings will increase; that is, the pay elasticity has a downward bias and is conservative. Thus the understatement of total military pay is not critical to using the elasticity calculation in decision-making. Recruit quality does respond to pay increases and provides the Air Force with a device for controlling enlistee quality.

The effect of draft pressure on airmen quality includes both components of draft pressure, D1 and D2 and the three environmental dummies, D(B), D(M), and D(V) The first component of draft pressure, although having a small negative effect on quality, is insignificant because in general the individuals feeling its effect have not had prior options to avoid the draft open to them

Footnotes at end of article.

and hence tend to be the quality people. The second component of draft pressure is significantly positive in its effect on quality because the Air Force can accept the better individuals from all those who seek other options. The size of the eligible pool is increased as this pressure increases and the Air Force, in creaming, raises its overall recruit quality level.

The effects of these two components of draft pressure on quality are specifically attributable to the Selective Service mechanism once the exogenous effects of the Berlin buildup, the Kennedy marriage deferment, and the Vietnam war have been taken into consideration. Berlin had a positive effect on the quality of airmen because this rapid buildup tended to temporarily inflate the eligible pool of potential recruits. The marriage deferment and the Vietnam war depleted somewhat the eligible pool. Thus, young men of relatively lower quality were accepted into the Air Force so that the manpower requirements in any one period could be met; this action tended to depress the average quality of the recruit force. The importance of this reduction is indeed borne out by the highly significant coefficients for these latter two dummies. As a result, draft pressure is a phenomenon and cannot be completely captured in any one variable.

As we posited earlier, the level of manpower requirements should be negatively correlated with the quality of the recruit force; and the size of the relevant eligible population should be positively correlated with recruit quality. The emphatic negative significance of the accessions variable with respect to quality underscores the validity of the creaming process in Air Force recruiting. But as the relevant population increases, the number of potential enlistees increases, tending to raise the average quality level of the recruit force for any given manpower requirement.

The negative, insignificant effect of the unemployment variable was explained previously.

All of these effects can be summarized in an example below which assumes a hypothetical, but plausible, scenario.

EXAMPLE

For example, we consider the 1967 levels of the different variables as the existing levels and some future period as the new levels. Thus, it seems plausible that as the size of the Armed Forces is reduced, the number of recruits will also be reduced by 24.8 per cent from 109,000 to say, 82,000 airmen each year (approximately the number required to maintain a 2.5 million man total military). We assume that the eligible youth population increases 10.8 per cent, from 6,918,000 to 7,668,000, and that their unemployment rate will rise 25 per cent, from 12 per cent to 15 per cent. Finally, draft calls are assumed to be negligible so that the two draft pressure variables are reduced 100 per cent. But because draft calls were not zero for any period during 1959 to 1967, it must be noted that reducing draft pressure by 100 per cent extends the example past the limits of our data. The interpretations of such extrapolations must be made with care.

By assuming that civilian earnings increase by 6.1 per cent (which is probably an understatement), we obtain the percentage changes in the average quality of recruits as given in Table II.5.2. The small changes in the average quality level indicate that the Air Force will not have much trouble recruiting an airmen force of comparable quality to the existing force. Thus, if military earnings do not change at all, the recruit quality will be reduced by less than one per cent. This small decline is due to the substantial reduction in the manpower requirements and the sizable increase in the eligible population of potential volunteers. These two changes quite offset the reduction in draft pressure and the increase in the unemployment rate. But remember we assume that the attitudes of youth toward military service have not changed, except as they are reflected in the trend from 1959 to 1967. If we assume that the attitudes of youth towards military service are reflected in their attitudes towards the Vietnam War and hence in Vietnam War's effect on the quality of recruits, and further if their aversion to the War and their negative effect on quality persists, then the quality of airmen recruits will decline by 4.51 percent.

TABLE II.5.2.—CHANGES IN QUALITY DUE TO CHANGES IN MILITARY EARNINGS FOR A GIVEN SCENARIO

	Present level	Future level	Percent change
VARIABLE			
Accessions	109,000	82,000	−24.8
Population	6,918,000	7,668,000	+10.8
Unemployment rate	0.12	0.15	+25.0+5.75
Draft pressure 1	0.25	0	−1000.0+6.00
Draft pressure 2	0.45	0	−100.0−22.00
NO CHANGE IN ATTITUDES			
Constant military pay:			
Earnings ratio	0.343	0.323	−5.75−12.60
Average quality	60.770	60.270	−0.81
6.1 percent military pay increase:			
Earnings ratio	0.343	0.343	0
Average quality	60.770	62.089	+2.17
CHANGE IN ATTITUDES			
Constant military pay:			
Earnings ratio	0.343	0.323	−5.75
Average quality	60.770	58.030	−4.51
6.1 percent military pay increase:			
Earnings ratio	0.343	0.343	0
Average quality	60.770	59.790	−1.61
9.4 percent military pay increase:			
Earnings ratio	0.343	0.354	+3.29
Average quality	60.770	60.770	0

Similarly, if military earnings and civilian earnings increase at the same rate, the average quality of recruits will actually increase by 2.17 per cent if the attitudes of youths do not change. The average quality falls by 1.61 per cent, however, if the attitudes do change as above. In fact, under the assumption of an attitude change among young people, a military pay increase of 9.4 per cent is necessary to maintain a constant quality.

To reiterate, then, we have not attempted to examine the levels of quality desired in airmen recruits. But within the present framework of defining the quality needed and of obtaining that quality, we have identified the determinants of the quality of recruits taken "in toto." It is clear that military pay increases can increase the quality of recruits and that within the Air Force's recruiting system, this is done by increasing the number of volunteers at all quality levels.

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FOOTNOTES

[1] Since this study is basically concerned with Air Force recruitment, the underlying model is essentially the same as "The Supply of Air Force Volunteers," also in this volume. Because of this fact, many of the variables are identical. In these instances, lengthy explanations will not be repeated, but the reader will be referenced to the other paper.

In general, the implications of the relevant variables for the quality of the recruit force are important enough to warrant separate delineation. Hence, to properly emphasize the dependent quality aspects of the model and to highlight the conclusions about quality, it is necessary to briefly restate the model. Such reiteration clarifies important concepts and facilities reading.

[2] Adequate mental quality.

[3] Takes the best of the volunteer population. Given moral and physical acceptability, the Air Force prefers volunteers who score high on the Armed Forces Qualifying Test (AFQT) and the Airman Qualifying Examination (AQE) to those who score low.

[4] It is conceivable that the number of

vacancies is negative, but in that case, the problem addressed here is nonexistent.

[5] See Albert Rees, "Information Networks in Labor Markets," *The American Economic Review*, Vol. LVI, No. 2, May 1966, pp. 559–566, for a discussion of the significance of operating at these margins in civilian labor markets.

[6] In this case, the Air Force may be maximizing the wrong function. In terms of its labor needs, it is not at all clear that it should attempt to enlist the best, i.e., the brightest volunteers. For example, reenlistment and mental ability appear to be inversely correlated.

[7] S. H. Altman, "Earnings, Unemployment, and the Supply of Enlisted Volunteers," *The Journal of Human Resources*, Vol. IV, No. 1, Winter 1969, p. 41. In fact, the Air Force supplements the AFQT with the Airman Qualifying Examination (a more discriminating test used for assignment purposes) and educational attainment as measures of quality, but the model will be developed in terms of a single measure.

[8] Alfred Marshall, *Principles of Economics*, Macmillan and Co., London, 1961 (8th ed., 1920), p. 557.

[9] The percentile scores reflect the normalization of raw scores for the distribution of the population. The percentile distribution by AFQT was originally correlated and equated with the Army General Qualification Test (AGQT) results of World War II.

The current AFQT scores, as expressed in percentiles, relate to the World War II mobilization population, which presumably represented the expected distributions by AGQT of the civilian manpower pool available then for military service. Actually, the AGQT was standardized on the military personnel, officers and enlisted men, of all military services, as of the end of 1944. Since the exemptions and deferments from military service were then at a minimum, it was assumed that this military population may be taken as "unbiased representation of the civilain manpower too," with respect to age, education, occupational status, and geographical distribution. The current mobilization population might differ in its distribution from that of World War II. (Bernard D. Karpinos, "The Mental Qualification of American Youths for Military Service and its Relationship to Educational Attainment," *Proceedings of the American Statistical Association*, 1966, p. 96).

In recent years, however, the AFQT has been restandardized to take account of changes in the educational standards of the relevant youth population.

[10] The elasticity of quality with respect to one of its determinants, say net advantages E, is defined as the percentage change in quality due to a given percentage change in net advantages:

$$\text{Elasticity} = \frac{\%\Delta Q}{\%\Delta E} = \frac{\partial Q/Q}{\partial E/E} = \frac{\partial \ln Q}{\partial \ln E}.$$

[11] Other decreasing elasticity forms are

(i) $Q = \alpha_0 + \alpha_1 E$, where $\alpha_0 < 0$,

(ii) $Q = \alpha_0 + \alpha_1 \log E$,

(iii) $\log Q = \alpha_0 + \alpha_1 E^{-1}$.

The complementary supply function, however, has been used by other authors, and seems appropriate: W. Y. Oi, "The Economic Cost of the Draft," *American Economic Review*, Vol. LVII, No. 2, May 1967, pp. 39–62; and S. H. Altman and A. E. Fechter, "The Supply of Military Personnel in the Absence of a Draft," *American Economic Review*, May 1967, pp. 19–31.

[12] This elasticity is easily derived by rewriting as $Q^* = 1 - \alpha_0 E \alpha 1$, and using the definition of elasticity in the preceding footnote: (5.7)

$$\epsilon_1 = \frac{\partial Q^*}{\partial E} \cdot \frac{E}{Q^*} = -(1 - Q^*)\frac{\alpha_1}{E}\frac{E}{Q^*} = -\alpha_1 \frac{(1 - Q^*)}{Q^*}$$

which reduces to

$$\epsilon_1 = -\alpha_1 \frac{(100 - Q)}{Q}$$

[13] The Air Force recruit distributions by AFQT were supplied by Alan Fechter of the Institute of Defense Analyses; they were originally compiled by the U.S. Army Recruiting Command as reported by the Armed Forces Examining and Entrance Stations.

[14] The earnings variable, E, is constructed in more detail in "The Supply of Airmen," in this volume.

[15] Over 90 per cent of all enlistees (for all services) within the last 15 years have been under the age of 20 . . ." S. H. Altman, p. 41.

[16] Oi, "The Economic Cost of the Draft," p. 43, footnote 7.

[17] *Manpower Report of the President*, U.S. Department of Labor, U.S. Government Printing Office, Washington, D.C., April 1968.

[18] See footnote, #16.

[19] While a single estimation equation for a single population is shown, different estimations were performed for three different populations, 16–19, 18–24, and 16–24. Elasticities were computed for the various results. In addition, equations that used the unemployment residual after correcting for military accessions were estimated. All of these results are available upon request.

[20] The negative elasticity for unemployment implies that unemployment has an asymmetric effect on the quality distribution. Unemployment affects less qualified youths the most. Because these youths have the poorest alternatives, they tend to volunteer at increased rates during periods of high unemployment. The net effect, then, is to reduce the average quality level of Air Force volunteers. However, not too much emphasis should be given to this variable because it is statistically insignificant.

Mr. HATFIELD. Mr. President, both of these studies by Gates Commission staff erase any doubt that the quality of our Armed Forces would be reduced under an all-volunteer system.

There have been presented no contradicting material or studies, only vague apprehension based on narrowly defined examples from early 1970 and earlier.

And even those statistics do not contradict the Gates Commission analyses.

We also have had raised both in the discussion yesterday and before the committees of the House and Senate exactly what accession rates are required to maintain the force level requested by the Department of Defense and the force levels recommended by the Senate Armed Services Committee.

I wish to quote from a letter I received on May 27, 1971, from Robert C. Taber, lieutenant general, U.S. Army, Principal Deputy to the Secretary of Defense for Manpower and Reserve Affairs.

In these two or three quotations we get to the very crux of the questions raised yesterday on the floor in the debate that was pursued on the question of accession rates.

Quoting from General Taber's letter, he stated:

> We estimate that a reduction of end strength to the 2.4 million level would result—

which is the level recommended by the Committee on Armed Services—

> in an accession requirement of 432,000 new enlistees for all four services in FY 1971 assuming that the services do not expand their early release programs.

I continue the quotation:

> Mr. Kelley's early estimate of a potential shortfall of 110,000–130,000 enlistees for a 2,505 million force would be reduced to a potential shortfall of 24,000–44,000 for a 2.4 million force assuming passage of the Administration's program. This estimate assumes that the number of men leaving service in FY 1972 will be the same as the estimates prepared in conjunction with the budget. If there were a reduction of 100,000 in Army end strength an expanded early release program might be necessary and the accession requirements and shortfall would be larger than 24,000–44,000 in the absence of the draft.

Let me just reiterate in very simple terms that if we go with the Senate Armed Services Committee's recommendation of a level of a 2.4 million force, we would have a shortfall of 24,000 to 44,000 for fiscal 1972. This does not include the statement that we made yesterday relating to other job categories and job descriptions to which military personnel, those who have been trained for military purposes, are placed in.

Let me give just a further example of what I mean. In the Armed Forces Journal of May 17, 1971, Mr. Brooke Nihart had an interview with Lt. Gen. George I. Forsythe, Special Assistant to the Secretary of the Army and Chief of Staff for a Modern Voluntary Army. This is one of the statements made and a part of the interview to which I refer:

> Prime spending target for the $18.7-million was improvement in soldier and leader professionalism. Today there are a "guesstimated" 35,000 soldiers on KP throughout the Army and 60,000 cutting grass and performing other household chores, Forsythe noted. This means that about 95,000 soldiers are not performing their primary duties or training for them, he explained. It also means that unit leaders in training are not training with full T/O organizations. Training is less effective, leaders learn less, and overall esprit is lowered, he observed.

Again, if we take the Senate Armed Services Committee level of 2.4 million, a shortfall of 24,000 to 44,000 is all that we would experience if we permitted the draft to expire on June 30. We could take just the 35,000 soldiers who are on KP duty or the 60,000 who are cutting grass today and more than meet that shortfall by putting these men to work on military posts and military assignments, when they are now working in areas that could be civilianized.

I want to emphasize again, as we did yesterday, that we do not offer this amendment lightly or without due regard for the military requirements of our Nation. We who offer this amendment to end the draft on June 30 through nonrenewal of the President's induction powers do so with a grave sense of responsibility to our national defense program, but what we are saying in effect is that the Nation's military organization, through their own internal policies, can provide sufficient manpower to meet the Nation's military levels as recommended by the Senate Armed Services Committee and, with other reorganizations, they could meet the administration's end strength recommendation, 2.505 million for fiscal year 1972.

That is why I feel we could take the action necessary to abolish the draft and thus do much to heal the wounds of this country and create a reconciliation among people who find the involuntary servitude of the draft to be repugnant to their own consciences and repugnant to

their own philosophy of life. As a result some have turned either to having to face jail or the stigma of leaving this country and joining with more than 60,000 other young men who have left this country to escape the draft, and who represent a great resource that this Nation cannot continue to lose.

I think, in the overall picture, we would have a stronger more effective military, by having it on the basis of our voluntary proposal, and it would be more in keeping with 160 years of the tradition of this Nation, and would certainly be far more in keeping with the tradition and heritage of freedom that this Nation was founded upon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

ORDER OF BUSINESS

Mr. BYRD of Virginia. I ask unanimous consent that I be permitted to speak for 5 minutes without the time being charged against either side.

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

WHERE IS THE REVENUE TO SHARE?

Mr. BYRD of Virginia. Mr. President, yesterday and again today, the Secretary of the Treasury and the Ways and Means Committee of the House of Representatives are having quite a go as to whether there should be revenue sharing. Mr. President, I ask this question: Where is the revenue to share?

The fact is that, for the fiscal year which ends this month, the Federal Government will have a Federal funds deficit of $25 billion. Under the administration's own calculations, the Federal Government will have a Federal funds deficit for the new fiscal year which begins July 1 of $23 billion. So, Mr. President, in these 2 fiscal years, the one which ends at the end of this month and the other which begins July 1, the Federal Government will have a Federal funds deficit for the 2-year period of at least $48 billion.

So I say, Mr. President, that, when they talk about revenue sharing, I would like to have someone answer my question as to where the revenue is to come from. I say again that the Federal Government will end its fiscal year this month with a deficit of $25 billion, and next year it will have a deficit of at least $23 billion.

Let me mention one or two more figures. In the budget which Congress is now considering, there is an item for interest charges, and that figure is $21 billion. The American taxpayers are paying, for interest on the national debt alone, $21 billion per year. The national debt has increased, from May 1970, to May 1971, a 1-year period, by $25 billion. So I say that, for all of this talk about revenue sharing, the Federal Government does not have any revenue to share. It is in debt. It is in the hole by $25 billion in this one fiscal year. It has a national debt approaching $400 billion.

So, Mr. President, as the Secretary of the Treasury and the House Committee on Ways and Means consider this matter of revenue sharing, I hope that somewhere along the line, someone will bring out just where this revenue is that various persons plan to share with the States and the localities. The facts show that the Federal Government is deeply in debt, and is continuing to go more and more in debt with more and more deficit spending.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending order of the business before the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 106 to amendment No. 76.

Mr. STENNIS. The pending amendment is what we call the Hatfield amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Mr. President, I want to speak today on some aspects of the Gates Commission's suggestion that the draft could be ended this summer and also on some of the points raised in this connection by the distinguished Senator from Oregon in his speech yesterday.

First of all, I want to thank the distinguished Senator from Oregon for providing me with a copy of the speech that I could study before the record came out this morning. This helped me analyze some of the discrepancies and misunderstandings between our previous statements and I believe it will help clarify the record here today.

Mr. President, if I may turn aside at this point to procedural matters that I meant to mention, I have at my desk a list of the remaining amendments—that is, amendments that have been filed to the bill and have not yet been disposed of. Of course, we have to dispose of two of those amendments tomorrow.

Let me urge all those who have filed amendments to come in now and call up their amendments when they can. I will be very glad to enter into unanimous-consent agreements for votes, and we will dispose of those just as fast as we possibly can.

This bill, as I see it, must pass by June 30. Otherwise, there will be a very distressing situation in our military services and in the security of our Nation.

I do not like the idea of having to ask the Senate to vote for cloture, and I do not like for the Senate to have to vote it, if it sees fit to do so, because that would cut off the debate on amendments to a large degree. It is thought that each Senator has an hour on each remaining amendment, but that is not the rule. If cloture is imposed, each Senator has just one hour total time. No other Senator can transfer to that Senator any additional time. There will be one hour on the bill and all pending amendments. Therefore, I hope that a cloture motion will not be filed or have to be filed; but it may, and to keep from getting caught under a cloture provision, if it is imposed, I urge all Senators to come and see if we cannot get together on some time and dispose of their amendments next week—some of them on very short notice. I promise to be ready, and other members of the committee will be ready, to take up any and all of them as quickly as we can dispose of them.

I have said that, if necessary to dispose of the amendments, I would have to resort to the procedure of calling them up myself, but I do not think that will prove to be necessary. I do not want to move to table any amendment, but in the course of time that may become necessary, because very respected Senators who are honest about it have said that they are going to try to filibuster this bill to death and not let it pass in any form. They have been very considerate about it so far, however, and have been agreeing to dispose of amendments. That is part of the background, and we just have to face the facts.

Two or three Senators have mentioned to me taking up their amendments next week. I have not promised any Senator that he would come first, so far as I am concerned. I said that we are operating under agreed time now and we have to put those on the back burner for the time being. But I am announcing to everyone now that beginning Saturday, if we have a Saturday session, or beginning Monday, if we do not have a Saturday session, I will be ready to try to reach agreement on any and all amendments. I urge Senators to come forth and let us see whether we can dispose of all amendments and then, I hope, pass the bill.

Before turning to some of the statements in yesterday's speech by the distinguished Senator from Oregon, I want to say a few words about the Gates recommendations in general. As I said yesterday, like many economic analyses, the analysis done for the Gates Commission was more valid with respect to a static condition than with respect to the dynamic problem of changing from one military manpower system to another.

I speak of this Commission and its analysis with the greatest respect. But it is more of an economic analysis and estimate of what the power of money can do than it is an analysis of the problem of changing from one system of supplying manpower in such a critical area to another.

I believe it is fair to say that the Commission staff and the Commission members did very little analysis to support the proposition that an all volunteer armed force could be reached during the summer of 1971. They did not have that specific problem on their doorstep. But when the burden shifted over to the men who did have that problem, they rejected the Gates Commission recommendations—that is, the Department of Defense, the White House staff, and the President of the United States. There was also the problem of going from one system to the other and they said, in effect, that it could not now be done. That is a highly significant point in this debate, not that they are superior men to the membership on the Gates Commission but because their problem and their assignment were different. So when it came to implementing the Gates Commission, going over in transition to another system, they said, no, that it could not be done. The President did not ask for 1 year to get ready. He clung to the idea that it could be done in time, but he did not have 1 year, he said 2 years to do it, as a minimum. That is the issue that will be up tomorrow on the second vote, but it is more acute than that on the issue coming up on the first vote, the Hatfield amendment, which says in effect that we do not need any more time, that we can do it now.

I believe it is also fair to say that the problems of making a transition from one military manpower procurement system to another were really not fully or carefully examined by the Commission. What the Commission report essentially deals with is a future, ideal, stable world in which an All-Volunteer Armed Force has already been established. For those conditions, they examine annual manpower requirements, annual training requirements, and so on. What I say is no reflection on them. They analyzed the problems that economists can most easily examine. But we here have to examine a much harder question in deciding whether or not to vote for this amendment or the amendment proposed by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) to terminate the draft within the next year. We have to analyze the very severe problems of making a transition from a military manpower system that relies on draftees and draft-motivated enlistees for substantially over half of its new men to a manpower system that relies entirely on economic incentives and personal commitment to attract sufficient men into the Armed Forces. That is the contrast, Mr. President, going from one to the other, that the second one will rely on economic incentives and merely personal commitment.

I believe that one of the most deceptive features of the Gates Commission report is the constant focusing on the number of total men in the Armed Forces. This is deceptive in two ways.

It is deceptive because it implies that the problem of achieving an all-volunteer armed force is really a very small one. It does this by burying the very important problem of accessions for the Armed Forces—that is the same thing as saying the numbers of new men required each year—in the total numbers of men in the Armed Forces. That total is buried in the total number of men in the Armed Forces. As an illustration, since about 1966, approximately a third of our military manpower has been supplied by the draft and at least another third has been supplied by draft-motivated enlistees. Thus, what we are really dealing with in this debate is the question of how to replace a system which provides, directly and indirectly, two-thirds or more of our new men every year as contrasted with a system which operates on entirely different incentives. The Gates Commission report continually and systematically emphasizes that the new men provided by the draft are only a small percentage of the total men in the Armed Forces, thereby implying that the problems created by ending the draft would be very small indeed. This is a bit like saying that if your income is reduced by two-thirds—with only some small hope of replacing that loss of income through another job—you do not have any real problem because you have a small savings account.

That savings account will run out mighty fast, Mr. President, and this manpower account we have in the Services now will also run out mighty fast, if we have no Selective Service.

A second way the Gates Commission report is deceptive in its emphasis on total numbers is that it substantially neglects the problem of quality in manpower.

That is the most important point about this debate. The Gates Commission, as a whole, talks about manpower as being a group of numerical bodies. However, we do not make an army out of those men. We do not make an air force, a navy, or a marine corps out of those men. There must be great emphasis on their quality. And here I am not suggesting by any means that all of those men lack quality or character but, as I said yesterday with all the emphasis I could, out of these men we must find the talent, we must find enough aptitude, we must find enough men who can be taught a great deal about electronics, for instance. We must find enough men who have a superior dedication, an intellectual honesty, and the high integrity which is so essential in placing them in key positions in our Polaris submarines all over the world, or aboard our aircraft carriers—which is the greatest psychological military power, I think, that we possess. We must have those kinds of men down beside the missile silos which are our first line of deterrent. They have to meet superior qualifications.

The 211-page Gates Commission report devotes less than 4 pages to this important issue of quality although several supporting studies were done on it. The primary supporting study "Qualitative Requirements of the Armed Forces" points out that there is good evidence to support the proposition that, both in years of schooling and in comparative test scores, draftees score higher than volunteers. It is not surprising that draftees score higher in both years of schooling and in comparative test scores than do the volunteers. The study goes on to state on page I–1216 that the data also implied that in the absence of a draft the services are likely to lose many highly educated draft-motivated volunteers.

That is obvious. I found in my travels, visiting the GI's, which I mentioned yesterday, highly intelligent, well educated, and indispensable men in the units I was talking about. If they were volunteers at all, they were there under the draft-motivated inducement as a group. It will be a distinct loss to our country to lose such men.

This important study done by the Gates Commission itself points out that there are two ways in which the quality of the men in our Armed Forces will be degraded by ending the draft. First, we will lose the more able draftees themselves. Second, we will lose the more able draft-motivated volunteers. Throughout my life I have observed, in the case of volunteers, that there runs a thread through all the qualifications of the true volunteer. Some men like the service. It appeals to them. They feel that they have an obligation, and it comes forward in their minds and prompts them. They are true volunteers. Many of these men get adapted to the situation, and they reenlist. Many of them stay on as enlisted men for the active years of their life. Many of them go on to make the finest type of officers. Among that group that I am talking about we find these essential master sergeants, first sergeants, and others of that type that are the backbone, to a large degree, of the system.

So when I make statements here tending to downgrade some of the personnel, I am always excepting the fine men whom I have just described.

The Senator from Oregon asked me yesterday on the floor if I was familiar with these supporting studies prepared by the Gates Commission. It is extremely important, I believe, that the primary study on quality done for the Gates Commission, admits that the draft is responsibile for bringing into the Armed Forces the type of men who we would all agree are necessary to maintain the complex modern weapons now possessed by all of the services. The solution to this grave problem, as proposed by the study and by the Commission itself, however, is a very troubling one. I believe most Members of this Body will be quite surprised to learn that an important part of the solution recommended by the Gates Commission was actually to lower the standards for men coming into our Armed Forces. The Gates report states

on page 46 that experimental programs show "that men with lower Armed Forces qualification test scores and less schooling can achieve acceptable levels of performance." The backup study is more frank. It states on page I–2–47 that—

> The relaxed mental standards applicable to project 100,000 can provide the requisite quality to effectively man the enlisted billets in an All-Volunteer Force."

This Project 100,000 was the name given to a movement several years ago to take in more men designated as mental group 4, the lowest acceptable level, the lowest mental group now permitted to join. That is the reference in this statement by the Commission that they would relax the mental standards. We are not talking about relaxing and sleeping in the shade of a tree. They meant lower mental standards.

I dwell upon this because it is not a new concern. It is a concern that I have had for years. The study states that the relaxed mental standards applicable to project 100,000 can provide the requisite number of men to effectively man the enlisted billets in an all-volunteer force. This means that a larger number of men in what is called mental group 4—the lowest mental group now permitted by law to enter the Armed Forces—would provide a significant percentage of the enlisted men in all of our services, including the Navy and the Air Force.

That is what I think it means, and that figure would run somewhere around 20 percent.

To back that up, I quote a sergeant with whom I spoke last year. I do not know whether he had seen the Gates Commission report, much less read it. However, I met with him under the trees in company with the commanding officer of this post. We shook hands, and I asked him in the presence of the commanding officer—which was contrary to my usual pattern—what he thought about the so-called all-volunteer army.

He said, "Well, I don't think much of it. If you are going to do anything that brings in a lower standard than we have to take in now, I am getting out." That was his blunt statement there in the presence of the commanding general.

I asked him later how long he had been in the service. He said 22 years. He had a personality. He had a barrel chest and rawbone features that would let one know he was a real sergeant. He said in effect that we had better stop taking in so many of these lower mentality men. I am just being brutally frank about these things.

That is not the only evidence I have run into. I am for the man who wears the uniform, and I will back him up. But we are not making any headway this way. The Army gets the little end of things, too. I stand up for the Army, but this manpower problem that we are trying to get into this volunteer concept will apply not only to the Army, but also to the Navy, the Air Force, and the Marine Corps. These other services have more attractive positions to offer. That is a part of life. There may be something in the Army that a man likes on a particular basis. However, the other services are not any more honorable, not one bit. My hat is off to the Army. However, we are dealing here with our security, and we are dealing with the most important element in all of this military organization.

As I have reminded the Members of this body numerous times during the course of this debate, the main issue here is not the war in Vietnam.

I know how we all feel about the war. We want it to be over. The people want it to be over. But the main issue here is not the war in Vietnam. The main issue here is not the balance of payments in Western Europe, although that is an important point. The main issue is what kind of men we are going to have to maintain our own security here at home, in the 48 contiguous States and, of course, Alaska and Hawaii. I am speaking of the individual, the man in the uniform, his integrity, honor, character, mentality, attitude, aptitude, and alertness.

We cannot go down to the marketplace and buy a soldier. We have to make a soldier. We have to make an airman.

I do not think we will ever reach the point where we can put a dollar value on the men or have a system that relies solely upon the salaries and other attractions to get the kind of men we want. We will get some of the kind we want. But in a group of nearly 2¼ million men on up, we will not get enough of the right kind. We will get some of the right kind, but not enough of the right kind. We might as well face this. We will be forced to take men that are inferior, a great deal of them. We will find that out, and we will abandon this system if we go into it and have to start over again after having spent billions of dollars.

I warn the Senate now that in my judgment that is what will happen. After having spent billions of dollars, we will go back in and have to rebuild these services, particularly the Army. The only thing we will have left at all is the increased salaries, some of which are justified. But I think we would be out extra billions of dollars that had been spent in the wrong way.

Mr. President, that is the main issue. That is the manpower bill about which we are talking. That is the Selective Service Act.

Forty-two percent of the first-term enlisted men on our Polaris submarines are draft motivated enlistees. That is the Navy. Every one of them volunteered. But 42 percent of those who are first-term enlisted men worked their way up to Polaris submarine crews and they were draft motivated enlistees. Under a volunteer army would there be pressures to require us to man our Polaris submarines with men who only barely meet acceptable standards?

Forty-seven percent of the first-term enlisted men who keep our Strategic Air Command bombers flying are draft motivated. Think of that, Mr. President, 47 percent of the first-term enlisted men who keep our Strategic Air Command bombers flying are draft-motivated. In other words, we would not have them if it had not been for the influence of the draft. That is what the record shows.

Yesterday I illustrated that point by referring to men at the Lackland Air Force Base, some of whom had gotten there the night before and had not yet gotten to the barber shop to have their long hair cut off when I talked to them. I said to them that the record showed they were volunteers. They laughed at the idea that they were volunteers.

I followed up on that point and found that these young men who worked their way up to these highly important positions, such as those connected with keeping our Strategic Air Command bombers flying, are draft-motivated. Forty-seven percent of the first-termers are draft-motivated.

By ending the draft do we want to create the risk that some of these men will only be slightly above the minimum mental requirements for performing simple mechanical tasks? These are serious problems. What kind of men do we want in our Armed Forces is an important question and the Gates Commission's preoccupation with overall numbers and its easy acceptance of degraded mental requirements is most serious indeed.

It is the most serious point against the report. There are other points on which I disagree with both the Gates Commission and the Senator from Oregon. I will turn to those in a moment. But these other issues deal with disputes about the numbers of men who can be obtained without the draft. I echo and re-echo the statement of this sergeant out under the shade tree in the presence of the commanding general. He said, "What we need are quality men, out of which we can make men," and he said, "If we cannot get them I am going to get out." These other disputes which I refer to tend to dissolve into differences of degree. But I believe the important issue of quality is the one which the Members of this body should concentrate on during this debate. I believe each Member should ask himself if he wants to run the risk of changing not only the system by which our military manpower is acquired, but also the entire character and quality of our Armed Forces by voting for either of the two amendments before us on Friday.

The amendment of our distinguished friend from Oregon does not give sufficient time. It gives less than 1 month to get ready. By the time that bill reaches the President's desk that month will be gone.

There is one virtue of the report of the Gates Commission. They recommended a termination date of June 30, 1971. The report was submitted last March. It did have the virtue of a time period of approximately 15 months to get ready for this transition. However, instead of that, what did the President and the Secretary of Defense and all the Chiefs of Staff of the services do? Instead of getting ready during that 15-month period, they made a plan to deliberately do something else,

something other than that which was recommended in the Gates Commission report. The recommendation is in line somewhat with what the President said before, but when they got down to implementing and carrying out this plan on paper, they found it could not be done, at least quickly. So they turned to the only alternative they had and they said, "Give us the old system for at least 2 more years." They did not have to refer anything to a commission to find out that was necessary. They did not have to go to the Library of Congress and look up any statistics. That is just their commonsense. Their obligation and responsibility made it necessary to have an alternative of some kind, and this was the alternative they asked for. I commend them highly for trying to get an alternative.

I do not think they can get it in 2 years, but they think they can. I am speaking in this context also of the Schweiker amendment which is coming on the second vote tomorrow, which would cut the draft to 1 year.

Turning now to the issues regarding the numbers of men in our Armed Forces, the Senator from Oregon stated yesterday that the accession requirements—the requirements for new men coming into the Armed Forces—in fiscal years 1972 and 1973—would be considerably lower than some previous estimates. He estimates that, if the draft were ended now, we might, in fiscal year 1972 be only 113,000 men short of that required in our armed services. He then estimates that without the draft during fiscal year 1973 we might be only 145,000 men short of our requirements. The Senator from Oregon takes each of these gaps somewhat lightly and disputes whether or not they would in fact occur. But the important point is that I do not believe he has fully explained in his speech that these gaps are cumulative. As Assistant Secretary of Defense Kelley pointed out in his testimony before the Armed Services Committee in response to a question from the distinguished Senator from Colorado (Mr. DOMINICK):

> The fiscal year 1973 shortfall in accessions would be added to the fiscal year 1972 shortfall in accessions to determine the shortfall by June 30, 1973.

In other words, I believe the Senator from Oregon has neglected a very fundamental problem with regard to the end of the draft. These gaps of 100,000 to 200,000 men which would not be filled each year without the draft accumulate. Again we should not bury the problem in the overall numbers of our Armed Forces. That is a bit like saying that it is not too serious if our personal expenses only exceed our income by a few hundred dollars each month. After a few months a person who thought this way could be in very serious financial trouble, and the same type of reasoning applies to the problem of acquiring military manpower.

The Senator from Oregon argues that the estimates of the gaps in our manpower needs which he has used are inflated ones because they depend partly on internal Defense Department policies. First of all, he seems to imply that since the manpower needs of the Department of Defense are slightly above those estimated by the Gates Commission, this means that the Defense Department force requirements were changed. I know of no evidence to support this. The Gates Commission, for all its expertise, has never been charged with setting our military manpower requirements. Second, he states that the Army early release policy increases the number of men leaving the Armed Forces and therefore overstates the requirements for any accessions. The early release policy was instituted to reduce the numbers of men who, after a tour in Vietnam, would be required to serve for only a few months in a unit in the United States before their 2-year tour was completed. I believe this was a wise policy, but in any case it is being reduced as the numbers of men in Vietnam decline. Third, he states that there has been a sharp expansion in the Army 2-year enlistment program. I have been told that there has been no reduction in effort to obtain 3-year enlistments for the Army, but that 2-year enlistments were increased in cases where 3-year enlistments could not be obtained. Thus, I do not believe any of the cases cited by the distinguished Senator from Oregon support the proposition that internal Defense Department policies have inflated the requirements for manpower. It is simply the case that fiscal years 1969 and 1970 were big enlistment years for all the services. This means that a large number of 3- and 4-year enlistments will expire in fiscal year 1973 and that large numbers of men will have to be replaced in that year.

Mr. President, that is particular pertinent with reference to the second amendment that is to be voted on tomorrow.

Mr. President, the Senator from Oregon has made two arguments about this. First of all he says that some have argued that there would be a "shortfall" of 336,000 men for the Army in fiscal year 1973. "Shortfall," as he himself defines it, is the difference between the men the services need and the number they would obtain. Now, no one that I know has made such a claim. I have reviewed my own remarks on the matter, and when I discussed this subject on May 11, I clearly stated that this number would be, approximately, the Army's requirement for "new men"—that is the same thing as accessions, or gross manpower requirements. If someone has told the Senator from Oregon differently—and that "someone" is unspecified in his speech—I very respectfully say he was mistaken. But I believe the Senator from Oregon would agree that he was mistaken about this charge that someone had given him an inflated estimate, since he uses the figure, 336,000 later correctly in his speech—as the number of accessions.

The Senator from Oregon has also argued that the stated requirement of 336,000 accessions for the Army during fiscal year 1973 is "highly dubious." In order to refute this estimate he relies totally upon the fact that in 1959 the total number of men enlisting in all the services was 340,000. Based on that, he argues that, since the total Defense Department enlisted personnel requirement for 1959 was 340,000, it is doubtful that the Army alone could require 336,000 new men in fiscal year 1973, when the force levels are supposed to be approximately the same. There are two points to be made about this.

The distinguished Senator from Oregon has ignored the fact that there were 111,000 draftees in 1959; so the total accessions in that year were 451,000, not 340,000. I do not know if the accession requirement of 336,000 for the Army in fiscal year 1973 is precisely accurate, but I believe it is roughly correct as it was given to me because the numbers of enlistments which will expire that year are so high. The best figures I have indicate that the Army alone will lose during fiscal year 1973 111,000 men who were inducted in fiscal year 1971; 119,000 men who enlisted in fiscal year 1970, including draftees who had converted to Regular Army status; 65,000 enlistees who will be reaching the end of their service; and 43,000 who enlisted in fiscal year 1971 for 2 years. Reenlistments will approximately equal the number of men who are lost through early releases and attrition. This will result in total net losses of about 330,000 to 340,000 for fiscal year 1973. This is the most up-to-date data which I have. I offer it to the Senator in good faith. I do not believe it to be inflated; at least it is not as inflated as his estimate for the total enlisted requirement for 1959, was deflated by his having forgotten about or overlooked the draftees in that year.

This Army accession requirement could be somewhat reduced by either of two steps. It has to be emphasized here, and I do emphasize, that no one could be absolutely accurate about these figures. The matter of estimates has to creep in. We have all done the best we could.

One step to reduce the Army accession requirement would be to release early some of the men due to leave in 1973, so that they would have to be replaced in 1972 instead. This might smooth out the Army's manpower schedules somewhat, but it would, of course, increase manpower requirements in 1972. Also, the Senator has already expressed himself as opposed to the early release program. Another possibility is that further reduction might be made in the Army in 1973. I point out that a significant reduction has already been recommended by our committee for 1972, and I believe that any suggestion of further cuts in 1973 is at best only speculative at this point.

Mr. President, I have already said that if conditions permit I would favor some further reductions for 1973. But those matters have to be very speculative. I would not think of committing myself to anything definite on that point as yet.

The Senator also made certain arguments which purport to show that the number of men needed by the Army is overstated by 73,000 because of several factors. First, that there is a ban against reenlistment of men who have been accepted on the basis of lower mental standards and men who entered with physical defects under Project 100,000.

I am told that, as is the case for other enlisted men, these men admitted under lower standards can, in fact, reenlist if they are qualified to do so in the judgment of their commanding officer. I would certainly be opposed to degrading the standards for the men in our Armed Forces generally but a further degradation to permit such a man to reenlist even if his commanding officer believes it unwise would seem to me to be the height of folly.

The assumption that 16,000 to 20,000 men could be saved because the military training establishment is "noneffective" is not supported by analysis. It is simply asserted.

Thus I believe there is little to support the proposition advanced by the distinguished Senator from Oregon that the overall manpower levels required by the Department of Defense are overstated.

Before leaving this general subject I must say just a word about the alleged different sets of statistics regarding combat enlistments to which the Senator from Oregon said yesterday he had obtained from the Department of Defense by telephone calls. He said that it was first told to him that 33,000 of 50,000 men would be needed in the combat arms annually in fiscal years 1972 and 1973. This is a statement of a requirement. He then said that the second and third projections for fiscal years 1972 and 1973 were that according to one source, an average of 300 volunteers per month enlisted in the combat arms, but according to another source 600 to 1,400 men had enlisted in these arms in March and April.

Now if one asks a grocer first how many oranges he has in stock, then how many grapefruit, and finally how many lemons, it is a bit unfair to charge that grocer with giving three different estimates for citrus fruits. According to his speech the distinguished Senator from Oregon at first obtained statistics about the requirements for combat arms. He then asked for and obtained statistics about the average number of men who enlist in combat arms, and finally he asked for and obained statistics about the enlistments in 2 specific months. I am not surprised that he got three different sets of numbers.

He easily may have been given numbers on the same subject that varied by several thousand, however, I do not dispute that. As I have said, these figures are only estimates, several offices work on this problem, and under those circumstances I would be surprised if there were not varying estimates.

Finally, the Senator from Oregon has argued that, since combat enlistments have increased because of the opportunity which the Army now gives men to be assigned to Europe if they enlist, rather than to Vietnam, that this larger number of enlistments in the combat arms may be added into the total of "true volunteers" which will help satisfy our ground combat arms requirements. I would ask the distinguished Senator from Oregon on what basis he assumes that men who enlist in the Army in order to avoid the draft and obtain an assignment in Europe are "true" volunteers?

The Senator from Oregon has some interesting figures about combat enlistments.

He first adds to the men who enlist for ground combat assignments the number of men who enlist for elite paratroops and special forces and counts them as true volunteers for ground combat. Now these elite corps requirements are not counted as ground combat requirements by the Army. Ground combat requirements are infantry, artillery, and armor. If the Senator is going to count the men who volunteer for these elite corps as volunteers for ground combat units, then he must also increase the requirements. He cannot legitimately ask the Pentagon to estimate its needs for one group—artillery, armor, and infantry—and then ask for the number of men volunteering for some larger group—artillery, armor, and infantry, plus paratroops and special forces—and thereby argue that the artillery, armor, and infantry requirements are being filled.

There is a more fundamental error, however. He calculates, on page 17616 of yesterday's CONGRESSIONAL RECORD, that since 28,000 men who enlisted in the Army last year without exercising their option to enlist in a specific branch were assigned to ground combat. These men could all be counted in the total of true volunteers. This is most erroneous and the Senator even admits, on the next page of his speech, that not all men who enlist in this way are true volunteers.

I have given the totals many times before for ground combat requirements. The Senator will find them, for example, in my speech of May 6 introducing this bill.

Mr. President, 4 percent of the ground combat requirements are met by men who volunteer for that job. Over two-thirds, about 68 percent, are met by draftees. The balance of about 28 percent is met by men who enlist but do not specify combat or, indeed, any other choice.

Moreover, it is certainly true, as I am sure the Senator from Oregon would agree, that at most one-half of this special category of enlistees are true volunteers. I hope he would agree that if we assigned to combat all of these men who volunteer, and do not request conbat or another choice, we could expect fewer enlistments for this type service.

I would add again, however, that the figures for future years are very difficult to estimate. Most of the other figures are taken from the actual records.

Finally, the Senator from Oregon yesterday asked me three questions. I see that he has already placed the answer to two of them on my desk. First, for the best estimate available to me regarding the percentage of Army volunteers who are draft-motivated. The best figure I can obtain at the present time is an Army estimate of 55 percent. Second, he asked me what the accession requirements would be for the Armed Forces, assuming first of all that 2.5 million men were required as an end strength for fiscal year 1972; and third, assuming that only 2.4 million men were required. The best figures available to me are that in the first case 528,000 new men would be required by the Department of Defense, and in the second case 432,000 would be required.

Mr. President, we have gone into great detail in the numbers relevant to this debate. I have no illusions that large numbers of Senators will peruse these figures in detail but I trust that those who are interested, and their staffs, will take the time to compare the estimates made by the various Senators who have taken part in the debate, the allegations of inaccuracies, and come to their own decisions about who has been providing information in this debate. I will stand on the figures we have provided. But I would add that I believe the precise numbers in all of these cases are of considerably less importance than the fundamental arguments about the quality of our Armed Forces.

Mr. President, the foregoing is an effort with respect to the figures so that anyone who wishes to follow through and get the most completed data we could get will find it in the RECORD.

The following colloquy, which occured during the delivery of the address by Mr. STENNIS, is printed at this point in the RECORD by unanimous consent.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HATFIELD. Do I understand the Senator to indicate to us today that because of the time factor and only because of the time factor he does not feel it would be feasible to implement the Gates Commission report at this time, but in the 2-year period the administration asked for the extension of the draft it would be feasible to implement it in that time?

Mr. STENNIS. No; I wish to say to the Senator from Oregon that I have said over and over, with deference to those who believe to the contrary, that I do not believe that it can be successfully implemented. I think we could spend billions of dollars just trying, but we will come back to where we started. It will not work out and we will have to go back and pass another draft law of some kind.

My record on that is clear. I proposed in committee that we extend it for 4 years.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HATFIELD. The issue, as the Senator and I debate it today, is not a question of when we get a volunteer army but it is a question of not having the volunteer army at all in the opinion and preference of the Senator from Mississippi. Is that correct?

Mr. STENNIS. No, sir; I stand on the bill. I was giving my personal opinion.

Mr. HATFIELD. That is what I asked for. I was asking for the Senator's personal opinion.

Mr. STENNIS. My personal opinion is that it is not going to work out satisfactorily.

Mr. HATFIELD. So the Senator is not supportive of a volunteer army at any time in the future. Is that correct?

Mr. STENNIS. I argued strongly against and we defeated an amendment which would have taken out the so-called bonus pay. I was willing for that to go in.

It was proposed in committee. We said, "Let us put it in and see what it will do. Then, we will have a record." But I thought it would take 4 years.

Mr. HATFIELD. The Senator and I are on parallel tracks in that I am fully committed to the proposition of a volunteer army now and with the Senator from Mississippi it is not a question of timing but whether or not it is feasible at all. Is that correct?

Mr. STENNIS. We might be on parallel tracks but we are going in opposite directions.

Mr. HATFIELD. That is even worse. Not only are we on parallel tracks but we are going in opposite directions.

Mr. STENNIS. I made clear what I personally believe. I am standing on the bill. I do not want the Senator's amendment to pass. For one reason, we do not have any alternative to turn to now. I do not want the 1-year amendment because it does not give any time to prepare an alternative.

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

Mr. STENNIS. Yes, I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. I am sure the Senator is fully aware that there has been nothing in the background of those of us who are proposing the amendment which would indicate a lack of interest or a lack of concern in a meaningful transition period from one system to the other.

For the record I would like to make the point that last August the Senator from Arizona (Mr. GOLDWATER) and I cosponsored an amendment which would have put into effect a pay scale which in turn would have given us an opportunity to make a judgment upon whether or not that pay scale actually would attract the quality and attract the quantity of the young men necessary to put the establishment on a totally volunteer basis. In other words, we were anxious to establish last August the first step which the Gates Commission indicated would be important in order to achieve the goal of an all-volunteer army. The Senate voted that proposition down.

I do not say that there was any one single reason upon which Senators cast their negative votes. But still it was on the proposition, which the Senator from Arizona and I made very clear to those who were sincere and really believed in an all-volunteer Army, that that was the time to take the first step, so that we would not be up against the wall in June 1971, with the expiration date facing us squarely, of having people say at that time, "Well, we don't know whether it will work."

Those of us who have been in favor of an all-volunteer military have been willing to have a transition period before we went to an all-volunteer military.

I am sure the Senator will agree with me fully that those of us who have been fighting for years for an all-volunteer Army have not moved at this time in an effort to create such a military establishment unmindful of the fact that we have had previous steps and previous efforts proposed to bring about an orderly transition. Would the Senator agree?

Mr. STENNIS. I heartily agree with the Senator's very fine purposes and his foresight in the proposals as he sees them and his hard work in trying to carry them out. I complimented the Senator yesterday. This is no new concept with him. I mentioned the fact of his concern about the war in Vietnam. I remember when he was Governor of a great State, Oregon, one year his vote was the lone vote against the war in Vietnam.

Mr. HATFIELD. Two years.

Mr. STENNIS. Two years he cast the lone vote, the sole vote, against the war in Vietnam. I appreciate the Senator's purposes greatly.

Last year the Senator filed his amendment. We had not had an opportunity to consider it in the committee. We had not had a chance to study it. I had not. We had a rather lively debate here, and the amendment was defeated. That is what put me in motion. That is why I went to see the GI's. I decided to see what they would say about it. I have already given their support.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HATFIELD. I am grateful for the kind remarks made by my friend and colleague from Mississippi, and I certainly would like to respond by saying I have great respect and admiration for his dedication and for his purpose in pursuing this bill in this manner. My only point at this time is to indicate that the forces supporting this effort are not moving precipitately, not moving without conscious support for preliminary actions we felt would have been important to take back in August of 1970. By the same token, we feel that at this point it is not precipitate action to move ahead with the Gates Commission proposal for ending the draft in June of this year, because we have today a sufficient number of men within the military to provide us with the numbers.

I indicated a while ago that we had 95,000 soldiers who are mowing grass and doing KP duty. We have those who are chaffeuring the wives of generals and admirals to tea parties. We have those who are bar tending in officers' clubs. We have many thousands of men who could be reassigned within the military organizations themselves to military duties, and not social and other duties that could be performed by civilian personnel.

So we are not attempting here to leave the services short of personnel, nor are we in favor of a move that is purely one of coercion to bring in qualified personnel.

I may say to the Senator, after having spent 7 years in counseling in a university, that there was more than one motivating factor which influenced a person who was seeking a career. The draft was not the only motivating factor that would move someone into the military for a certain period of time. Pay proposals and other opportunities for bonuses could provide motivation to get the quality and quantity of young men that the Senator from Mississippi and I desire, and that everyone who supports my proposal at this time desires. But I would not say that the only way to get young men into the military is by holding the club of the draft over their heads. In my opinion, that is going to turn off more young men than if we returned to the principle of voluntarism that the Boy Scouts and the Girl Scouts and all the fine organizations in our country have followed to lend strength to our country. We do not have coercion for our greatest institution of all, the church, or for the family. That is all done by voluntarism.

I think we have failed to realize that we could move our young men through the same high motives of patriotism and service, rather than by holding over them the club of the draft. That was the only point I wanted to make at this time.

The Senator from Mississippi and I have the common objective of having the highest quality, the most disciplined, and the best military that our country can have, but I feel we can achieve this objective under a voluntary organization. I would like the RECORD to show that we do not have to do that solely and exclusively through holding the club of the draft over their heads.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I am delighted to yield. I appreciate the Senator's remarks. I have said many times, and I said this afternoon, that I am very proud of the fact that we would get some very fine, capable, high quality men who had the genius and the talent and all the qualifications that go to make up soldiers, or airmen, or navy men, and marines, in these difficult assignments, in avionics, radar, and similar areas. My argument is that we would not get enough. As long as we are to have above 2 million men in our Armed Forces, I do not believe we can get enough of that kind of men through the so-called voluntary process.

I think the army would fare worse than any of the rest of the services, because it has less attractive choices to offer.

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

Mr. STENNIS. I am glad to yield to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator. I want him to know that I admire him and, above all, respect him, because I have learned from his tenacity and resolve.

I think my colleague has raised some very important points. In fact, yesterday, when the hour of 3 struck, I was sort of cutoff and did not address myself to those points, but I am glad my colleague has reinforced those points by going over them again today. I think it is very important.

I would like to repeat the point the Senator from Mississippi made in answer to the Senator from Oregon that we need the expertise of these highly qualified people in order to do the job. Just looking at the table of organization of the armed services and the number of people involved, I recall particularly that the Senator from Mississippi has repeated time and time again the number of people we need to man the nuclear submarines and the missiles, and that these men require some expertise and some high IQ's. There is no question about that.

But the figure for our strategic forces of the United States of America, involving Conus, that is, our missile batteries, our Polaris and Poseidon submarines, all of the Air Force personnel on strategic duty for offense, and then all of the Air Force personnel for control and surveillance of the Army and the Navy—all those people together come to a total of 134,000 troops. I would hope that, regardless of the argument as to the Volunteer Army or draft, leaving that aside, this country would have at least a reservoir of patriotism amounting to 134,000 skilled men to man our strategic defenses. That is not a very large number.

Then I go to the general purpose forces, the land forces, Tactical Air Force, Naval Air Force, Mobility Forces—that is to say, what we have abroad, representing our ability, in a sense, to wage war, but not so much tied to our defenses—that number is 1,111,000.

We have other missions. We have the number of troops we have in general support, based in individual support units. We have training command and logistics personnel. Here, again, we have 1,246,000.

Then we have other missions. Intelligence and security—realize, now, this is not the CIA, this is just the military intelligence and security that we have heard so much about. We have almost 100,000 men in the military services who do nothing but intelligence and security work. That is a lot of people going around looking at a lot of other people.

I reemphasize the point that our strategic forces, which my colleague from Mississippi has mentioned over and over again in this presentation, amount to 134,000 people.

Another point that was made was in regard to the period of transition. I would like to know if there is any special machinery that needs to be instituted in order to go to an all-volunteer army. What is special, that is not there right now, that we cannot have more of instantaneously or immediately?

Then there is the point raised by my colleague about the fact that one-third of those under arms today—I may have misunderstood this statement, but, as I interpret it, he maintains that one-third of the people we have in the Armed Forces today are draftees, and one-third are draft motivated. That leaves, obviously, just one-third who are true volunteers, under my colleague's interpretation.

When you break that down into numbers, you come out with about 900,000 in each one-third. If you come out with 900,000 per one-third, that means there are only 900,000, under my colleague's computations, who are volunteers.

Mr. President, in 1948, before we reinstituted the draft, we had 1,300,000 men in our Army. So, obviously, comparing that time with today, there is a 400,000 discrepancy. I find it difficult to accept, with all due respect to the Senator from Mississippi, that the figures that are given by other authorities in this Nation, which indicate that we have upwards of 2 million men who are true volunteers, could be 1,100,000 off. That is quite a disparity.

The other facet that I find difficult to deny, on grounds of just plain psychology, is that, regardless of grades on entrance examinations, if a person volunteers for something, if he has a personal resolve, his performance is better. For example, if I were to serve with someone in a combat infantry platoon, I would rather serve with a man protecting my flanks with a gun in his hand who has a deep resolve of patriotism, who has volunteered, and not a guy pressed into service, who may be just taking shelter so as not to get hurt, which of course would not provide me with any protection.

So I find compelling the argument, in the service or any other facet of life, that if you force people to do something, no matter how bright they are, you are not going to get their best service.

But even if we did get their best service, when we talk about this great expertise of scientists, I keep thinking about General Gallant, I believe it is, who works for the AEC. He is not a draftee. One would not expect a draftee to have that high a position, involved with atomic energy. Most of the important positions are filled with members of the officer corps, because in the military service you cannot even legally sign your name unless you are an officer. So most of these experts that my colleague speaks of are officers, and the officers are a volunteer corps.

If you have a draftee for 2 years, you train him for 6 months and all you have is 18 months left. Then you have a rapid turnover, and if you get into any advanced, sophisticated training, the training goes beyond that period, so you basically do not have the person available for service for more than 1 year. Obviously, you would be much better off, under such circumstances, to take a person in and train him for the career position you want to fill. So I find the argument that the draft is necessary to maintain the level of military expertise very difficult to accept.

And the argument that I find most difficult of all is the fact that the President of the United States and the Joint Chiefs of Staff have veered away completely, and make a rotation of 180°, from the findings of the Gates Commission. I agree that that is what happened, but I have a different interpretation of the reason why it happened.

My interpretation is that they do not want to end the draft, just as my colleague from Mississippi, at this point in time, does not feel that the draft should be ended. We have a very clean cleavage in this regard. I think not only will our Nation be more secure, from the month of July forward, without the draft, but I think over the long haul this great country of ours will be a great deal safer and better off without the draft. First, we will not be eroding the touchstone of our free society, which is freedom itself. We will not be pressing people into service illegally, immorally, and without justice, as we do now; and not only the Gates Commission, but the President of the United States, in his lofty speech of a year ago in April, spoke of how unjust the draft was as a means of taxation.

But for some reason, while this rhetoric goes on and on, when it comes to fishing or cutting bait, a lot of people would rather cut bait than get out there and fish. I say to my fellow Senators, now we have an opportunity to stop cutting bait and do some fishing. We do not have to perpetuate these inequities to preserve the strength of this Nation. We can do it by letting people volunteer out of a sense of patriotism.

If a representative government like ours cannot, on a voluntary basis, generate sufficient resolve among the people to effect a course of action undertaken, then the course of action undertaken is not in concert with what should be undertaken, as viewed by the people. That is a beautiful check and balance under our representative system; and when we violate that, when those of us who sit in positions of power say that we know what is good for the people in a very paternalistic way, we act no differently than the kings of old or the dictators of today in saying, "We know what is good for you people; you have got to go fight that war. You have to go serve, even though it is wrong, because we think it is good, because we are blessed with some omniscience, some special power."

Mr. President, that is not what should happen. The people should have a say-so, and that say-so is a very simple thing called volunteerism. We have had it before, and I am sure we could have it again. If the people feel that our Nation is in danger, you will see them come forward and volunteer and enlist for the protection of the Nation.

I think the best example of that is Congress itself. Not one Member of Congress has ever volunteered to serve in Vietnam. And yet I can stand here, and I am sure my colleague from Mississippi would say the same thing, and say that if this Nation were being invaded tomorrow, I would resign my seat here in the Senate to go serve, as Lyndon Johnson did in the Second World War, and as 21 other Members of Congress did during the Second World War. I am still young enough to go out to serve, to pack a gun and fight for this country. I would do it tomorrow if we had a threat, but we do not have any threat. I know that, and every other Member of Congress knows that, because not one of them has volunteered to serve. If there is a threat, it obviously is not the Vietnam situation.

By maintaining the draft, we do away with the very fine check and balance system. I would hope that we could restore it.

I thank my colleague for yielding. That was a lengthy question. There were several questions together, and I am not sure that he will be able to take them up one at a time. I do thank the Senator.

Mr. STENNIS. Mr. President, I commend the Senator for his anxiety about the people having safeguards. I know that he and I join in trying to restore the idea that we will not go to war unless Congress declares war.

I have been here when we have done

that twice, and I do not want to do it any more. I have been here when we did not have a Selective Service Act, either, and I know what a poor position the military services got into. In 1948—I think it was 1948—there was no threat of the Korean war. It might have been early 1949. We had a buildup and I voted for enactment of a Selective Service Act. It was not any fun then, and it was not so popular then, but in the world we are living in, we have had to renew that law each time as it came up for renewal.

I think we will renew it this year; this bill will become law. I think that in the world we are living in, 2 years from now we will renew it again.

That does not cast any reflection upon anyone. It does not cast any reflection upon the patriotism of the people.

May I just go on to mention another point or two that the Senator has brought up. The Senator refers to these figures concerning the 900,000. That is approximately one-third of our total forces. The Senator and I were talking about different things, though, when we were using that one-third. I was discussing the new men that come in each year, the supply line.

That is what determines it because, after all, of those who come in, a high percentage of them go on out at the end of their enlistment period or at the end of their draftee period.

Mr. GRAVEL. I think I misunderstood.

Mr. STENNIS. One-third come in as draft induced men and the others come in directly by the draft. That is where I get my two-thirds of the input. That is for 1966 on, and that is right after the war started.

All the way through, when I talk about manpower, I am talking almost every time about the incoming manpower, because this is an induction bill.

Mr. GRAVEL. I stand corrected. I am glad my colleague has made that clear. That is my understanding of those figures for 1966.

Mr. STENNIS. Yes.

Mr. GRAVEL. I would like to ask my colleague one very quick question, since he has brought up the experience of 1948.

Mr. STENNIS. Yes.

Mr. GRAVEL. I was not here to vote on it. I can assure the Senator that if I had been, I would have voted against it. Let me just ask, why was it that we had force levels at that time, in 1948, of roughly 1,300,000 under arms, give or take a few thousand, and the military came forward with the argument that, in order to be safe, we needed 2 million men under arms? Of course, that is a difference of 700,000.

Why were no more than 30,000 drafted in the 2 ensuing years? Obviously, Congress acts and says, "You can have the draft now." For 2 years after that, we really do not draft anybody, or we cannot consider 30,000 a really sizable influx of people over that 2-year period, when the military was crying its heart out and gnashing its teeth, demanding and saying that we needed another 700,000.

I was not in the Senate then, but my colleague was. Perhaps the Senator can enlighten me as to why we did not draft those 700,000 people who should have been drafted, according to the military, at that period of time.

Mr. STENNIS. As I recall, the military budget was a very lean animal then and was becoming more so each year. The machinery is put on the books, but extra ships and extra planes and extra tanks are not built overnight. So that the manpower and the necessary equipment and all that goes with it had to move along somewhat together.

I have not examined those records. If there were only 30,000 inductees, it must have had some psychological influence on enlistments, and they would have had some growth otherwise.

I know this. I will tell the Senator why we enacted it. It was the absolute uncertainty here as to what was going to happen. The East European countries had been taken over already. NATO had not been formed, but the embryo stage of it and the thought were here. The Marshall plan was passed in 1948. First came the authorization and then the appropriation. All these steps were induced by the uncertainty of the trends in world affairs. China was on the verge of going communistic. I recall that.

As I reviewed the other night quite briefly, we were not satisfied with passing the Selective Service Act. We actually entered into the NATO Treaty Alliance and then got General Eisenhower to be the commander of it. Then we had the big debate here about sending troops over there. We actually decided in peacetime to send troops over there, which was an extraordinary step.

Another matter with respect to the uncertainty of affairs: Within less than 2 years after we passed the Selective Service Act, we were at war in Korea, starting in June 1950. So that shows the uncertain condition of the world at that time.

Mr. GRAVEL. But apparently Congress would not respond; because, if Congress was not putting up the money, with the pessimistic situation—I recall that there was a burgeoning of the cold war—something must have been askew. Apparently, the threat was not as real as the military people were telling us it was.

Mr. STENNIS. Everything did not happen at once, and everything does not happen at once. It is a matter of growth.

Mr. GRAVEL. Apparently, they were 2 years off. The military people Congress, and the Federal Government were off by 2 years in the desire or the need for the draft, because it was not implemented.

Mr. STENNIS. With all deference, I think that if we do not renew this draft act, we will be 10 years off before we know it.

Mr. GRAVEL. It is interesting to note that the Washington Post of April 7, 1948, contains this statement:

> A sudden spurt in the recruiting after the first of the year almost upset the Pentagon's plans to high-pressure Congress into a draft act for universal training.

I think the interesting thing at the time was that they had the sufficient number of volunteers, but the military went out of their way to get people out of the service early, to depress and then raise the entry scores, the percentile, from 59 to 70 and then from 70 to 80 and then from 80 to 90, in order to ward off the volunteers.

Then, at one point in time, they put in a rule providing that a volunteer could not have dependents; they would not take volunteers who had dependents. If they were truly after volunteers at that point in time, they really would have been a little more desirous of trying to acquire them. At that time, the military wanted to make a case that they needed the draft, and I think the same case is being made today in the figures that were given.

Mr. STENNIS. I blame the military for enough but the Washington Post is blaming them for too much. We were glad in 1950 that we had passed a bill to provide for a draft in 1948. I remember that the Selective Service Act was passed in 1940 for 1 year only, that it was renewed in October 1941 by a margin of only one vote in the House of Representatives, and that Pearl Harbor occurred less than 60 days later. So we were very glad we had not disbanded all those men that we had under arms.

Mr. GRAVEL. I think my colleague from Mississippi makes a persuasive case here, which I am prepared to accept, that during the Second World War we were under the threat of an imminent invasion. I have said many times that if that situation should exist again, I would be the first to ask for the draft. But my colleague from Mississippi is not making a case for having the draft as a standby or as a vehicle which we will require for an emergency. It takes 6 months to train men before they can go solve the emergency. The emergency could be over before we got a chance to do anything about it.

What we can use in an emergency are the reserves. That is what we use in emergencies. In 1962, President John F. Kennedy, in order to demonstrate to the Russians, at the time of the Cuban crisis, proof of our resolve to fight, did not add more draft people but he called in the reserves instantaneously. Obviously, we could do that tomorrow, too. Congress could equally instantaneously do that and could institute a draft, if it were needed. Say, in October, we needed a draft, my colleague could come down here and we could have a special session, at 11 o'clock at night, and I would be here to do everything I could to institute a draft if an invasion were imminent. I would be glad to get water for the Senator, or handle any papers for him, in order to get the job done immediately. And it could be done in a matter of moments. This Nation can respond that quickly and I think my able colleague from Mississippi knows that.

Mr. STENNIS. We needed it badly in 1965, Senator. I advocated calling the reserves at that time, but President Johnson never did see fit to call them, except a limited number later on. I do not think we need to worry about them because we will not have any reserves if we do not

renew the draft, with the exception of a few, as the manpower comes through the selective service system.

Mr. GRAVEL. I might suggest, in that regard, that if I had the choice of going down to the reserve meetings and being paid a little over $1 an hour as against going out and getting a part-time job at $3 or $4 an hour, I would rather go out and take the part-time job, of course. We cannot expect anyone to join the reserves if we are not going to pay them for the time they spend. That is the crux of the problem—the syndrome involved here.

We do not pay them enough and then we say we cannot get them. Of course, we could get them, if we were willing to pay them enough. That is the thing I find as my personal dilemma here.

President Nixon's rhetoric is just as understanding as it is unbelievable. He wishes he could do away with the draft. I am willing to stand here and filibuster to stop a draft which he wants to extend. He says nice words about stopping it, but those nice words evaporate into the air as if nothing had happened. At least the Senator from Mississippi, in my mind, is an honorable man because his views are clear and he has never let the people of this Nation believe that he thinks otherwise. So he has my high respect and admiration. But I cannot say that for the administration. I will be placing in the RECORD—as I have already—many statements of the Chief Executive as to how he wants to end the draft, how it is unjust, how it is an extra task, and so forth, but somehow, he never seems to get around to doing it.

I thank my colleague very much for yielding to me.

Mr. STENNIS. I am very glad to be able to yield to the Senator.

I want to mention a few figures that my valuable assistant here has just handed to me, regarding enlistees in 1948 and 1949. He has checked and finds that enlistees did increase 80,000 between 1948 and 1949. I would assume that part of it was the influence of the draft but I have not analyzed the figures.

Regarding the Senator's figures on strategic forces, the 134,000 skilled men that filled the key positions he mentions that I had talked about, I would judge that these 134,000 were the cream of the crop within that field. They were the numbers that came to the top in a great many of the assignments in electronics, radar, and all the other skills that go with that. They could have been 1 out of 4 or 1 out of 5—it might have taken 500,000 to have gotten that 134,000 that had talent, skill, and aptitude.

The Senator mentioned the 100,000 other men. We have more men in the services than I personally think we need, once we can get this war stopped. We have in the bill a reduction, as the Senator will remember, which has not been attacked.

The Senator mentions the 100,000 figure engaged in intelligence and security, suggesting that they might be spying on someone, or watching our own people. That is a very large figure. I am not surprised that the Senator was surprised at it. I was, too—until I found out more about what these men do. They are not CIA-type men, as the Senator said. We are having a study made, to some degree, of this matter, which I hope will grow into an in-depth study soon. But these men have to do with collecting intelligence, assembling it, and then anaylzing it. This is about as far as I can go because there is a lot of it that is highly classified.

Mr. GRAVEL. I would like for my colleague's benefit and for the benefit of other Senators to ask unanimous consent to have printed in the RECORD the table which I have prepared. The young man can Xerox this piece of paper and give a copy of it immediately to my colleague from Mississippi so that he may have it to go over this evening, and if he wishes to address himself to it in further detail tomorrow, I will be very happy to engage in colloquy with him on it.

These figures are taken from the Department of Defense and are not classified.

Mr. STENNIS. But what they do is classified.

Mr. GRAVEL. Mr. President, I ask unanimous consent that at this point the table be printed in the RECORD and that it all appear at the end of my colleague from Mississippi's prepared statement.

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

U.S. MILITARY STRENGTH END-OF-YEAR ESTIMATES[1]

[In thousands]

	Fiscal year 1971					Fiscal year 1972				
	Army	Navy	Marines	Air Force	Total	Army	Navy	Marines	Air Force	Total
Strategic forces	6	19	½	108	134	6	19	½	113	139
CONUS S/A missile batteries					6	6				6
SSBN (Polaris and Poseidon)		19			19		19			19
AF offense				73	73				77	77
AF defense				22	22				22	22
AF control and surveillance				13	13				13	13
General purpose forces	569	280	111	151	1,111	503	269	116	144	1,032
Land Forces	567	3	82		652	501	3	87		591
Tactical Air Forces		63	28	82	173		61	29	81	171
Naval Forces		211	1		212		202	1		203
Mobility Forces	2	3		69	74	2	3		63	68
Other mission forces	74	42	2	90	208	69	41	2	87	199
Intelligence and security	32	17	2	39	90	29	16	2	39	86
Communications	15	11		30	56	13	11		29	53
Research and development	9	9		20	38	9	8		18	35
Support to other nations	18	5		1	21	18	6		1	25
General support	458	282	98	408	1,246	354	275	88	409	1,135
Base and individual support	164	109	42	224	539	134	106	36	225	501
Training	257	130	45	107	539	196	126	42	108	472
Command	30	34	9	66	139	28	34	8	64	134
Logistics	7	9	2	11	29	6	9	2	12	29
Grand total	1,107	623	212	757	2,699	942	604	206	753	2,505

[1] Rounding prevents precise total.

Mr. STENNIS. That will be all right. The figures may not be classified but I think a great deal of what these men do is classified and I am not going to go into that any further.

The Senator will find, too, that in the so-called general purpose forces, such as attack submarines and carrier forces, we have a great number of skilled slots that require a great deal of training, a high security rating, and natural talent. We do not pick these fellows up on the streets. We have to have a great number of them to select from and that is where we find the finest ones. Some of them who were not at first attracted to the services stayed in after they came in, but only under this sort of coercion.

Mr. STEVENSON. Mr. President, will the Senator yield

Mr. STENNIS. I am glad to yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I am grateful for the opportunity to add a few words to the debate over extension of the draft, although I suspect that there is very little I can add to what has already been said about this issue by the very distinguished Senator from Oregon and by the very distinguished Senator from Mississippi.

Many of our forefathers left their native lands to escape compulsory military

service. They came to the United States to seek a freedom nearly unique in their times.

Today some descendants of those immigrants to America are leaving for Canada, once again to find freedom from compulsory military service. With others who by one means or another avoid the draft they thrust the burdens of war upon those who are drafted or who volunteer.

Those burdens are heavy, as Mylai and the reports of drug addiction among Americans in South Vietnam have revealed. Nor can the recent revelations of this drug problem be written off as just another affliction of the young everywhere. They, too, tell us something of the afflictions which that war and the draft are inflicting upon our society.

Efforts have been made to distribute the burdens of the draft more fairly. Elimination of student deferments would end the preferential treatment accorded those wealthy or wise enough to attend college. The consolidation of local draft boards would also tend to eliminate inequalities which exist from draft board to draft board. But I do not need to elaborate for my colleagues upon the inequalities and the injustices still perpetrated by the draft upon our young constituents. We are all exposed each day to the anguish and hardship inflicted by compulsory service in an ugly war.

Piecemeal reforms will not suffice. It will be a better day for America when we return to our free traditions and meet our military needs with a system which does not forcibly disrupt the lives of a generation of young men and which lets them plan their education and get started upon their careers.

I cannot reconcile the most basic values of a free society with military conscription—except in rare times of national emergency. It does not matter that rich are drafted as well as poor, white as well as black. They all alike are compelled against their will to serve in the military, some to fight, some to die. It is no more just to draft one than the other without some compelling national need for a high troop level which can only be met through conscription.

There is no such need today.

This debate has gone on for many years. It crosses ideological and party lines. But the inequities of the draft remain, as the need for it diminishes. The need for a strong defense persists—but the realities of war and of our defense requirements have changed.

The experience of Vietnam proves as never before the hazards of a military policy which clings to obsolete ideas. The land wars of the past often depended upon large armies of foot soldiers. The war in South Vietnam could not be won by such an army. A small force of professional soldiers trained in the tactics and the skills of counterinsurgency would have been more appropriate. Indeed, the war in Vietnam might even have been prevented had neither President Johnson nor President Nixon been able to commit hundreds of thousands of American troops to Indochina by resorting to the draft.

Everyone shares the hope that in the future war will be prevented. But it will not be prevented by the maintenance of large, ill-trained and expensive conscript armies. If conventional wars are fought again, they must be fought by military forces newly organized, highly skilled, mobile and more dependent upon modern technology for firepower than upon old fashioned conscript armies.

We need the capability to respond flexibly to different military threats. Sole reliance on a strategy of massive retaliation to nuclear destruction would either render us impotent in world affairs or transform us into a Cyclops. The draft does not provide that flexibility. It provides large numbers of semitrained and inexperienced personnel, many of whom are poorly motivated because they are serving against their will. It brings to the military all the social problems of America—drug abuse, racial and generational conflicts, and crime. The rapid turnover of personnel caused by the draft provides inadequately trained manpower and, therefore, a need for more manpower—and for more men to train them. It is expensive. A total of 779,000 men will leave our armed services during fiscal year 1972. Their basic training alone cost the taxpayers nearly $2 billion. With a lower turnover that cost would be decreased as the effectiveness of military manpower were increased.

I had expected to vote for a 1-year extension of the draft because I was not convinced it would be possible to convert to a volunteer army now. I still will if the Hatfield amendment is defeated. But after much study I have concluded that conversion is possible now.

If manpower levels were targeted at 2.3 million men by the end of fiscal year 1972 instead of the 2.4 million recommended by the Armed Services Committee, the Army—which is where the most critical problem exists—would need about 100,000 accessions during fiscal year 1972. According to the Defense Department, approximately 87,000 true volunteers—volunteers who are not draft-induced—could be expected with no pay increase.

Under the automatic increase to take effect January 1, 1972, and the additional pay increase recommended by the Armed Services Committee, the Army could expect nearly 30,000 additional true volunteers, for a total of slightly more than 115,000 accessions—15,000 more than would be needed to meet a 2.3 million force level. And this does not include additional volunteers who might enlist as a result of the advertising and additional recruiters associated with the new project volunteer program. Assistant Secretary of Defense Kelly expects that project to add another 35,000 to 45,000 volunteers. So the best estimates available indicate we could move easily to a voluntary military at force levels only 100,000 below those recommended by the Armed Services Committee. Senator HATFIELD went more deeply into these figures during his well-reasoned speech on the Senate floor yesterday. Suffice it for me to say that this shortfall can be met for 1972 and in the foreseeable future by eliminating waste and inefficiency.

The waste of manpower in the military is glaringly apparent to all who have served in recent times. Uniformed gardeners, bartenders, chauffeurs, and others in nonessential work could be reduced by at least 20,000.

The Gates Commission estimated that as many as 91,900 enlisted positions could be civilianized.

The number of personnel per Army division projected at the end of fiscal 1972 has increased by 19 percent since 1964, yet the duties of a division remain roughly the same while its firepower has dramatically increased.

Reductions could be made in overall force levels. Eight Army divisions are allocated to Europe—but only 4⅓ divisions are actually present there. Why do we need 3⅔ backup divisions in the United States—one more than we had a year ago—at the same time forces are being returned to the United States from Indochina?

I suggest further that the waste and inefficient utilization of manpower will not be ended voluntarily by the military. It will take pressure from Congress and the way to bring that pressure to bear is to end the draft and to end it now.

Some objections have been raised to an all volunteer military force. It is feared that civilian control over the military will be weakened if we convert to a volunteer army. But this objection expresses a fear of the military-industrial complex and the officer corps and not of the men in the field. If a volunteer military leads to a professional military it will give us a military establishment which respects the perimeters of its authority. And besides we quarrel with the good sense of the American people when we question the ability of their representatives to maintain civilian authority over the military. I have enough faith in the durability of our democratic institutions to be confident of civilian supremacy in the future. I am encouraged by the recent reassertions of congressional authority. The Armed Services Committee under the able leadership of Senator STENNIS has recommended a reduction in the authorized ceiling for military manpower. He, Senator JAVITS and Senator EAGLETON have proposed limitations upon the presidential authority to commit American troops to combat without congressional approval. Military spending plans are undergoing a closer scrutiny in the Congress.

It has been suggested in this debate that a military career is a last refuge for the poor and the black, that a volunteer army would lead to an army of poor men, mercenaries all, paid blood money for the distasteful job of serving their country in uniform. Although I am convinced by the Gates Commission report that an all volunteer army would not be an army of the black and the poor, I nevertheless can understand the concern—but I cannot understand the derogatory sentiment it conveys toward the military in America. Those sentiments have little foundation in the American experience, except for the ugly reality of Vietnam where the military was given an impossible war to win. Even in the case of Viet-

nam the facts simply do not bear out the contention that only the poor and only members of minorities volunteer. The military service is as vital to our welfare as any other public service.

Mr. President, I count as one of the privileges of my life the chance to serve as an officer in the United States Marine Corps. Military service can be as honorable and rewarding as any other career, and it is a rewarding career for men of all backgrounds and persuasions. I have no fear of a volunteer professional military. But first we must leave the draft behind, and the time to do that is now.

I thank the distinguished Senator from Mississippi for yielding.

Mr. HATFIELD. I thank the Senator from Illinois (Mr. STEVENSON) for his comments on our amendment. I shall read each part of his statement carefully. I have not had the opportunity to listen to all of his comments today but I know, in hearing the comments I did, as he spoke to the question of poor and black, an argument that is often used against a volunteer army, that he put his finger on probably one of the most sensitive and one of the most emotional arguments in this entire debate, one which I think tends to mislead and perhaps creates a false impression for many people.

We have heard it argued frequently, as the Senator from Illinois has pointed out, that under a volunteer army we will end up with a black army, a poor people's army, fighting a rich white man's war. It is not only a fallacious argument, but one which does not carry the support of the blacks and the poor themselves.

In following through some of the thoughts expressed by the Senator from Illinois, I would like at this time to quote some of the statements that have been made by those who represent the black and the poor. I think oftentimes we have a tendency to do other people's thinking for them. We have a tendency to more or less use our own judgments and apply them as the judgments of other people. I think it is well to listen to the very people who represent, as I say, the black and the poor, and I can think of no better people than those who have been elected to the Congress of the United States who come from black ghettos, who come from poor ghettos, and to hear what they have to say concerning the question of the draft versus a voluntary army. I think one of the most eloquent statements that has been made on the subject was made by our colleague and Congresswoman, SHIRLEY CHISHOLM, from the 12th District of New York. Let me just quote a few comments from Representative SHIRLEY CHISHOLM. She says:

> There are also those who argue against the volunteer army because they hold that it would become an army of the poor and the Black. I for one am rather skeptical of this kind of "concern" for poor Blacks. A volunteer army would be just that: a volunteer army. Young men and women, both black and white, would be able to make the choice. All of us are cognizant of the fact that black re-enlistments are decreasing, not increasing. The black re-enlistment rate in 1965 was 22.3%. In 1969 it was down to 11.8%. Black soldiers have found that racism is just as prevalent in this army as it is in civilian life. The same complaints about training opportunities, promotions, assignments, and police brutality exist in Da Nang and Fort Bragg as they do in Main Street, USA. Indeed, if you talk to any of the military caseworkers in the Black offices here on the Hill, you will find that many of the young brothers feel that the authoritative atmosphere of the military environment increases the probability of, as they put it: "getting hassled."
>
> In my mind, all this talk about a volunteer army being poor and black is not an indication of "concern" for the black and poor, but rather of the deep fear of the possibility of a Black army. Very few people desire to verbalize the underlying fear and anxiety of a large number of Black men trained in the military sense in a nation where racism is rampant. Individuals who are upset over Black Power rhetroic really shudder at the idea of a whole army of black men trained as professional soldiers.

These are not the words of some theorist or someone behind ivy-covered walls in a university philosophizing about a volunteer army versus a conscripted army. These are the words from one of the leading members of the black caucus of the House of Representatives in the Congress of the United States, well known, and certainly an eloquent spokesman for the black cause in this country.

But she is not the only one. Listen to the words of another black Congressman, RONALD V. DELLUMS, from the Seventh District of California. These are the words of Mr. DELLUMS, who certainly speaks for the black of his area, and nationally as well. He says:

> We have had some experience in recognizing discriminatory institutions. Yet, the draft discriminates at every level. It discriminates against young men who haven't the information or money to seek counseling or hire a lawyer. . . . It discriminates against those who haven't had adequate advice from sympathetic personal physicians about possible physical disqualifiaction. It discriminates through draft boards on which minority groups are not fairly represented. It discriminates by putting minority group soldiers in an army under a predominantly white officer corps.

Let me give you the words of Representative HERMAN BADILLO, who represents another group, the 21st District of New York, which is a Spanish-speaking group. He represents another one of our minority groups in this country, and those who are also represented in the poor classes of the people on the economic scale. Representative BADILLO says:

> The draft is a symbol of the gap between the generations, is a major source of friction in our society and is a primary cause of a great deal of unrest among our young people. It is a basically unfair and inequitable system which imposes an undue burden of service on some while others are left totally free of any obligation. Much of the burden of this repressive and unjust structure has all often been sustained by minority groups, the economically disadvantaged and the poorly educated.
>
> There is no evidence that such critics have taken the time to speak with Black and/or Puerto Rican community leaders before arriving at their erroneous conclusions. It is a matter of record that the great majority of Black and Puerto Rican leaders have spoken out in support of a volunteer army and I know their stand accurately reflects community sentiment of this issue.

We could go on and indicate certain quotations from other outstanding Congressmen from the black caucus of the House of Representatives, who overwhelmingly favor a volunteer army and who are opposed to the extension of the authority to induct men into the Armed Forces.

We also have outstanding leaders from outside the Congress, such as Dr. Abernathy, head of the Southern Christian Leadership Conference, Dick Gregory, Mrs. Martin Luther King, Jr., Rev. Channing Phillips, Jesse Jackson, and George Wiley. Roy Wilkins, executive director of the NAACP, was a member of the Gates Commission and favors a volunteer military.

These are some of the black leaders who favor a volunteer military. We have had other outstanding leaders who represent, as I have said, the poor and the black.

So when we hear the arguments used that this system is going to create a poor people's army, a black man's army fighting a rich white man's war, in the words of one of those Congressmen, let them talk to the people of this area before they jump to these conclusions.

We have had a good deal of discussion today about the various arguments that have been used against the volunteer army. I would like to review some of the comments made and some of the arguments made by the distinguished Senator from Mississippi, our very distinguished Chairman of the Armed Services Committee. I do it without rancor. The Senator from Mississippi and I are very close personal friends. We work together on many things in common, and we have disagreements on others. This is one on which we happen to disagree. However, certainly within the spirit of the Senate, where we have disagreements on the floor always within the spirit of affection and good will, I would like to point up that in the arguments that have been used today, those of us who offer the amendment now pending are seeking to bring to an end one system precipitately and try another system that is really unknown. It is a question mark as to whether it will succeed, succeed either in the matter of the quantity of men necessary to the maintenance of our Armed Forces or the quality of the personnel necessary to maintain an adequate and superior defense program.

I would like to point out that there is nothing new about the question of a volunteer army. President Nixon, when he was a candidate for the Presidency of the United States in 1968, made it very clear that he supported an all volunteer army.

I remember when candidate Nixon invited me to be one of the seven surrogates for his campaign, in which we were authorized to speak on behalf of our candidate on any issue, that I had an opportunity to discuss this matter with the campaign staff and also personally hear it from the lips of Mr. Nixon that he favored an all-volunteer army. He predicated it, of course, on the situation in Vietnam. He did not say he was going to implement an all-volunteer army imme-

diately, but he was committed to the proposition of an all-volunteer army.

The Pentagon reads the newspapers. The Pentagon listens to the radio and watches television. They listen to what the candidates say about issues that affect every one of the interests of the military.

They listen with great interest. They are not isolated from the rest of the community. So they heard the words of Mr. Nixon during the campaign of 1968, I am certain, and I am sure they had many a discussion over the coffee cup about his position on a volunteer Army.

But they had heard this argument even before the 1968 campaign. They had heard the arguments pro and con about a volunteer versus a conscripted Army. This argument has gone on ever since we instituted the draft in 1948, for this whole period of time.

Mr. Nixon campaigned across this country in favor of a volunteer military. I recall asking him about certain things when I was asked to go to the campuses of the universities of this country to campaign for the Nixon-Agnew ticket, and I knew there were certain issues of great concern to students, one of them being the war and another the draft, and that they had other concerns as well.

I recall that in the areas where we made perhaps the most impact—I shall not say parenthetically what the general attitude was toward the Nixon-Agnew ticket in 1968 on university campuses, but I will say that where we had the greatest response on the campuses was where we could clearly quote the Republican candidate as opposed to a conscripted Army and in favor of a volunteer Army.

So I point out that this is not some new idea that has suddenly come upon us, which neither the administration nor the military have had a chance to study or become acquainted with.

Let me take it to the next step. When Mr. Nixon was elected President of the United States, he set forth to call out some of the most outstanding and distinguished Americans he could think of to constitute a Commission—a Commission that he would appoint and give the full support, the backing, and prestige of his office upon the initial appointment.

He selected that Commission very carefully. I want it to be again a part of the RECORD, for those who I hope will be reading the RECORD, that it was to be headed by a former Secretary of Defense, Mr. Thomas Gates. It was to include on it such persons as Thomas Curtis, former Representaitve from Missouri and presently a counsel for the Encyclopedia Britannica; Frederick Dent, the president of Mayfair Mills in South Carolina; Milton Friedman, a distinguished professor of economics at the University of Chicago; Crawford Greenewalt, chairman of the Finance Committee for Du Pont; Alan Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants; Alfred Gruenther, former supreme allied commander in Europe; Stephen Herbits, Georgetown University Law Center; Theodore Hesburgh, president, University of Notre Dame; Jerome Holland, president, Hampton Institute; John Kemper, headmaster, Phillips Academy; Jeanne Noble, professor, New York University, and vice president, National Council of Negro Women; Lauris Norstad, chairman of the board of Owens-Corning Fiberglas Corp., and former supreme allied commander in Europe; W. Allen Wallis, president, University of Rochester; and Roy Wilkins, executive director, NAACP.

Mr. President, this was not only a distinguished commission, but it also went forward to appoint outstanding task force committees, and the task force, comprised of outstanding professional and technical people, went into every facet and aspect of this whole question of a volunteer army, and came forward with a report.

I doubt whether the report has been read by a great number of people, but it is here to read. It has all the information, all the supporting data, all the statistics to support the basic proposition of an all-volunteer army now, and when I say now, this report was published in February 1970, and it was to be accomplished by the expiration of the induction power of the President on June 30, 1971.

This is not something that is presumptuous. This is something that has been carefully studied by men of great skill, talent, and leadership. And let me emphasize again, this report was based upon the full cooperation of the Pentagon. The Pentagon gave full and complete support in providing the data, the statistics, and the information that the Commission requested.

Let me point out again that it was not by a 60–40 vote, it was by a 100 percent vote of this Commission that this proposition of an all-volunteer army be established as of June 30, 1971, was recommended. This was not, I say again, a minority and majority report; it was the unanimous report of the Commission.

When the Commission made its report in February 1970, it certainly was greeted with mixed emotions, I am sure, on the part of the administration. The distinguished Senator from Mississippi says that the report was taken and abandoned. I am afraid it was handled more like some of the other commission reports with which I am familiar: It was really just sort of ignored. I am not sure that there was a specific negative action taken against the Commission report, as much as that it was just ignored.

I happen to have introduced the first repeal-the-draft action on my part in January of 1967, when I first arrived in the Senate. Therefore, those of us who had been opposed to the draft over years and years greeted this Commission report with the great expectation that it was going to now carry with it a certain status, a certain validity, a certain prestige that perhaps we as individual Senators or Representatives did not have, that it would support that which we had had as our premise and our thesis for a number of years, but support it with the kind of data and information that we did not have the capability of developing within our own resources, and would do so, as I say, with the validity and the integrity of such personnel as this Commission and the sources of its information represented.

I think it is rather reprehensible, frankly, that the administration has treated it like a stepchild. I would much have preferred the administration to come out and say, "No, we do not agree with this Commission, it is wrong in its premise and in its conclusion."

The administration has not confronted the issue at all. And further, we get this sort of insidious undermining of the Commission, without a direct confrontation, without specifically citing chapter and verse where it is alleged to be wrong, but just saying, "Well, those calculations," or some other such general phraseology.

Some of us pressed for hearings on this Commission report. We felt that the Senate Armed Services Committee should immediately undertake to have hearings when the report was made. Some of us had asked for hearings back in 1967 on this question, and I might just recite again for the RECORD that for over a year we had no hearings after indication of acceptance of the request for such hearings.

So I would say that the Armed Services Committee itself is not without responsibility, in part, for this situation of not having had hearings before. I shall not go back and give the reasons why. I am sure there was certainly a reasonable rationale. I am not suggesting that the Armed Services Committee did not want to have hearings because they were afraid of the data, or were not desirous of confronting the issue. The committee has many problems to deal with, and I certainly do not criticize their efforts, but only wish to point out that such a hearing was asked for. We wanted to get the matter before the Armed Services Committee. We wanted to get it into debate. But the hearings were not forthcoming.

So then the next action taken was that taken, again I repeat, by the Senator from Arizona (Mr. GOLDWATER) and myself as cosponsors, by way of a pay increase amendment. We made no effort to conceal the fact that we believed that if we could get a pay increase in July and August a year ago 1970 we would have a leg up on an all-volunteer army. The Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Tennessee (Mr. BAKER), and the Senator from Kentucky (Mr. COOK), on our side of the aisle, argued and debated on this side of the proposition, that they believed in this approach, that it would not only give us a leg up on an all-volunteer Army, but it would do so and at the same time provide us with a transition whereby we could make a judgment as to whether the pay increase alone would attract the numbers of qualified young men into the military services.

Let me remind the Senate again that it saw fit to vote this proposal down by a vote of 52 to 35 on August 25, 1970. This means that the Senate chose not to undertake the establishment of an all-volunteer army by establishing a comparable pay scale to civilian employment at a time when they did not face the end

of the draft deadline, as we are facing today.

I want to make another point clear today, Mr. President. It is not only a question that we have worked long and hard and in an orderly fashion to get an all-volunteer army; we have followed the rules of the game; we have not tried to spring a surprise on anybody. I want to point out that it is not a new issue, not some new argument that we are engaged in today, some new debate. It is something as old as the Republic itself.

I want to make very clear that the statistical data we get from the Department of Defense indicates that we can maintain a military level of 2.4 million men, which is the recommended level of the Senate Armed Services Committee, without the draft. Having the draft end tomorrow, not even on June 30, but tomorrow, we can still provide this country with the kind of accession rates based upon the statistics furnished by Lieutenant General Taber, if we can believe it. I believe the statistics because, after all, it is provided to us by the Manpower Reserve Affairs Office of the Assistant Secretary of Defense, signed by Lieutenant General of the Army Robert C. Taber. He said:

> We estimate that a reduction to end strength to the 2.4 million level would result in an accession requirement of 432,000 men, new enlistees for all four Services in fiscal year 1972, assuming that the Services do not expand their early release programs.

He goes on to point out that Mr. Kelley, who is the Assistant Secretary of Defense for Manpower and Reserve Affairs, has an early estimate of a potential shortfall of 110,000 to 130,000 enlistees for a 2.5 million force, which would be reduced to a potential shortfall of 24,000 to 44,000 for a 2.4 million force, assuming passage of the administration's program.

Let me reiterate that if we cancel the Selective Service Act tomorrow, according to the Pentagon's own figures and statistics, if we went with the Armed Services Committee level of 2.4 million men, we would have a shortfall of only 24,000 to 44,000 men. That is all; 24,000 to 44,000 men.

Mr. President, we could attract that number of men with military pay increases of a comparable level as recommended by the Gates Commission, in my opinion. That is an opinion, and I am not asking the Senate to accept my opinion as the basis for its judgment.

Let me turn to one other base upon which we could find those 24,000 to 44,000 men without ever changing the pay increase, and that is to the military itself.

I do not think we have to go back to tell war stories. I was a veteran of World War II in the United States Navy, in the Pacific, when we hit the Japanese at Iwo Jima and Okinawa. We later got into the Chinese civil war and spent some time fighting Chinese Communists. With whatever credentials that may give me, I want to point out this fact, as one who has been in the military—it may have been the old military—one who is somewhat familiar with the military today: We have literally thousands of young men performing nonmilitary functions today who have gone through military training for military specialties. If the military would just undertake some internal reforms, they would have more than enough men to supply their level of 2.4 million men without any pay increase; without any other changes at all. They could do that from their own words.

According to Lt. Gen. George J. Forsythe, the special assistant to the Secretary of the Army, as he stated in the Journal of the Armed Forces on May 17 of this year, just a few weeks ago:

> We have 95,000 men who are cutting grass, doing KP duty, and performing other household chores.

Those men certainly could have reassignments to military activities. If we have that kind of activity—I am sure we should keep the grass cut; I am sure we should have adequate food that is provided through KP functions—let us contract with civilian personnel for those functions and release these men from the functions that can be performed by civilians. There are 95,000. We need only 24,000 to 44,000 to meet the 2.4 million level.

We have another report, another study, that states that 3 percent of the personnel today who are doing other functions could be reassigned, and these were listed as bartending, chauffeuring cars with both the generals and their wives. The same applies to admirals. Many other functions today are being performed by military personnel which could just as easily be performed by civilian personnel.

I want to point out that the simple summary and analysis is that: This Nation can be committed to the 2.4 million level, abolish the draft today, and provide the adequate manpower necessary to have 2.4 million men, from just internal reforms.

I think it is unconscionable that the United States should demand, require, and coerce young men into the service of this Nation and then give them a pay scale that puts them on welfare. We have had as many as 43,000 families in the military uniform of their Nation receiving welfare checks every month because they qualified as people in poverty. I do not care whether one is for the draft or against the draft. To me, that issue should stand on its own merit. I think that the least this Nation could do would be to give pay for military service that is comparable with the pay that the same young man could earn in civilian life—and that, again, is not an opinion. That is fully supported by careful surveys that have been made by Milton Friedman, John Kenneth Galbraith, and other distinguished economists. Some of them have called it the patriotic tax.

We say to a young man, "We demand 2 years of your life. We force you into a situation where you may lose your life. But we are also going to put you in the poverty class of this Nation."

I think that question is one that deserves support, regardless of what one's viewpoint may be on a volunteer army.

If we had that kind of pay increase, we would then more than provide ourselves with the adequate manpower, both quantity and quality of manpower, that is required to meet our 2.4 million force.

So I think we can say that it is utterly fallacious to argue and use the fear tactic that somehow we are jeopardizing our Nation's defense, somehow we are putting into question the Nation's ability to defend itself, by not retaining the draft. I say that we will strengthen this Nation far more by removing this cancer that is eating away at the internal strength of this Nation, that is the focal point for more dissention and more tearing apart action of the people of this country than any other I know of, short of war. By repealing the draft, by not extending the induction power of the President, we will do far more to develop the security of this Nation than by retaining the draft.

My good colleague, the Senator from Mississippi, has indicated that he has certain surveys which show that the Navy and the Air Force depend upon the draft for quality personnel and that this is the way they get quality personnel—by motivating our young men, by threatening them with the draft and bringing them into the Armed Forces with the draft. I have talked to the GI's as well. I have talked to officers and enlisted men and I have got the definite statement made that the draft has brought young men into the military against their will, which has given us the added problem of dealing with people who dissent within the military and who count the days until they can get out. They have no intention of making the military their life or their career.

I have young men on my staff in this status. They are in the reserve program just to avoid the draft, and who hate every minute of it. You cannot tell me, Mr. President, that they are doing the best job possible if they do not have their hearts in it.

We have to consider that part of the erosion of morale in the military is due to the fact that there are people there who are under coercion, that if we had people there volunteering and initiating action themselves to join up, we would have a group of people easier to work with than the kind of dissenting malcontents that we have there now who have been forced into the military through the draft.

Furthermore, I think it should be carefully noted that the Gates Commission made a thoughtful study of the quality personnel problem and indicated quite clearly that if we make a comparable study of civilian personnel, we would find that much of the military today is overstaffed, with quality or educational level men far beyond its needs and far below the kind of jobs these men are performing.

Let me address myself to that point and take myself out of the role of Senator, if I could for a moment, and speak as a former professor and dean of students, because that is a valid position I can take on this issue from that kind of background and experience which I have had for many years, where I could

study and understand, perhaps a little bit, the relationship between educational level and job performance and job assignment.

I can say to you, Mr. President, that they talk to me about the apathy and boredom of our young men in Vietnam as being one of the causes of drugs being picked up—heroin and other hard stuff, but I know of nothing that can create a morale problem more than for a man to be in a job assignment that is far below his educational level, his educational experience, and his educational background. Yet that is exactly what we are forcing many young men today to be in the military. They are being forced into that exact position, that they are more highly educated than the job assignment they are given. So no wonder we have this boredom and apathy which leads to exposing many of them to the drugs of Southeast Asia, on to the drugs which are available on many of the military bases in this country.

We should carefully analyze these surveys and studies because I can say to you, Mr. President, that based upon the Gates Commission report, which was made in greater depth than any other survey I have seen, we have today overqualified personnel in military assignments.

That is a point well worth relating to the drug and morale problem in the military today.

So I would say that those points should be carefully reviewed before we are called upon to vote on this issue.

I am hopeful that Senators will take the time to read the RECORD. The easiest and most simplistic way to make a decision on this is merely to say, "Well, if somebody has raised the question of national security, that is enough to continue the draft."

No, Mr. President, that is not enough. That is a superficial, simplistic way to look at it. I am very hopeful that an issue of this importance will receive the careful study of all Senators.

Let me inject a point which I have not brought up until now—let me shift gears for a moment—and I want to shift gears with the intention of making a statement that is perhaps political but certainly nonpartisan; namely, that I think any Senator or Representative who wants to go out and communicate, relate, and bridge into the youth of our Nation and try to establish some sense of confidence and believability in the system and how it works, should do a little listening as well as talking, and find out what this young group in our generation today is really thinking and saying.

I reject outright the cries of those who say, "They are just a bunch of bums," or those who say, "They do not want to serve their country. They are avoiding the draft by running away to Canada or other countries."

I reject that as an oversimplistic answer, which obviously shows they have not been in communication. They may have been in communication, but it has been a one-way communication. The politicians have been doing too much of the talking and not enough of the listening.

I have sensed a feeling of greater dedication on the part of this generation of young people in the fact that this generation does not just look upon our Nation as pure geography. They think of our Nation as their fellow men. They think of America not as rocks, rills, and temple hills but as comprising people—human beings—and that service to one's country can be rendered in service to human beings; and that any legitimate service, whether it be digging a ditch, teaching school, working in a mental ward as a psychiatric aide, or in business or in a profession, or anything else which enhances the prospect of benefit to their fellow men, is service to one's country.

I would hate to think that we would entertain the thought that service to one's country can be performed only in a military uniform; but that is the implication I hear many times when I argue this issue. People come up to me and say, "Do you not think that the young people owe a duty to their country?" And, I say, "Of course I do. I think that not only every young man and young woman but also older men and women should be willing to serve their country." Then they say, "Then if you feel that way, why not force them all into the military service so that they can have the privilege of serving their country in that way?"

Well, first, it would take $40 billion more to bring a universal military training program into action. Thus, obviously, we do not want all young men in the military because we could not accommodate them. We do not want them. We want only to pick and choose. We want to make it as highly discriminatory as possible, and make some go and let others escape. Consequently, it is not a question of whether men want to serve their country. They do want to serve their country. But they say, "We must have an opportunity to serve our country in many different ways."

Mr. President, I respect the uniform of our military services. I am proud to have been able to wear the uniform of the U.S. Navy. But I want to point out that it would be terribly inaccurate to leave the impression that service to one's country can only be performed in a military uniform.

Therefore, I urge the Senate again to look at this issue very carefully not only from the standpoint of military requirements but also from the standpoint of healing this country's awful and, I think, one of the most cancerous of its wounds—an awfully deep and terribly serious wound—by repealing the draft, in a sense, by not extending the President's power of induction, which I think would be the first step in that direction.

Let me close my comments at this time by saying again that I certainly respect the different viewpoints of Senators. I ask them only to ask themselves this one question:

What is the statistical data required to produce the manpower and to produce the military defense of this Nation?

What is it?

It can only be found in the accession rate. If the chairman of the Armed Services Committee disagrees with the accession rate of 432,000 men, or the 4.2 million level, then I would like to know what accession rate would be necessary to produce the manpower level they have told us is required for national security.

Then, I think, the whole argument and debate can end. I do not think there is debate, and I do not think there is argument, if that figure can be agreed upon.

The interesting thing is that no one on the other side will come to grips and confront that statistic. They keep moving around. They keep eluding it and avoiding it. They do not want to come down to the specific figure because, once that figure is understood, then it becomes obvious that we have no longer the requirement for a draft in this country as of today, as of last year, as of the time the Gates Commission made its report in February 1970.

We find that General Norstad, General Gruenther, and other distinguished men, including former Secretary Gates himself, have said that it is feasible to have an all-volunteer Army as of June 30, 1971.

I believe yesterday in the discussion which the Senator from Mississippi and I had, we had been talking about the accession rate that would be required to meet a 2.4 million men level military. The Senator indicated at that time that would be a figure he would be happy to get for the record. I would like to make inquiry if the Senator has that accession figure at this time.

Mr. STENNIS. Yes. I have just given that. The Senator was engaged in some way. I have that here.

I referred to the Senator's questions of yesterday. The Senator asked yesterday about the accession requirements for the Armed Forces, assuming that 2.5 million men were required as an end strength for fiscal year 1972 and then, assuming that only 2.4 million men were required.

Mr. HATFIELD. Yes.

Mr. STENNIS. The best figures I have available to me are, in the first case, 528,000 new men would be required by the Department of Defense, and in the second case 432,000 would be required.

Mr. HATFIELD. I thank the Senator.

Will the Senator yield for one additional question?

Mr. STENNIS. I yield.

Mr. HATFIELD. In the inquiry the Senator made from the military departments did they indicate what their estimated shortfall would be on a 2.4 million level?

Mr. STENNIS. No. We do not have that. It was not included in the question. I could try to get some of that.

Mr. HATFIELD. I wonder if it could be possible to get that.

Mr. STENNIS. Yes.

Mr. HATFIELD. I think it would be a most vital statistic to have in order to make a judgment on the accession requirements to meet the 2.4 level. The 432,000 accession requirement is an agreed figure. The Senator and I agreed on that figure based on the information I received from the Pentagon. I think that figure is necessary. It would show the shortfall on the 432,000 accession requirement to meet the 2.4 million level.

Mr. STENNIS. I tried to make calcula-

tions on that. I do not have anything now. My figure is somewhat uncertain, but we will do the best we can to get that.

Mr. HATFIELD. I thank the Senator.

(This marks the end of the colloquy which occurred during the delivery of the address by Mr. STENNIS and which, by unanimous consent, was ordered to be in the RECORD at this point.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the senior Senator from Virginia be recognized without the time being charged to either side.

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

REVENUE SHARING

Mr. BYRD of Virginia. Mr. President, earlier today I commented on the hearings which are taking place before the Ways and Means Committee. The Secretary of the Treasury is testifying before the committee with regard to revenue sharing. I asked the question as to where this revenue is that is to be shared. I brought out the fact that there will be a deficit in the fiscal year which ends this month of $25 billion in Federal funds, and that there will be a deficit of $23 billion for the next fiscal year, according to official administration estimates. So that means a back-to-back deficit in the 2-year period of $48 billion.

So I asked the question, if we are talking about sharing revenue, just where is this revenue that we are going to share?

I think before we can share revenue—and I am not against the concept—the Federal Government had better put its financial house in order, because the Federal Government's financial house is badly in disorder.

In the 2-year period—the current fiscal year plus the next fiscal year—this Government will have a Federal funds deficit of at least $48 billion.

That is not the worst of it. These deficits go back many years. It is the accumulated deficits that are playing havoc with the Government's financial house.

What it means, Mr. President, is that these accumulated deficits on the part of the Federal Government year after year are the major cause of the inflation which our Government and our Nation are experiencing today.

Let me cite these facts. During the last 3 years of President Johnson's administration, the accumulated Federal funds deficit was $49 billion. During the first 3 years of President Nixon's administration, the accumulated Federal funds deficit will be $62 billion. In that short period of time—that 6-year period—the total accumulated deficit of the Federal Government will be $111 billion.

Talk about inflation. Of course, you are going to have inflation. Talk about the deterioration of the dollar and the weakening of the dollar—it is inevitable. The Government cannot go on spending as it has been spending, away beyond its resources, and not expect to have the dollar weakened. And when the dollar is weakened, that means every housewife, when she goes to the grocery store, has a less valuable dollar to pay for the groceries. Another way of saying it is that it means she has to pay more dollars for the same amount of groceries. So it hurts every wage earner and every housewife.

Sooner or later this Federal Government has got to put its financial house in order. Until it does that, it seems to me it does not appear too logical to talk about sharing revenue when the Government is running a smashing deficit.

I ask unanimous consent at this point to insert in the RECORD a table entitled "Deficits in Federal Funds and Interest on the National Debt, 1961–72."

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 (IN BILLIONS OF DOLLARS)

[All years are fiscal years, July 1–June 30]

	Receipts	Outlays	Deficit (−)	Interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971 [1]	139.1	164.7	−25.6	20.8
1972 [1]	153.7	176.9	−23.2	21.1
12-year total	1,323.8	1,469.7	145.9	168.4

[1] Estimated figures.

Source: Office of Management and Budget.

INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, I have just literally this minute returned from a trip around the world, looking into various aspects of our policy, but at this moment, because of the imminence of a particular matter——

The PRESIDING OFFICER (Mr. BROCK). If the Senator from New York will yield, will the distinguished Senator from Oregon yield time to the Senator from New York?

Mr. HATFIELD. How much time does the Senator wish?

Mr. JAVITS. May I have 10 minutes?

Mr. HATFIELD. I am delighted to yield 10 minutes to the Senator from New York.

Mr. JAVITS. I thank my colleague and thank the Chair for his helpful intercession.

Mr. President, I have just returned from Geneva, where I attended the opening of the 56th annual conference of the ILO on Wednesday, June 2, 1971. My trip also included Japan, Vietnam, Hong Kong, the North Atlantic Assembly in Brussels, and the United Kingdom, but I will report on these later.

During my stay in Geneva, I also had the opportunity to meet with the Director-General of the ILO, Wilfred Jenks, as well as the government, worker and employer members of the tripartite U.S. delegation. At these meetings I was able to explore quite thoroughly the questions which have been raised concerning the desirability of our remaining in the ILO and paying our dues. Next week I shall make a full report to the Senate on the current problems we face in the ILO, what I believe our posture toward the ILO should be at this juncture, and the reforms which have already occurred in the ILO on some of the matters of concern to us.

At this time I would like to state that I am in accord with President Nixon's view that we should pay our back and current dues to the ILO. This is entirely consistent with and will in no way jeopardize our capability to work to solve the problems which have arisen within the ILO as far as the United States is concerned in recent years. Accordingly I shall at the proper time urge the Senate to act favorably on the appropriation necessary to enable us to pay these dues, and I feel that with the administration and support this can be accomplished. At that time, I shall also spell out how we can effectively work for the reforms the U.S. delegation has in mind.

In my report next week, I will explain more fully the problems which have arisen for us in the ILO—much more is involved, in my judgment and in the judgment of those with whom I consulted, than the appointment of a Soviet national as one of the five Assistant Director Generals of the ILO—and outline the course of action I believe the United States should follow in the future with respect to the ILO.

I make this statement concerning funds at this time, because of the drastic impact which the failure of the United States to pay its 1970 dues has already had on the ILO—an impact which may very shortly be irremediable—and the fact that one of the first items on the agenda of the current ILO conference—the budget debate opens Saturday—is discussion of its 1972–73 budget.

I hope very much that the delegates from 122 nations attending the conference will realize that the action of Congress last year in refusing to appropriate funds for the ILO was a sincere protest and that, while the United States does have serious problems with some of the actions taken in, or by, the ILO recently, the President has made it clear that we intend to work diligently as members for

the better attainment of its and our objectives.

I ask unanimous consent to have included in the RECORD, as a part of my remarks, a transcript of the President's press conference on June 1, 1971, dealing with this subject, and a transcript of a press briefing by the President's Press Secretary on May 28, 1971, covering the same subject.

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

Question. Mr. President, may I ask a question on the ILO? As you know, there is a considerable uncertainty about the position of the American Government with respect to membership in the International Labor Organization, the ILO. To remove this uncertainty, could you tell us, does the United States seriously intend to continue its membership in the ILO; and secondly, if it does, will the administration leadership apply its energies on Capitol Hill to get the appropriations necessary to pay our dues with the ILO?

The PRESIDENT. Mr. Meany talked to me about the ILO. As you know, he has very strong feelings and reservations about our membership in the ILO. However, we have decided to continue our membership. We will attempt to get the dues in arrears paid by the Congress. We will have to have considerable support in order to accomplish that.

But also, we are going to see to it that American labor, and free labor throughout the world, gets a better voice in the ILO than it has had previously.

The reason that Mr. Meany, a top free world trade union leader, opposes the ILO is because free trade unions have received a very bad deal in ILO meetings, and we are going to have to have better treatment in that way or American support for the ILO is going to go right down the drain.

The PRESS. Thank you, Mr. President.

Question. What is the policy of the Administration toward affiliation with the ILO, the International Labor Organization? Are you familiar with that situation?

It is reported that our dues are being held up in Congress and there are all sorts of rumors about the possibility of disaffiliation. So the issue is rather important.

Mr. ZIEGLER. We have been reviewing our relationship with the ILO and we have encouraged the organization to improve its performance. We hope it will do so to prevent the kinds of criticism which led to the Congressional action in withholding funds for our dues.

At this point in time, however, we have not decided to withdraw from the ILO. We are asking Congress for the funds to pay our dues for this year and our arrearage for last year so that we will not continue to be in default on our international obligations. If Congress should refuse to provide the funds, we will have to give the organization notice of our intent to withdraw so as to set a two-year limit on our financial obligations which otherwise would run on indefinitely.

REORGANIZATION PLAN NO. 1 OF 1971

Mr. JAVITS. Mr. President, I express the greatest gratification that the Senate this morning gave its final seal of approval by voting negatively on a resolution of disapproval regarding the new national Voluntary Action Agency. I voted for it in subcommittee, though I was prevented by necessary absence from casting the other votes which would have been mine as ranking minority member of the Government Operations Committee, and also the Committee on Small Business.

As such, I have been involved in trying to work out this reorganization so that it would be satisfactory to me and to many other Senators. I believe we have increased the potential of Action on a broader basis to harness the diverse energies of our citizens in helping to confront the great social problems of our country. This can only be accomplished effectively by preserving the deep commitment and promoting the demonstrated success of our present volunteer programs.

We have been assured beyond doubt that the component programs which will be transferred to the new agency, including VISTA, Peace Corps, SCORE, ACE, and Foster Grandparents, not only will be continued, but will be strengthened while maintaining there own identities and purposes. I believe that the basic objections which were raised against the plan, principally by those concerned with continuing the antipoverty orientation of VISTA have been met. In that connection, I intend to follow closely the integration of these programs into the new agency.

In connection with these efforts, I obtained from the administration a letter containing several critical assurances, which proved to be of considerable importance to me and to other Senators. They relate to the structure of this new agency and how it shall be operated in order to assure the role of VISTA and other antipoverty efforts, and also to give us the basis for appropriate legislative oversight. In this regard, I had the utmost cooperation from the Director of the Office of Management and Budget, Mr. George P. Shultz, from Mr. Arnold Webber, Associate Director of that office, and from other officials. I ask unanimous consent, because I think it is an essential aspect of the action of the Senate this morning, which, as I say, is very creative, that the letter to me from Director Shultz, dated May 19, 1971, be printed in the RECORD at this point.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 19, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am pleased to have your views on ways to improve and clarify the organization and program direction of Action, the volunteer service agency proposed by Reorganization Plan No. 1 of 1971.

Your discussions with Arnold Weber have been most helpful in identifying a number of improvements which I agree should be made. These changes involve significant points of emphasis in the organizational structure of the new agency and other changes, in the level of executive positions which will be incorporated in legislation to be submitted by the Administration:

1. The Associate Director for Domestic Operations will be redesignated as Associate Director for Domestic and Anti-Poverty Programs to emphasize more visibly and forcefully the commitment of all of the elements of this organization to anti-poverty efforts.

2. The Associate Directors for Program Development, Administration, and Recruitment-Selection-Placement will be redesignated as Assistant Directors to indicate their staff role as supportive to the line Associate Directors who have primary program responsibility.

3. The formal organizational structure will be modified to underscore the fact that the two associate directors will be line operators of Action's programs and will be supported in a staff capacity by the Assistant Directors. The net result of these changes will be to show that the two Associate Directors will be the Action program operators. In that capacity, and in full recognition of their substantial responsibilities, I agree that they should be upgraded from Level V, as indicated in the Reorganization Plan, to Level IV. Because the Reorganization Plan as submitted cannot be modified, this change will be sought through legislation which we will submit shortly.

I also recognize the concern of you and others that the Associate Director for Domestic and Anti-Poverty Programs is committed to the importance of anti-poverty activity in Action's Program. I believe the organizational changes we have agreed to, give much stronger institutional recognition to this commitment. I wish also to affirm that as we implement the plan, we intend to ascertain and take into account the views of the people served and the volunteers themselves as to shaping the programs, providing the appropriate organizational structure, and their ideas about key personnel, including the Associate Director for the domestic and anti-poverty component. The Associate Director, of course, will have the special experience and insight necessary to carry out the basic goal of this component which is to extend opportunities for volunteer service and to bring a wide range of volunteer groups to bear in a concerted attack on poverty-related problems.

I appreciate your assistance in providing us with an opportunity to sharpen the Administration's commitment to the domestic program of Action, and to clarify our intent to support fully the use of volunteer resources in attacking the problems of poverty in local communities.

Sincerely,

GEORGE P. SCHULZ,
Director.

Mr. HATFIELD. Mr. President, I am happy to have yielded time to my distinguished colleague from New York. I appreciate very much the comments he has made at this time, and I am not only looking forward to reading the material he has placed in the RECORD, but would hope that at some future time he would give the Senate the benefit of the discussions which he has held with members and leaders in that important area of the world.

Mr. President, does the Senator from West Virginia wish me to yield time?

Mr. BYRD of West Virginia. I was about to yield time to the Senator from Massachusetts. Has the Senator yielded the floor?

QUORUM CALL

Mr. HATFIELD. 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.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. STENNIS), I yield 10 minutes to the able senior Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from West Virginia. That will be more than ample time.

RESPONSE TO THE KLEINDIENST AND MITCHELL SPEECHES DEFENDING THE JUSTICE DEPARTMENT'S HANDLING OF THE ANTI-WAR DEMONSTRATIONS

Mr. KENNEDY. Mr. President, I understand that both the Attorney General and the Deputy Attorney General have found it helpful to their defense today of the Justice Department's activities during the April-May antiwar demonstrations to flavor their own speeches with attacks on my speeches. I regret, however, that they have both found it necessary to bolster their own positions by wilfully distorting my position

My stand is, and was, perfectly clear to anyone who read my speech of May 5. "Understanding" the demonstrators' frustration, I said, "does not imply endorsement" of their tactics, and I emphasized that. "I do not condone in any way the unlawful activities of the demonstrators."

"But," I continued, and I reiterate today, "lawlessness by the lawless does not justify lawlessness by the lawmen. They must be the ones to break the circle for otherwise it will expand to the point of anarchy on the one hand and tyranny on the other."

I am proud to stand on what I said a month ago, not only because I believe I was right, but because the courts that have examined the matters I referred to, have completely supported my position.

Even before May 3, Judge Hart of the U.S. District Court had found that the Department of Justice had "dangerously and improperly used," and had "degraded" judicial processes in its handling of the Vietnam Veterans. "We must have a rule of law," the judge warned, "not a rule of men."

Since then, court after court and judge after judge has had to deal with the Government's efforts to subvert the rule of law.

Chief Judge Green of the Superior Court, sustained by the Court of Appeals, ruled that the Government could not hold in jail people for whom there was no evidence of unlawful conduct—the situation for thousands of those arrested—and ordered them released immediately without bail.

Individual judges threw out hundreds upon hundreds of cases at their first presentation because no legitimate charges could be maintained.

The U.S. Court of Appeals had to take the unprecedented step of ordering the Government to cease prosecution of any cases in which there was not "adequate evidence to support probable cause of arrest and charge," and as a result thousands of cases have been dismissed by the Government itself.

Chief Judge Greene also had to conduct contempt proceedings in order to obtain access for attorneys to hundreds of those being held.

And another judge, Judge Belson, who visited one of the major detention areas, found the treatment of prisoners—many of whom were in fact innocent people, and most of whom were at least unprosecutable—to constitute "cruel and unusual punishment."

Later Chief Judge Greene found it necessary to echo the sentiments of the judge in the veterans case, and to scold the Government for coming "into this court with hundreds upon hundreds of cases which it knew completely lacked evidence that would stand up in court."

The simple fact is that, of the first 2,000 cases to reach court for trial, only one conviction resulted. As of last Friday, there had been only 10 convictions resulting from the over 12,000 arrests. And by order of the U.S. Court of Appeals, the District Court is holding a hearing this week to determine whether the Government has pressed the prosecutions of the demonstrators for "purposes of harassment and in bad faith with no hope of securing convictions."

I hope to have a chance soon to go into some detail on Mr. Kleindienst's failure to get the facts straight himself before presuming to set the American people straight; but, apart from his distortion of my own remarks, I would point to his statement that telephones were available to those arrested, which was absolutely untrue at District of Columbia Stadium, in the U.S. Courthouse cellblock, and other detention areas. His casual dismissal of the inhumane conditions of detention is rebutted flatly by the court finding of cruel and unusual punishment. And I find most interesting his approval of indiscriminate-arrest procedures through 2:10 p.m. on May 3 as necessary to meet an emergency, when the Attorney General and Police Chief announced before 10 a.m. that the emergency had ended. Of course, he is conspicuously silent about the Department of Justice's participation in the preparation of fraudulent-arrest forms. But the most astounding feature of the Deputy Attorney General's speech is that this man who wants to be the next Attorney General has not learned the rules of prosecutorial noncomment on pending criminal cases, lessons which President Nixon and Mr. Hoover learned at great pain so recently.

The Attorney General has recommended that local officials all over the country use the Washington experience as a model. Unless they want to have their courts bogged down with unprosecutable cases; unless they want their jails full of innocent or unlawfully held people; unless they want their judges to lose all patience with their prosecutors and police; in short, unless they want total disregard for the rule of law, I hope they will not take his advice.

QUORUM CALL

Mr. KENNEDY. 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.

Mr. BYRD of West Virginia. Mr. President, I yield 20 minutes to the distinguished Senator from Massachusetts.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I speak in opposition to the amendment of the Senator from Oregon to end immediately the authority of the President to induct men into the Armed Forces. His endorsement of a volunteer army during wartime presents consequences which I find unacceptable.

Many consider nonextension as a method of halting the Vietnam conflict. I seriously challenge those who view an end to the draft as the way to end the war. The way to end the war is to withdraw all of our troops—draftees and volunteers—from Vietnam. The way to end the war is to halt the bombing in Indochina. The way to end the war is to vote for an end and I shall support in every way possible the Hatfield-McGovern amendment to accomplish that goal.

But ending the draft will not end the war. And its inherent inequities will cause grave consequences for the Nation.

First, the composition of an all-professional armed force will undergo a distinct change, a change in the direction of an army of the disadvantaged.

I believe that the Nation would be ill-served if it were to foster an army whose enlisted ranks were heavily comprised of the poor, both black and white. Some dispute this charge and the Gates Commission, at least in its final report, argued that there would be only a slight divergence from the current composition. Yet, I believe the facts show otherwise.

Perhaps the most compelling evidence is contained within some of the Gates Commission staff studies.

In a study by J. Huston McCulloch contained in volume I of the Commission staff documents, the following statistics are presented. In the fiscal year 1969 enlisted force, 22 percent of the men had less than a high school diploma, 61.9 percent had a high school diploma, and 16.1 percent had greater than a high school diploma. It should be noted here that this is relatively in keeping with the educational attainment of comparable civilian males except for an underrepresentation of college graduates created by the deferment system.

However, a second set of statistics for an all-volunteer enlisted force shows 39.2 percent of the men to have less than a

high school education, 52.7 percent with a high school education, and only 8.1 percent with more than a high school education.

Mr. President, I ask unanimous consent to have printed in the RECORD the table and the accompanying statistics.

Also I ask unanimous consent in addition to the previous statistics to insert a chapter of the "American Enlisted Man" by Charles C. Moskos, Jr.

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

(See exhibit 1.)

Mr. KENNEDY. What this means is that under an all-volunteer force, the percentage of men in the enlisted force with less than a high school education will be double what it is today. It also will mean that the portion of those with some college training will be half what it is today.

It seems clear that those statistics can be translated to mean that the middle and upper classes will not volunteer but those with the lowest educational attainment—the poor within our society—will be drawn into the service.

For example, the Carnegie Commission on Higher Education reported that a family with an income over $15,000 and with one or more college-age children is five times as likely to have one of its children in college as a similar family with an income under $3,000. The proportion of black persons enrolled from the 18 to 24 age group was only half that of white persons. Other minority groups—Indians, Mexican-Americans, Puerto Ricans—were even less adequately represented in college enrollments. Thus, it is clear that when we talk of fewer college graduates we are talking of fewer sons of the middle and upper classes entering the Armed Forces.

Charles Moskos, associate professor of sociology at Northwestern and associate director of the Inter-University Seminar on Armed Forces and Society, wrote:

> The high probability of a curtailed draft and major increases in military pay will serve to reduce significantly the degree of middle-class participation in the enlisted ranks. This state of affairs will become acutely pronounced if the Selective Service System is abandoned entirely in favor of an all-volunteer force. For an armed force not dependent upon either draftees or draft-motivated volunteers will of necessity increasingly draw its membership from America's economic and racial underclasses. Furthermore, such an enlisted membership coupled with an almost entirely college-educated officer corps will most likely contribute to a more rigid and sharp definition of the castelike distinctions between officers and enlisted men within the military organization of the 1970s.

The same conclusion is contained even in the Army's own report on Project Volunteer by the Directorate of Personnel Studies and Research in the Office of the Deputy Chief of Staff for Personnel. Commenting on the implications of its statistical analysis, the report states:

> An increasing number of the young enlisted volunteers will probably come from rural or urban poverty areas.

Or one might examine the conclusion reached in a study by the Air Force Human Resources Laboratory of true volunteers.

The study notes:

> Compared with the draft-motivated enlistees, the self-motivated enlistees were less well educated, came from a lower socio-economic background and performed less adequately on ability tests.

However, I believe Congressman CHARLES RANGEL, who represents the congressional district embracing Harlem, said it best. He wrote:

> Middle and upper class whites will not be enticed to join by financial inducements. But disadvantaged Blacks, Mexicans and Puerto Ricans must volunteer since there are no other economic options open to them.

Going back to the Gates Commission, the study by McCulloch estimates that the all-volunteer force would be 18.7 percent black. In itself, this is somewhat higher than the upper limit of 16 percent for an all-volunteer force estimated by the Gates Commission report. The Commission also reported that the percentage of blacks in the Army last year was at 20 percent, nearly double their portion in the total enlisted force. If those relationships hold, then the Gates Commission itself is talking about one-third or more of a volunteer army enlisted force being comprised of blacks. If we were to add in the numbers of Mexican-Americans and Puerto Ricans who also face the same obstacles to success in the civilian world, then we are talking about minority membership in the enlisted ranks approaching 40 percent or more.

These statistics should not be surprising when we examine the income potential that now exists for minority group members.

Approximately a fifth as many black men as white men between 25 and 34 earn more than $10,000; but what is more significant in terms of income potential, is that while 65 percent of white college graduates earn more than $10,000, only 35 percent of black college graduates earn that much.

When the unemployment rate of young blacks in the Nation's poverty neighborhoods is nearly 40 percent and the rate for all black teenagers is double that of whites, it is no wonder that the reenlistment rate of nonwhites in the Army traditionally has been double that of whites. In the first half of fiscal year 1971, even with the continued risks of Vietnam, the reenlistment rate for blacks was 40 percent while for whites it was 21 percent.

These are the symbols of the failures of our society, failures that condemn some of our citizens to poverty, failures that shame the rest of us. These facts must be changed, but a volunteer army which serves as a refuge for the poor will be a step backwards. The volunteer army could well become a convenient escape valve for a nation unwilling to take the steps to end racism and poverty except under pressure from the dispossessed themselves. The volunteer army could well lessen that pressure.

Second, a volunteer army would end the threat of service in the Armed Forces to the middle and upper classes of our society. With an almost total concentration on monetary incentives to induce men to fight, only the poor and the disadvantaged would be attracted. As the reach of the draft has extended across all social and economic classes of our society, we have seen the growth of an outspoken and determined antiwar movement which has been critically important in making further escalation in Indochina politically unacceptable. Without the threat of the risk of death that the draft imposes, I am afraid that the more bellicose elements within our society would have been given free rein.

If we are to call upon some of our young men to place their lives on the line in Vietnam, then the risk and the responsibility must be spread evenly throughout all layers of our society. Failing that, we expose ourselves to the danger of isolating the most articulate and the most able men and women in our land who have made the antiwar movement not only respectable but politically potent.

The wisdom of relieving the affluent from the horrors of war by shifting the full burden of military service from their sons to the sons of the poor is thus open to serious challenge in this democracy. For I frankly believe that the immorality of the war in Vietnam was driven home to America by the threat that was faced by young men from every social background. Sons of editors, sons of lawyers, sons of union leaders, sons of professors were faced with the draft, and the draft meant Vietnam. The Nation was forced to view at close range the impact of the war on our national life. And it was that daily exposure to what was taking place 6,000 miles away that finally produced pressures for deescalation.

Third, a volunteer army, or more precisely a professional army whose key attraction is higher pay, adds to the isolation of the military from civilian life. Ward Just, in a recent article wrote:

> Society's distrust of soldiers is equaled only by the distrust of soldiers for society, or that part of it . . . which they feel has brought them under attack. Suspicious, resentful, angry beyond measure at what they consider to be indulgent and unfair criticism, the professionals are drawn together at the barricades of the institutions. The thing that binds military men together in 1970 is the belief that the country is falling to pieces, and the military is the only place where duty, honor, country is put above self.

The tendency for the military to be set apart from civilian life would be heightened by a volunteer army denied the influx of draftees and draft-motivated volunteers who are reluctant and short-term entrants into the system. It also would lose perhaps an even more significant number of articulate young college men who serve as junior officers through the ROTC program. Studies by the Naval War College have shown that under a volunteer army, the first to stop applying for ROTC programs would be the brightest and even the numbers of ROTC would likely decline even more sharply than they already have today. The Naval War College study concluded:

> In the absence of a draft, the officer corps would attract college youth of lower socio-economic background and reduced level of academic achievement. Furthermore, existing geographic imbalances in the officer

corps would be amplified somewhat by virtue of the higher percentage or voluntarism in the South and the significantly lower percentage in the Northeast.

The extent and the form of military isolation are unknown. But the likelihood of this occurring creates new dilemmas. The soldiers who exposed what occurred at Mylai, the men who testified to the encroachments of military surveillance into civilian affairs, for the most part, they were draftees or draft-induced volunteers. I wonder whether we would have discovered these actions had the release of the information depended on men whose futures rested on a career in the military.

Finally, in wartime, a society can least afford the extra cost of achieving a volunteer army. We now have fairly strong indications that the extra costs of a volunteer army are higher than the $3.2 billion estimated by the Gates Commission. Secretary Laird has publicly estimated those costs at over $4 billion and the project volunteer studies for the Army have estimated that for the Army alone the costs could range up to $8.4 billion for a 950,000-man force which is even slightly below level now proposed by the Senate Armed Services Committee.

For these reasons, while I share my colleagues desire to promote voluntarism within our society, I believe that the Nation cannot afford a paid professional army at this time.

When service in the Armed Forces so clearly carries with it the risk of death, I cannot support a system that would draw overwhelmingly from the poor.

I therefore shall vote against the amendment by the Senator from Oregon.

EXHIBIT 1

STUDY 9.—ECONOMIC ANALYSIS OF THE VOLUNTEER MILITARY

THE EDUCATIONAL MIX OF THE VOLUNTEER MILITARY

The educational mix of FY 69 enlisted force is shown in Table II.9.8, along with the predicted distribution of the volunteer force implied by Tables II.9.6 and II.9.7. The Volunteer Military will result in a substantial moderate decrease in the educational attainment of the enlisted men if the pay raise is equiproportionate across pay grades for each length of service, in spite of the fact that more highly educated men tend to have higher rank, for a given experience level.

Since it is likely that the military underutilizes the high quality men it presently can draft for the asking, this decrease is probably not unwarranted. Furthermore, any loss in effectiveness due to lower education will be partly, if not completely, offset by the greater experience of the all-volunteer force. However, preliminary calculations indicate that if some more effective way of rewarding ability can be found than today's promotion system, even supplemented as it is by proficiency pay and variable reenlistment bonuses, the FY 69 distribution could be preserved for an additional expenditure of only about .50 billion dollars per year above the base expenditure of 3.34 billion. Future studies of military pay should investigate exactly how much more a higher quality man is worth to the military, as well as new ways of identifying a man in order to remunerate him accordingly.

TABLE II.9.8.—EDUCATIONAL ATTAINMENT OF VOLUNTEER FORCE

Educational attainment	Less than high school diploma (percent)	High school diploma (percent)	Greater than high school diploma (percent)
Fiscal year 1969 enlisted force	22.0	61.9	16.1
Volunteer enlisted force	39.2	52.7	8.1

STATISTICS FROM COL. JAMES L. CANNELL, USAF DIRECTOR, PERSONNEL MANAGEMENT ODASD (MPP), OASD (M. & RA)

[In percent]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	1st half Fiscal year 1971
Negro reenlistment rates:				
1st term enlistees	32.8	23.8	22.6	27.8
Career	72.6	71.3	64.7	78.1
AUS draftee	19.6	9.9	14.4	10.7
Total	34.3	27.2	26.9	40.1
Caucasian reenlistment rates:				
1st term enlistees	26.9	16.1	17.5	16.8
Career	66.3	63.0	60.8	63.3
AUS draftee	10.3	8.0	6.7	5.5
Total	20.7	16.6	18.2	21.8
Aggregate Army reenlistment rates:				
1st term enlistees	28.0	17.4	16.0	18.0
Career	67.6	64.5	56.9	66.0
AUS draftee	11.5	9.4	9.8	5.9
Total	22.5	18.4	19.2	23.9
Combat arms reenlistment rates	16.4	14.6	14.3	15.5

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 7, 1971.

Mr. MARK SCHNEIDER,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SCHNEIDER: This will confirm the information comparing the educational attainment of men entering the Armed Forces with the civilian male population aged 25–29 telephoned to you on April 6, 1971.

Percentage Distribution of Years of School Completed by Males Entering Military Service in FY 1968–FY 1970 and U.S. Male Civilian Population Aged 25–29 in March 1970.

	Military service entrants	Civilian males aged 25 to 29, March 1970
Total	100.0	100.0
Non-high school graduates	22.0	23.3
High school graduates	65.2	56.6
College graduates	12.8	20.0

It should be noted that these data reflect the educational attainment of personnel at the time of their entry into either the active or reserve forces and do not reflect any further schooling undertaken after such entry.

I am also enclosing tables showing the annual data for the period 1968–70 and the educational attainment of men on active duty. I'll drop the update on reenlistment rates in the mail as soon as we get it compiled.

Sincerely,

FREDERICK W. SUFFA,
Manpower Resource Analyst.

RESPONSES OF REGULAR ENLISTED PERSONNEL ON THEIR FIRST TOUR OF ACTIVE DUTY TO: "WOULD YOU HAVE ENLISTED IF THERE HAD BEEN NO DRAFT?"[1] (NOVEMBER 1968), BY SELECTED CHARACTERISTICS

[In percent]

Selected characteristics	Total	Yes, definitely	Yes, probably	No, probably[2]	No, definitely[2]	No idea	Draft motivated
Total	100.0	17.0	23.4	27.1	20.8	11.7	54.2
Service:							
Army	100	15.4	22.4	25.6	25.9	10.8	57.7
Navy	100	16.4	23.5	28.6	20.3	11.2	55.1
Air Force	100	15.0	21.9	31.7	19.8	11.6	58.2
Marine Corps	100	25.4	28.9	18.2	12.7	14.9	36.2
Age at enlistment:							
17 to 19 years	100	19.4	26.0	24.3	17.6	12.7	48.0
20 to 25 years	100	10.6	16.7	34.5	29.1	9.1	70.0
Education:[3]							
Less than high school graduate	100	26.3	29.1	14.0	13.5	17.1	33.1
High school graduate	100	19.4	24.5	26.6	17.4	12.1	50.0
Some college or more	100	7.5	18.5	35.3	30.6	8.1	71.7

[1] The question asked, "If there had been no draft and you had not had any military obligation at the time you first entered active military service do you think you would have entered the service?"
[2] Number answering "No, probably" or "No, definitely" as a percent of the total, excluding "No idea."
[3] At time of entry on active military service.

Source: Department of Defense survey of active duty military personnel as of November 1968.

Note: Data cover personnel with less than 3 years service. Excludes men in pay grade E–1 (mainly basic trainees) and men stationed in Vietnam.

THE AMERICAN ENLISTED MAN

(By Charles C. Moskos, Jr.)

8. THE EMERGENT MILITARY ESTABLISHMENT

In trying to assess the relationship of the armed forces to American society, it is useful to conceive of a continuum ranging from a military organization highly differentiated from civilian society to a military system that is highly convergent with civilian structures. Concretely, of course, America's military forces have never been either entirely separate or entirely conterminous with civilian society. But conceiving of a scale along which the military has been more or less overlapping with civilian society serves the heuristic purpose of highlighting the ever-changing interphase between the armed forces and American society. It is also in this way that we can be alerted to emergent trends within the military establishment; trends that appear to augur a fundamental change in the social characteristics of the armed forces within the near future.

The convergent-divergent model of armed forces and society, however, must account for

several levels of variation. On variable centers around the way in which the *membership* of the armed forces is representative of the broader society. A second variation is the degree to which there are *institutional* parallels (or discontinuities) in the social organization of military and civilian structures. Differences in required *skills* between military and civilian occupations are a third aspect. A fourth variable refers to *ideological* (dis)similarities between civilians and military men. Furthermore, internal distinctions within the armed forces cut across each of the preceding variables: differences between officers and enlisted men; differences between services; differences between branches within the services; differences between echelons within branches.

Needless to add, there are formidable problems in ascertaining the meaningful evidence on the degree of convergence or divergence between the armed forces and society. Dealing with this issue, some of the more important findings of previous researchers along with the introduction of new materials have been presented throughout this study. There appears to be general agreement among students of the subject that relationships between military and civilian structures have gone through several distinctive and successive phases over the past generation.

Prior to World War II (1939), the military forces of this country constituted less than 1 per cent of the male labor force. Armed forces personnel were exclusively volunteers, most of whom were making a career out of military service. Enlisted men were almost entirely of working-class or rural origin, and officers were overproportionately drawn from Southern Protestant middle-class families. Within the military organization itself, the vast majority of servicemen was assigned to combat or manual labor positions. Socially, the pre-World War II military was a self-contained institution with marked separation from civilian society. In its essential qualities, the "From-Here-to-Eternity" Army was a garrison force predicated upon military tradition, ceremony, hierarchy, and authority.

The Second World War was a period of mass mobilization. By 1945 the number of men in uniform came close to 20 per cent of the *total* labor force, representing a proportionately much higher figure for young adult males. Although technical specialization proceeded apace during the war, the large majority of ground forces was still assigned to combat or service units. Even in the Navy and Air Corps—services where specialization was most pronounced—only about one-third of personnel was in technical or administrative specialties. The membership of the World War II force was largely conscripted or draft-induced volunteers. Serving only for the duration of the war, the typical serviceman was essentially a civilian in uniform; a man who found distasteful the traditional military forms of command, discipline, and social control. To put it another way, the military of World War II, while socially representative of American society, was still an institution whose internal organization contrasted markedly with that of civilian structures.

During the Cold War period the military—excepting for the buildups arising from the wars in Korea and Vietnam—accounted for between 3 and 4 per cent of the total labor force. Especially significant, technical specialization became a pervasive trend throughout the military during the 1950s and early 1960s. The proportion of men assigned to combat or service units for all of the armed forces declined from 41 per cent at the end of World War II to 26 per cent in 1963. Conversely, the proportion assigned to electronics and technical specialties over the same time period increased from 13 to 22 per cent. These trends were most apparent in the Air Force which, because of the post-Korea doctrine of nuclear deterrence and massive retaliation, was also the military service experiencing the greatest proportional growth. In 1950, prior to the outbreak of the Korean conflict, the Army constituted 41 per cent of total military manpower compared to 28 per cent for the Air Force. By 1960, the figure was 35 per cent for the Army and 33 per cent for the Air Force.

These changes in the emphases of the military's mission and the shifts in skill requirements had major consequences on the authority structure of the officer corps. Following the Korean War there was a movement away from the military systems based on traditional authority to one placing greater stress on persuasion and individual incentive. Concurrently, a college degree became more and more a requisite for an officer's commission. There was also an increase in the number of non-academy graduates at the highest levels of the military establishment, and a broadening of the social origins of officers to include a more representative sampling of America's regions and religious groups. More ominous, there was at the same time a growing lateral movement of military elites to top positions in the corporate and political world. Much of this concern was legitimized in President Eisenhower's farewell address in which he warned of the "unwarranted influence, whether sought or unsought, by the military-industrial complex." Even sympathetic observers of the changing nature of the military establishment were in accord that there was a convergence in the managerial skills required in both civilian and military organizations.

At the enlisted levels, however, the trend toward convergence with civilian society was much more muted. Especially in the ground forces, the inert qualities of enlisted social organization persisted. For many draftees and single-term volunteers of the Cold War, military life was still experienced in its traditional forms. The membership of the enlisted ranks, moreover, was only partially representative of the larger American society. Broadly speaking, the Cold War enlisted man was typically of working- or lower-middle-class background. The upper-middle-class youth was often deferred, or served as an officer. (But the small number of college-educated enlisted men was still sufficient to be defined as a special problem by many noncoms.) The lower-class youth, on the other hand, because of raised mental entrance standards, was generally excluded from military service during the Cold War period.

The war in Vietnam has ushered in another phase in the relationships between the armed forces and society. There has been the obvious increase in troop strength: from 2,500,000 in 1961 to 3,500,000 in 1969. Because of the nature of the conflict in Vietnam, moreover, the Army and Marine Corps have come to bear the brunt of the war (correspondingly diminishing the role of the Air Force and, to a lesser extent, that of the Navy as well). Concomitantly, there has been an ascendancy of the use of ground combat forces halting the long-term trend toward increasing technical specialization. The Vietnam War has also led to deviations from the Cold War policies of manpower procurement. In 1966, entrance standards were lowered to allow the induction of persons from lower mental levels—overproportionately lower class and black—formerly excluded from military service. In 1968, the manpower pool was again enlarged; this time by terminating draft deferments for recent college graduates—largely middle-class whites. For the first time since the Korean conflict, the membership of the armed forces was again bearing some resemblance to the composition of the larger society.

The immediate question is whether the Vietnam period represents a temporary aberration in the basic trends set since World War II or whether it portends a new and different type of military establishment. Put plainly, what is the likely shape of the armed forces in the foreseeable future? It is to this central issue that we now turn.

Toward a divergent military

A major insistence of this study has been that the armed forces at the enlisted levels have always been more disparate from civilian structures than the officer corps. But it is further proposed that the over-two-decade-long institutional convergence of the armed forces and American society is beginning to reverse itself. It appears highly likely, in other words, that the military in the post-Vietnam period will increasingly diverge along a variety of dimensions from the mainstream of developments in the general society. This emerging apartness of the military will be reflective of society-wide trends as well as indigenous efforts toward institutional autonomy on the part of the armed forces. This is not to argue that the military establishment will occupy a position reminiscent of the pre-World War II situation. The sheer size of the post-Vietnam military—in all likelihood over 2,500,000 men—and the probable maintenance of Cold War policies preclude that. But it is to say that the military is undergoing a fundamental turning inward in its relations to the civilian structures of American society. Some of the more significant indicators of this growing divergence are summarized immediately below.

Enlisted membership. Historically speaking, the enlisted ranks have always been grossly overrepresentative of working-class youth. It must be recognized, nevertheless, that large numbers of middle-class youth have also served at the enlisted level over the past quarter-century. Indeed, as has been argued in this study, it is the enforced juxtaposition of working- and middle-class youth that gives the enlisted culture much of its distinctive quality. While middle-class men are most likely to be drafted during times of military buildups, it is also true that even during the Cold War years between wars, the selective service system, directly or indirectly, infused a middle-class component into the military's rank and file. Since the end of World War II, however, there has been a discernible and growing discrepancy between the educational levels of officers and enlisted men. The 1968 decision to draft a higher proportion of college graduates to meet the manpower needs of the Vietnam War can be regarded as only a temporary fluctuation in this trend. It is also the case, moreover, that the earlier 1966 decision to induct persons from lower mental levels more than counterbalanced the college inductees.

Whatever the immediate effects of the Vietnam War on enlisted membership, it is almost certain that the social unrepresentativeness of the enlisted ranks will become much more markedly in the post-Vietnam period. The high probability of a curtailed draft and major increases in military pay will serve to reduce significantly the degree of middle-class participation in the enlisted ranks. This state of affairs will become acutely pronounced if the Selective Service System is abandoned entirely in favor of an all-volunteer force. For an armed forces not dependent upon either draftees or draft-motivated volunteers will of necessity increasingly draw its membership from America's economic and racial underclasses. Furthermore, such an enlisted membership coupled with an almost entirely college-educated officer corps will most likely contribute to a more rigid and sharp definition of the caste-like distinctions between officers and enlisted men within the military organization of the 1970s.

Welfare role. Starting in 1966, the Depart-

ment of Defense initiated a program of accepting recruits from Selective Service categories previously excluded from military service. The plan was for the military to accept 100,000 youths each year who, because of mental test score deficiencies, or in some cases minor physical defects, would otherwise have been rejected. Figures through June, 1968, show that a total of 118,000 such men were recruited into the military. Some 40 per cent were nonwhite and more than half had not completed high school. While the official rationale behind "Project 100,000" is that the military is uniquely suited to "salvage" poverty-scarred youth, the program in effect also opened up an essentially lower-class manpower pool from which to recruit enlisted personnel in the eventuality of an all-volunteer military force. And in fact, from the military's standpoint, the preliminary results of Project 100,000 have been encouraging. Ninety-six per cent of the men entering the military under the new program have successfully completed basic training, a figure only 2 per cent less than that of regular entrants.

Another new program having deprived youth as its primary object is "Project Transition." This program, initiated in 1968, is designed to provide marketable skills—through job training, formal education, and counseling—for servicemen soon to be discharged. Once in full operation, Project Transition is to train over 500,000 men leaving the service each year in a variety of civilian occupations. In time Project Transition may be as significant a development for lower-class veterans (*viz.* vocational training) as the GI Bill was for middle-class veterans (*viz.* higher education).

Although the military has traditionally served as a career avenue for many working-class youth, its welfare role has never been primary, nor even officially acknowledged. What is novel in programs along the lines of Project 100,000 and Project Transition is that the armed forces are now manifestly being used to prepare youth for the larger society and civilian marketplace. What is happening is that the armed forces are being used to correct the structural facilities—socioeducational and socioeconomic—that now confront American society. The military establishment, in other words, is being charged with massive and unprecedented responsibilities for America's underclasses. All this at the very same time that the post-Vietnam military appears to be heading toward less middle-class representation in its enlisted ranks.

Racial relations. The transformation of the armed forces from a totally segregated into a fully integrated institution is an impressive achievement in directed social change. Although the military is by no means a panacea for racial relations, it nevertheless stands in marked and favorable contrast to the racial situation in the country at large. Paradoxically enough, though, the very integration of the armed forces can be viewed as a divergence, if only in the short run, of the military from civilian society. This is to to say that the sharpened polarization of the races—at least symbolically—occurring in contemporary American society is at odds with racial developments within the military.

On this point, it is also probably true that racial integration of military life has not served to increase the acceptance or prestige of the armed forces. In fact, the reverse may be the case. Those sections of the civilian community who are egalitarian on racial matters are most often the least sympathetic to the military. Many of those who espouse militaristic values, on the other hand, are those who find racial integration distasteful. Put in another way, the racial integration of the armed forces has probably cost the military support among some its traditonal defenders, while not gaining any increased military support among liberal-radical groups.

Skill-transferability. The well-documented trend toward increasing technical specialization within the military has already reached its maximal point. The end of this trend clearly implies a lessened transferability between military and civilian skills. A careful and detailed analysis of military occupational trends by Harold Wool reveals that the most pronounced shift away from combat and manual labor occupations occurred between 1945 and 1957. Since that time there has been relative stability in the occupational requirements of the armed forces. In fact, developments in the 1960s resulted in a partial reversal of the long-term trend toward greater specialization. Shortly after coming into office, the Kennedy Administration decided to emphasize limited-war capabilities, a decision resulting in a higher proportion of enlisted men required for ground-combat specialties. While the greater reliance on ground forces has been abnormally accelerated by the war in Vietnam, limited-war capabilities will apparently remain a cardinal tenet of this country's military posture in the post-Vietnam period.

Moreover, as Wool points out, it is often the technical jobs (e.g., specialized radio operators, warning systems personnel) that are most likely to be automated, thereby indirectly increasing the numbers of combat personnel. Another factor that will contribute to a rising proportion of combat and manual labor specialties within the military is the Defense Department's 1965 decision to replace servicemen with civilians in support-type military functions, particularly in administrative and clerical positions. By 1967 over 110,000 such formerly military positions were scheduled for civilian replacements. The almost certain maintenance of this policy into the 1970s will significantly increase the proportion of traditional military occupations within the enlisted ranks. The use of civilians in support-type positions, moreover, can be expected to be even more notable in the event of an all-volunteer military force.

Family life.—Before the Second World War, the military at the enlisted levels was glaringly indifferent to family needs. In fact, excepting some noncoms, enlisted men were typically unmarried men who spent most of their time within the confines of the military post and adjacent "boomtowns." Indeed, prior to 1940 all enlisted men had to be bachelors at the time of their service entry. In World War II, millions of married men were recruited into the armed forces; except for allotment checks, however, families of servicemen more or less fended for themselves. Starting with the Cold War, the military began to take steps to deal with some of the practical problems faced by married personnel. An array of on-post privileges (e.g., free medical care, PX and commissary privileges, government quarters for married noncoms) were established or expanded to meet the needs of military families.

This greater concern for service families on the part of the military became especially evident in the late 1960s. Activities such as the Army's Community Service and the Air Force's Dependents Assistance Program are recent efforts to make available a wide range of services for enlisted families: legal and real estate advice; family counseling; baby-sitting services; employment opportunities for wives; loans of infant furnishings, linen, and china; and the like. In one sense, the military's belated recognition of family needs is a movement toward paralleling civilian society. From another perspective, however, we may expect a diminishment of ties with civilian institutions as family needs are increasingly met by family-service agencies within the armed forces. In this sense, then, we encounter another indication of an emerging divergence between the military and civilian worlds. At the risk of some overstatement, the pre-World War II military might be seen as a total institution encapsulating bachelors, while the post-Vietnam military may well encapsulate the family along with the serviceman husband-father.

Overseas forces. In 1940 about one-fourth of America's military forces was deployed overseas—mainly in Hawaii, the Philippines, and the Panama Canal Zone. Since the end of World War II, the overseas proportion in peacetime has been about 30 per cent in foreign locales and about 10 per cent in possessions and noncontiguous states of the United States. The overseas proportion of our military forces is even higher during times of war such as in Korea and Vietnam. This is all to say that next to combat the most distinguishing characteristic of military compared to civilian life is the high probability of extended duty outside the continental United States.

Another important consequence of a permanent overseas military force is the incorporation of large numbers of foreign nationals into the broader American system. It is not so generally recognized that, unlike civilian structures, the American military has a sizable component of foreign nationals. These include, variously, those catering to GI hedonistic wants, the clerical and maintenance staff of overseas installations, and those persons hired by company-level units to perform menial and service work. In all but the narrowest of definitions, such foreign nationals must be considered an integral part of the overseas military community.

At a more significant level, there is another important non-American element in the American military system: the foreign-national military personnel who come under the direct operational control of the American command. In Korea, the KATUSA (from "Korean Augmentation to the U.S. Army") program has been in operation for almost two decades. In fact, the "Katusas"—Korean soldiers who formally occupy Table of Organization positions and live in American units—constitute one-sixth of the "American" Eighth Army. A somewhat different use of local troops has occurred in Vietnam. The Marine Corps has what is known as "combined action platoons," that is, a squad of American Marines placed within a platoon of South Vietnamese Popular Forces. The Army's 25th Infanty Division has a variation of the above called "combined lightning teams." Whether the "integrated" model of Korea of the "fusion" pattern of Vietnam, the utilization of non-American forces under American command is a paramount indicator of a military force divergent from American society. Moreover, now that significant precedents have been set, we may find American forces being increasingly augmented by foreign nationals in future years.

The citizen-soldier. The troop strength of the American military consists of nonactive as well as active-duty forces. These nonactive forces in 1968 numbered about 2,300,000 federal reservists (under Pentagon administration) in the various military services, and some 500,000 men in the National and Air Guard units (normally under state control in peacetime).* As a general rule, nonactive military personnel attend weekly drill meetings and spend two weeks in training every summer. During certain specified times of emergency—ranging from full-scale war to quelling local violence—reservists or Guardsmen may be called into service. Practically

*As of January, 1968, the strength of the various nonactive military components was: Army Reserve, 1,235,000; Navy Reserve, 470,000; Air Force Reserve, 415,000; Marine Corps Reserve, 145,000; Coast Guard Reserve, 30,000; National Guard (Army), 420,000; Air National Guard, 85,000.

speaking, however, only a few reserve or Guard units have been called upon for extended active duty since the end of the Korean conflict.

From a historical perspective, the concept of the citizen-soldier has been a central premise of this country's military thinking. Nevertheless, since the late 1950s and especially since 1963, there has been a determined effort by the Defense Department to reduce the role of nonactive forces. The proportion of reserve and Guard servicemen of the total military force (i.e., both active and nonactive military personnel) declined from 61 per cent in 1957 to 45 per cent in 1964. As William Levantrosser points out in his comprehensive study on the subject, the Chief Executive's position toward reservists has changed from one of strong support during Truman's time, to deemphasis under the Eisenhower Administration, to pressure for fewer but better trained reservists under Kennedy, to concerted steps to curtail reserve forces under Johnson. In 1964, Secretary of Defense McNamara proposed to eliminate the federal reserves entirely by merging them with the National Guard. Although this plan was not carried out—owing to Congressional opposition—the Army Reserve was subsequently reduced from eight to five divisions, a reduction in strength of 55,000 men. In 1967, the National Guard itself was reorganized—over the resistance of state leaders—by reducing it from 23 to 8 divisions.

The post-Vietnam period promises to witness further erosion of reserve and Guard support. For one thing, the declining role of reserve forces is somewhat conterminous with the long-term accretion of power by the Executive Branch at the expense of Congress and state legislatures—the traditional champions of reserve forces. Moreover, present experience with limited wars points to the strategic need for highly trained and readily operational combat units there by undercutting much of the military justification for large reserve forces. Further, the public controversies centering around reservists called to active duty have not been favorable from the military standpoint The complaints of many reservists activated during the Berlin crisis of 1961 and National Guardsmen called up in 1968 for Vietnam approached a major scandal. A variety of considerations, then, indicate that the lessened importance of the reserve serviceman will be another factor contributing to the divergence of the military from civilian society.

The impending eclipse of the citizen-soldier concept is suggested from another vantage point as well. It is relevant to compare the conclusions of two Presidential Commissions dealing with policies toward veterans. In 1956, the Commission on Veterans' Pensions held that military service—whether in time of war or peace—is an obligation of citizenship and should not be considered inherently as a basis for future government benefits. In particular, the 1956 report held that the veteran qua veteran had no priorities for government assistance (as distinct from service-connected disabilities). Instead, it recommended the integration of veterans' needs with social programs existing for the citizenry at large. In 1968, on the other hand, the Veterans Advisory Commission advocated a much more separate treatment of veterans. The 1968 Commission concluded that even nonservice-connected ailments of veterans should be the special province of the Veterans Administration. Unlike the situation of the veteran of old, it is now recommended that the ex-serviceman should have distinctive prerequisites in governmental assistance. From this perspective, it appears that the emerging institutional differentiation of the military will correspondingly carry over into the post-service lives of many servicemen. Indeed, the very category "veteran" may come more and more to designate not the single-term serviceman but rather the retired career serviceman.

Antimilitarism. It is fair to assert that the original opposition to the war in Vietnam began with this country's intellectual and academic community. The antiwar movement has since come to encompass a diverse constituency including, variously, college students, some Establishment spokesmen, black militants, eminent professionals, and suburban housewives. Moreover, as the opposition to the specifics of the war increased, the very legitimacy of military service has been impugned. Intellectuals and student radicals, in particular, have vociferously turned upon the military on a number of fronts. Illustrative of this passion are the harrasment of military recruiters on campuses, the efforts to remove the ROTC from the college curriculum, and the frontal challenge of the ties between major universities and military research. More broadly, the entire framework of America's military policies have come under critical scrutiny.

It is my belief that the resurgence of antimilitarism among intellectuals and college students will not dissipate once the war in Vietnam is concluded—though the volume of the attack will undoubtedly subside. Contrary to the views of many observers, however, the emergent antimilitarism is not all that aberrant in the American context. Quite the opposite. The anomaly lies in the unquestioned acceptance of the military's role which started in World War II and continued through the early 1960s. What should not be forgotten is that the United States has *normally* looked upon its military with some disfavor. In this sense, our society appears to be moving toward its more conventional social definition of the military. This is to suggest that the antimilitarism engendered by the war in Vietnam may be returning this country to its traditional low regard of the armed forces. Put another way, while intellectuals and radicals have been in the forefront of the antimilitary movement, it is also more than possible that the quarter-century-old honeymoon between the American public and the military establishment is likewise coming to an end.

Marcus Cunliffe, in his insightful study of American attitudes toward civil-military relations in our country's early history, delineates three diverse normative standards: (1) the "Chevalier" or professional militarist; (2) the "Rifleman" or anti-professional militarist; and (3) the "Quaker" or antimilitarist. Applying Cunliffe's typology to the convergent-divergent model of the armed forces and society, the Chevalier stands for a divergent military while the Rifleman represents a military infused with civilians in uniform. What is striking in much of the current mood is the confluence of two usually opposing schools of thought. Thus, we find the necessity of an all-volunteer and career military force being argued for by both the antimilitarists and the professional militarists; the former because of the repugnance of military service and their alienation from America, the latter because of practical considerations and their desire to strengthen America militarily. Curiously enough, together the supporters and opponents of America's armed might were both establishing a rationale for a military force highly differentiated from civilian society.

Armed Forces and American Society

Over a quarter-century ago, Harold Lasswell first stated his theory of modern civil-military relations in the concept of the garrison state. Forecasting a particular form of social organization, the garrison state would be characterized by the militarization of the civil order as the military system became conterminous with the larger society. The subordination of societal goals to the preparations for war would lead to the obliteration of the distinction between civilians and military personnel. The convergence of the armed forces and American society which began in World War II and continued through the Cold War decades of the fifties and sixties seemed in certain respects to confirm the emergence of the garrison state. But the prospects for the 1970s require a reformulation of the garrison-state concept. For we are entering a time in which the armed forces are becoming more distinct and segmented from civilian society.

In the enlisted component, the bases of military recruitment are shifting away from conscription and toward ascription, from being somewhat representative of American youth to excessively reliant upon young men coming from our society's depressed levels. The move toward a nonconscripted military force will effectively end any equitable sharing of enlisted participation on the part of America's middle classes and college-educated youth. Indeed, much like the "civic action" theories applied by American strategists to underdeveloped countries—the use of the military for purposes of social engineering—the military is now being charged with an analogous role regarding America's underclasses.

At elite levels, the divergence of armed forces and society will be reflected in closer and more critical scrutiny of the military's budgetary and force demands. But it is highly improbable that this new skepticism will result in any severe curtailment of the dominant role the military establishment has come to play in our country's economic output. It is also unlikely that the United States will fundamentally alter what it considers to be its global politico-economic-military interests. In fact, the institution of an all-volunteer, fully professional military force may mean that overseas interventionist policies will engender fewer political repercussions at home. Witness to this proposition is the acceleration of opposition to the war in Vietnam as the personal interests of middle-class youth became involved.

The immediate future, then, points to a new phase in American civil-military relations. The character of the post-Vietnam period will be the conjunction of a military force divergent from civilian society coupled with the continuance—in its essentials—of America's worldwide strategic policies. To rephrase Lasswell, it might be more accurate to speak of our society moving toward a *split-level garrison state.* This is to say that the imminent danger to a democratic society is not the specter of overt military control of national policy, but the more subtle one of a military segmented from the general citizenry, allowing for greater international irresponsibility by its *civilian* leaders. It is only when the consequences of such irresponsibility are uniformly felt throughout the body politic that some constraints develop on the use of violence to implement national policy.

Another implication of the split-level garrison state will be in the sharpening contrast between the internal social organization of the military and the institutional developments occurring in civilian society. Throughout the American nation of the late 1960s there was a movement toward greater control of institutional decisions by persons most affected by those decisions. There has been a shift—at least in style and probably in substance—toward a more participative or democratic model of social organization. Insensitive administrators, obsolete structures, and encumbering procedures were being challenged in an unprecedented way. Police and welfare departments, schools and colleges, political parties and labor unions, churches and hospitals, were all subjected to the growing norm of participation. What is important is that these institutions were coming under attack from the inside.

Even the military of the Vietnam period was beginning to feel such internal pressures. Small numbers of men in uniform—white radicals, black separatists, disgruntled en-

listed men, antiwar officers—were starting to communicate their dissatisfactions to other servicemen as well as to groups in the larger society. It is not improbable that before this manuscript reaches print the military establishment will be confronted by a major outbreak of racial or antiwar dissension from within its own ranks. Unlike civilian institutions, however, the military has at its command the coercive power that can rigorously suppress internal agitation. Moreover, efforts on the part of the military to "democratize" itself would probably be self-defeating. Steps taken in the direction of more recognition of individual rights and less rigidity in social control would in all likelihood seriously disaffect career personnel while making military service only marginally more palatable to its resistant members.

In any event, the probability of sustained internal agitation or even questioning of the military system is very unlikely once the war in Vietnam ends. With the advent of a curtailed draft or all-volunteer force, the military will find its membership much more acquiescent to established procedures and organizational goals. Without broadly based civilian representation, the leavening effect of recalcitrant servicemen—many serving under a form of duress—will be no more. It appears that while our civilian institutions are heading toward more participative definition and control, the post-Vietnam military will follow a more conventional and authoritarian social organization. This partial reversion to traditional forms will be the paradoxical quality of the "new" military of the 1970s.

Mr. HATFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am happy to yield to the Senator from Oregon.

Mr. GRAVEL. Mr. President, will the Senator from Massachusetts yield to me for just one question.

Mr. HATFIELD. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. Simply to make the record clear, is the Senator from Massachusetts suggesting that the reason we have some serious social ills involving blacks and the poor is that one of the tools to solve our social ills is the draft? Is that the proper interpretation that I may place upon the Senator's remarks?

Mr. KENNEDY. No. I do not think there is anything in my remarks which would suggest that.

Mr. GRAVEL. Then there is a total misunderstanding here. Was not the statement just made that the draft is necessary, or is it that the absence of a draft would create an inequity that would be borne by the blacks and the poor?

Mr. KENNEDY. The thrust of my comment was that a volunteer army is really not a volunteer army. I believe that it is almost a sham to use the words "volunteer army" in terms of when we are offering a pay inducement to get men to go over and fight a rich man's war.

So the thrust of my remarks went to the fact that if we are talking about voluntarism, why do we not have a pay scale that meets the pay scales of the VISTA or the Peace Corps volunteer programs? That is voluntarism in our society. But when we go on out—and I stressed this in terms of an earlier debate—and offer a $6,000 bonus to people to go and fight, an enticement with a financial inducement, that is not voluntarism. That is the thrust of the comment I made, that we should not seek to build an army by offering huge pay increases. The people that they appeal to will not be the middle income or the upper income families, or even a little bit below the middle income groups, but the poor of all races and I think that that is, completely unsatisfactory.

Mr. GRAVEL. Perhaps the record of Representative DELLUMS of California is clear, because he cites an interesting figure; namely, from 1965 the reenlistment rate of blacks was 22.3 percent and it went to 11.8 percent through 1969. That means, in the face of pay increases, that the amount of black reenlistments was cut in half; so that would not seem to square with what my colleague from Massachusetts infers; namely, that with a greater pay increase we would get more blacks.

Mr. KENNEDY. Is the Senator familiar with the recent reenlistment rate of blacks? Those figures have been made available. They show 40 percent of reenlistments for blacks, and 21 percent for whites in the Army. So it is just as clear as can be. I am quoting Department of Defense statistics now. I am not familiar with the figures the Senator is using.

Mr. GRAVEL. Representative DELLUMS is a black Representative.

Mr. KENNEDY. So is Representative CHARLES RANGEL, the Representative from Harlem.

I do not know what good we do by quoting black Representatives. I think we make our own judgments on these matters. I suppose that, for every black Representative the Senator from Alaska can quote, I can find one also. I do not know what that adds to the matter.

The statistics are quite clear. I will rest on the statistics. They show that there is a 40-percent reenlistment rate for blacks for the most recent 6-month period.

Mr. GRAVEL. Mr. President, if a person is poor, why would he want to go into the Army if they pay poor wages? Would there be any advantage in going from poverty in civilian life to poverty in military life?

Had we gone as high in the military pay as the House did, it would have been different. I find it difficult to see for a person living on a poverty wage of $3,000 a year that this would be so. If we were to raise the military wage to $5,000 a year, perhaps the civilian who was making $3,000 a year would then join.

Mr. KENNEDY. Could the Senator tell me what the average wage is at Yukon, Alaska, or in the Indian areas of Alaska? Certainly they will get more enlistments at these lower rates in those areas.

There is always the hope that they will not end up in battle and, if they do that they will not be shot.

Mr. GRAVEL. Mr. President, I do not think my friend is addressing himself to the point I was making. If we raise the income for a first enlistee and broaden the spectrum to bring in people with higher incomes, we could think of it in terms of enlistments by all classes rather than just people at the lower level.

The Senator mentioned the average income in Yukon. It is $2,000 a year.

Mr. KENNEDY. Does the Senator think it is that high?

Mr. GRAVEL. It is. It is $2,000 a year for Alaska. That is not very high when the average for the State is $8,000 a year, which is about the national average. But the people from Yukon have not enlisted.

Mr. KENNEDY. It certainly is not that high among the Aleuts or the Indians.

Mr. GRAVEL. It is $1,800 to $2,000 per year in the bush country of Alaska.

Getting back to the point I was making, if we raise the pay, the Senator makes the point that we would get more of the poor people to enlist. I feel that if we raise the pay we will get more people in the higher level income brackets to enlist. It is then attractive to them economically. They do not have to pay a price for enlisting.

What I find difficult to understand is that by maintaining the draft—and this is the point made by Representative DELLUMS—we have an inequity. We cannot make the draft fair. And where there is an inherent inequitable system, the minority man in America—including blacks, Puerto Ricans, and the Mexican Americans the Senator refers to—is likely to find himself on the bottom in the matter. It is hard for men of good will to try to write in safeguards.

If the draft is bad, it not only creates violent discrimination against the poor by keeping them poor, but it also does great harm to our total system, because we do not need it.

The point the Senator made with respect to the total cost is not related to the draft. If it is, it is related to the fact that we have a hidden cost. If we cannot face up to the total cost of defending this country and we hide it, it creates an inequitable tax on those who are drafted. I think the Senator will agree that if we do not pay the draftees their proper wages, we require them to carry a tax burden of as much as 50 to 60 percent. This is a great burden. It is a hidden tax. The least we could do would be to let everyone pay for it. Let the rich as well as the poor pay for the cost of the war in Vietnam and pay for the cost of maintaining 2.5 million men under arms.

Mr. KENNEDY. Mr. President, I do not know if the Senator asked a question.

Mr. GRAVEL. That is the question. The inequity is the hidden tax that is fostered on people of all classes, black and white alike.

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

Mr. STENNIS. Mr. President, I yield 15 additional minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional 15 minutes.

Mr. KENNEDY. Does the Senator from Alaska want me to address myself to the matter of the hidden tax?

Mr. GRAVEL. I want the Senator to address himself to the fact that there is a great responsibility in the draft economically on the black and white and all people. If maintaining the draft perpetuates this inequity against both rich and poor, I find it difficult to believe that

we can force it on the poor by keeping the draft.

Mr. KENNEDY. Mr. President, the hidden tax features seem to me to pale into insignificance compared with the loss of life and the risk of death. If we are to expose some young men with the risk of death then men from all levels of our society should face that risk.

As CHARLES RANGEL, Representative from Harlem, points out:

I "volunteered" to serve Uncle Sam. In 1947 I quit a predominantly white high school because I couldn't compete academically. I was soon faced with black drop-out's classic choice—hustle on the streets or join the Army.

Eventually, I was sent to Korea where one day I "volunteered" to lead a mission behind enemy lines. It wasn't glory or love of country that prompted me. I was motivated by the same reasons so many blacks join the paratroopers—for the extra money and the chance of promotion that such dangerous duty assignments provide. After the mission, a colonel pinned some medals on my chest and told my unit with John Wayne fervor: "Keep kickin' hell out of those gooks."

I left Korea with some money, some rank and an ingrained prejudice against a people called "gooks" who lived in a country I never knew existed before. In fact, it wasn't until I noticed some Chinese bodies on a battlefield one day that I learned Korea bordered China.

I mention all this because there were thousands of blacks like me on the front lines of Korea, as today there are thousands like me in Vietnam and in America military outposts all over the world. Patriotism has nothing to do with the reasons why they're there, as it will have absolutely nothing to do with the reasons why the proposed volunteer Army will be largely black, Puerto Rican and Mexican.

President Nixon's proposal to create a volunteer Army is mainly induced by his desire to get the articulate young whites off his back and to make America's belligerence in Asia more palatable to their parents. This plan is characteristic of how America solves its problems—it will buy its way out by offering handsome pay increases and other attractive benefits to those who join up. This rationale recalls the Civil War days when rich men paid poor men to perform their military obligations for them. Nixon's proposed $3,000 bonus for combat duty accomplishes exactly that.

Who will take Nixon up on his offer? Senator Kennedy reports that in several talks to to college groups, almost all student raised their hands when asked how many favored a a volunteer army. Yet, there were almost none who kept their hands up when he asked if they would volunteer.

Middle- and upper-class whites will not be enticed to join by financial inducements. But disadvantaged blacks, Mexicans and Puerto Ricans must volunteer since there are no other economic options open to them. Of course, there will still be white soldiers. Except for a sprinkling of poor Southern white enlisted men, they will largely form the officer class.

It would be a lie to label this a volunteer army. It would be a mercenary army composed of men soldiering for a pay check. Thus America's oppressed races would be fighting and dying so that affluent whites can continue to enjoy the fruits of imperialism. White Americans could then sip cocktails and watch the black Hessians make war on their color television sets, just like the plantation owners who sipped mint juleps on their verandas and watched the darkies toiling in their fields. This is not too much of an exaggeration. Blacks and other minorities would once again be doing the white man's dirty work.

During the cold Korean winters, the Chinese repeatedly flashed a large photograph at my black unit showing white people lounging around a Florida swimming pool. Their loudspeaker would bark: "You're over here doing their killing for them and you're not even allowed to sit at that pool."

At present, America is in a crucial dilemma. It needs millions of bodies in uniform to maintain its international police force. It is having trouble getting these bodies because many of its young do not wish to be engaged in the merciless obliteration of Southeast Asia. So, characteristically again, America has decided to follow the precedents set by the Roman and British Empires. It will hire mercenaries to prop up its foreign hirelings around the world.

There is only one way this country can get its young to loyally perform military service. It must begin to institute morally just foreign and domestic policies. A random selection draft system would then be all that would be needed since such policies would permit a substanial reduction in the size of America's permanent forces. Only an empire needs an Army of three million men.

What staggers me about the President's plan is its lack of farsightedness. Doesn't he realize that a large number of blacks will become incensed when they realize they are doing the white man's killing? Armies are, by nature, great instruments of power. A mercenary Army would mean that blacks and Spanish-Americans finally had some real power. The Russian revolution began when its oppressed army and navy revolted.

That is what we are talking about. Everyone realizes that service in the Armed Forces at best is a matter in which we are not going to be able to achieve perfect equity. Someone will be drafted and sent to West Germany. Another person will be drafted and sent into combat in Vietnam.

We realize that there is a great deal of inequity involved in this. But the challenge is to try to devise a system that eliminates those inequities which have been put into the regulations. It seems to me that the idea of a volunteer army is going to be achieved by offering more money to the men shams the concept of volunteerism. That is not volunteerism. That is buying one's way out.

Mr. GRAVEL. Mr. President, I would disagree, because if it is wrong to pay someone a decent wage for decent work——

Mr. KENNEDY. That is not what we are talking about.

Mr. GRAVEL. The Senator is saying that a person should volunteer for the service. He should be patriotic enough to do it without being paid.

Mr. KENNEDY. We are talking about inducing people through a financial incentive to fight in an immoral war. That is what we are talking about. In terms of combat, we are talking about increasing the pay rates above the level of a decent wage. Higher rates will mean a lot to some people primarily to those who have limited economic options. That is why I do not think it is a volunteer army.

Mr. GRAVEL. Certainly the record is clear for the last few years in Vietnam that this war has been fueled by draftees. If we did not have the draft, the impalatability of the war would have been so apparent that we would not have been able to continue it. I find it difficult to accept the thesis that if we continue the draft, this is the way to bring the war home to the people.

The war was brought home to the American people on the television screen. That is how the war was brought home to the people of this Nation. The Senator will be able to speak for himself in a moment.

The person who came back with the story about Mylai was not a draftee but a volunteer. I enlisted in the service. I find it difficult to accept the theory that people who enlist in the service might have some sinister design on this Nation.

Our history is replete with evidence that we have been safe with a volunteer army. The history of England shows a people that found safety in a volunteer army. Napoleon succeeded with a conscript army, as did Peron in Argentina. All over the world the history of conscription is clear, as well as the history of what it leads to. That is why I am for ending the war; and I am for ending the war because of what the draft is doing to this country, and all of this could be put aside if we did away with the draft.

My colleague from Massachusetts has an outstanding record in many of these areas and that is why I am constrained with great pain to disagree with him today on this subject. We have a like desire and a like goal but his approach to the end is very different and very detrimental to what may be the final goal.

Mr. KENNEDY. I say in response that the newspaperman who wrote about My Lai was Sy Hirsch. He indicated he would never have gotten the story if it had not been for the draftees.

I have attended committee hearings relating to spying activities and the people who blew the whistle were the people who were drafted into the armed services. That is very important to the total picture. We have here one of those great misnomers.

There has been discussion about not having any kind of act of compulsion in the early days of our history. In a book entitled "Background of Selective Service," page 15, it is indicated that there were 147 general enactments of compulsion, laying obligation on citizenry, or for duty in the common militia, or both; 100 drafts of members of militia and other organizations or of citizenry, on specific occasions, or for specific purposes; 122 appointments to and delegations of general authority or grants of specific powers to compel service; and 32 separate acts providing penalties for nonobservance of mandates to serve. This was at the time of the Thirteen Colonies.

This runs all the way through our history. The idea that we never had a draft or that it was alien to our Founding Fathers is not accurate.

Mr. GRAVEL. I hope my colleague will go a step further and give a definition of what the militia was because the militia in the Revolutionary War was nowhere near the draft we are speaking of, when people are inducted for 2 years. It was a state organization where people joined.

Mr. KENNEDY. Compelled to join, compulsory.

Mr. GRAVEL. Yes.

Mr. KENNEDY. We are only talking about the idea that is generally held that we never had any compulsion. In the early days of the Republic the situation was quite to the contrary.

Mr. GRAVEL. The militia is not a standing army.

Mr. KENNEDY. If the Senator has a question, I will be glad to try to answer it, but I think we are getting away from the point we were discussing.

Mr. GRAVEL. I think the point has been made adequately in this regard. I have no further questions.

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

Mr. KENNEDY. I yield.

Mr. HATFIELD. I have about 15 or 20 questions I would like to ask the Senator from Massachusetts. Could we move to these questions I have listed?

Mr. KENNEDY. I am glad to yield for whatever question the Senator has.

Mr. HATFIELD. I have listened with great interest to the Senator's appeal here today on behalf of the poor and the black. I know the Senator has long been involved in programs of national concern involving national policies and I am sure he recognizes that many of these groups in our society have been denied a role in the mainstream of our life and have seen fit to organize themselves; and they have brought forth leadership that expressed their problem and fought for their causes.

Therefore, I would like to ask the Senator from Massachusetts if he would give me the name of any organization, or the name of any of these black or poor groups that support his particular viewpoint or position on the volunteer army versus a conscripted army. Can the Senator name one?

Mr. KENNEDY. What about CHARLES RANGEL.

Mr. HATFIELD. Let me make the record clear. Congressman RANGEL voted in the House for a volunteer army.

Mr. KENNEDY. I would refer to the New York Times article written by Representative CHARLES RANGEL in April.

Mr. HATFIELD. Can the Senator name an organization?

Mr. KENNEDY. I believe I have the floor. I would like to respond to the Senator's question.

Talking about a volunteer army, Representative RANGEL said:

> President Nixon's proposal to create a volunteer Army is mainly induced by his desire to get the articulate young whites off his back and to make America's belligerence in Asia more palatable to their parents. This plan is characteristic of how America solves its problems—it will buy its way out by offering handsome pay increases and other attractive benefits to those who join up. This rationale recalls the Civil War days when rich men paid poor men to perform their military obligations for them. Nixon's proposed $3,000 bonus for combat duty accomplishes exactly that.
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> White Americans could then sip cocktails and watch the black Hessians make war on their color television sets, just like the plantation owners who sipped mint juleps on their verandas and watched the darkies toiling in their fields. This is not too much of an exaggeration. Blacks and other minorities would once again be doing the white man's dirty work.

Mr. HATFIELD. I think the Senator from Massachusetts does well to quote these elegant words. The record should also indicate that the very man he quoted, when he was confronted with a question on the floor of the House of Representatives voted against the so-called draft system and voted for the volunteer army.

I want to make clear for the record that the Senator from Massachusetts is not the only Senator in this body who makes his judgments independently.

The Senator would have to agree he has seen fit to quote one man and his point of view. I think it is very important and certainly constructive in this debate to consider what the people themselves believe and what their viewpoints are.

The Senator from Massachusetts has not been able to name an organization.

Let the record show that Rev. Ralph Abernathy, of the Southern Christian Leadership Conference; Dick Gregory; Mrs. Martin Luther King, Jr.; Jesse Jackson; George Wiley; and Roy Wilkins, executive director of the NAACP, as well as Congresswoman SHIRLEY CHISHOLM——

Mr. KENNEDY. Does the Senator wish to do this on his own time?

Mr. HATFIELD. Congressman HERMAN BADILLO—all of these people represent the poor—Caesar Chavez, representing poor and black organizations, are concerned with the problems of their people and not one I have read, supports the proposition of the Senator from Massachusetts.

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

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield further?

Mr. KENNEDY. If the Senator has a question, I shall be glad to yield.

Mr. HATFIELD. The Senator was not able to answer my question. I asked for an organization of the poor or the black that supports the Senator's proposition.

Mr. KENNEDY. In terms of an organization, I do not have an organization here to trot out.

Mr. HATFIELD. I appreciate the fact that the Senator does not have. I knew there was not one, because these are the very people who are most concerned about the proposition of whether they are drafted into the Army or volunteer.

Is the Senator aware of the statement made in a U.S. court of appeals case, Orlando against Laird, as to the relationship between the draft and the war in Vietnam?

Mr. KENNEDY. No, I am not familiar with that.

Mr. HATFIELD. I would like to comment on one of the first statements made by the Senator when he referred, probably, to the colloquy held on the floor yesterday between the Senator from Arkansas (Mr. FULBRIGHT) and myself, that there is little relationship between the draft and the war in Vietnam by quoting from the Court of Appeals case——

Mr. KENNEDY. Mr. President, I ask for the regular order.

Mr. HATFIELD. In which it was indicated——

Mr. KENNEDY. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I am glad to respond to questions on the draft. I have read the comments of the distinguished Senator from Oregon, his speeches, and articles in the New York Times, and I am familiar with them. I am delighted to debate them here, but I am not prepared to listen to general comments, with which I am familiar. If the Senator has questions, I shall be delighted to try to respond, but I am not going to indulge general comments. If the Senator wants to do it on his own time, or make any general comments afterward, that is fine.

If the question is whether I am familiar with the case the Senator has referred to, I am not. I am ready to take the next question.

Mr. HATFIELD. I would like to say that the question is asked for a good reason, and that is that the Senator from Massachusetts made a statement for the record today which would indicate a certain position. I think, in response to questions, part of the responsibility of the rebuttal is to rebut the point. I, therefore, feel the question is a proper question because of what the Senator says when he says there is little relationship between the war in Vietnam and the draft. The question is covered in Orlando against Laird.

Mr. KENNEDY. The Senator has not accurately quoted me in saying there is little relationship, because there is a relationship. I have indicated earlier that the war should be ended, but I indicated that it should not be done by rich men paying poor people to fight it for them. If the Senator wants to make comments on his own time, he may do that. If he wants to ask me questions, I would like to get to them.

Mr. HATFIELD. I have another question. I assume, from his statements, that the Senator is opposed to poverty.

Mr. KENNEDY. To what?

Mr. HATFIELD. To the general idea of poverty as it relates either to civilians or to the military forces.

Mr. KENNEDY. That is right.

Mr. HATFIELD. Would one then presume that the implication is that the Senator favors equitable pay for military personnel?

Mr. KENNEDY. I voted for the increases. I believe in equitable pay.

Mr. HATFIELD. Would the Senator agree that with equitable pay, the need for the draft no longer exists?

Mr. KENNEDY. No.

Mr. HATFIELD. The Senator is not aware of the Gates Commission finding on this question?

Mr. KENNEDY. Yes, I am familiar with it.

Mr. HATFIELD. Then, the Senator agrees with those findings.

Mr. KENNEDY. I think they are incomplete.

Mr. HATFIELD. In what way?

Mr. KENNEDY. There are various conclusions that can be drawn from them, and that is so in the nature of the complexion of the military force that will be derived.

Mr. HATFIELD. The what?

Mr. KENNEDY. The makeup of the Armed Forces.

Mr. HATFIELD. How will it be different?

Mr. KENNEDY. It will be made up to a greater degree of minority members than we have today.

Mr. HATFIELD. Then the Senator disagrees with the other findings of the Gates Commission with respect to the racial makeup of a volunteer army?

Mr. KENNEDY. The McCulloch study is probably more accurate than the actual recommendation in the Gates Commission report as to what the makeup of the volunteer army would be.

Mr. HATFIELD. Then, the Senator accepts some of the findings, but not all of them?

Mr. KENNEDY. I think that is more accurate, but, as the Gates Commission report points out, there would be a 50-percent increase in minority membership in a volunteer army. The report starts off with that. That is written in the Gates Commission report. There would be a 50-percent increase. That is uncontested. The backup studies show that that percentage would be even greater. Certainly the recent reenlistment rates would indicate and support that. I find that is an objectionable feature of the voluntary proposal.

Since the Senator asked me, I would, very sincerely, question the Gates Commission report in the ability to induce people to volunteer. They have relied, for the most part, on statistics made in the middle part of the 1960's on pre-Vietnam statistics. I think there is an entirely different attitude among young people now in terms of volunteering for the Armed Forces.

So if the Senator is asking whether I agree with the conclusions of the Gates Commission report and whether I take issue with those conclusions, the answer is, yes, I do, because I think they were based on statistics that were taken when there was an entirely different kind of atmosphere and attitude on the part of young people as to whether they might go into the Armed Forces. I think those statistics are quite irrelevant today, in terms of my own experience in asking young people whether they would join the Armed Forces.

Mr. HATFIELD. Is the Senator implying that the statistics in the Gates Commission report are of 1964 vintage?

Mr. KENNEDY. No.

Mr. HATFIELD. Is the Senator aware that they go through 1969?

Mr. KENNEDY. There are certain statistics that go through 1969.

Mr. HATFIELD. 1969.

Mr. KENNEDY. Some of the statistics.

Mr. HATFIELD. Of course, they all vary because there are points of departure from which to make comparisons. Is that correct?

Mr. KENNEDY. That is right.

Mr. HATFIELD. Is the Senator aware——

Mr. KENNEDY. Perhaps, while we are talking in terms of statistics from the Gates Commission report, I should refer to the table 11.9.8, Educational Attainment of Volunteer Force. I think the table is rather interesting, since it refers to the educational attainment in fiscal 1969. At that time 22 percent had less than a high school diploma; 61.9 percent had a high school diploma; 16.1 percent had a greater than a high school diploma.

Under the projection of a volunteer enlisted force, the percentage of those with less than a high school diploma would go from 22 to 39.2 percent. Those with a high school diploma would go from 61.9 to 52.7 percent. Those with greater than a high school diploma would go from 16.1 to 8.1 percent, or would drop in half.

These statistics are included in the Gates Commission report.

These statistics are helpful in understanding what the mix is going to be in the Armed Forces of this country. Just as these statistics show, the mix is going to be more young people who are less educated, for a variety of reasons.

Mr. HATFIELD. The Senator is aware, of course, that the Gates Commission has used a number of studies; is he not?

Mr. KENNEDY. Yes. I am just quoting the Gates Commission.

Mr. HATFIELD. One can quote the Gates Commission just as he can quote the Pentagon, and there would be a variation in the statistics.

Mr. KENNEDY. There is nothing in that observation that is really questionable. One of the conclusions of the Gates Commission report is that in a volunteer army that is induced primarily by financial inducements, there is going to be a lowering of the educational standards. That I think is a reasonable conclusion from the Gates Commission studies. I think from that one can reach the conclusion that there are going to be more disadvantaged people, whether financially or educationally, in the Armed Forces of the country.

Mr. HATFIELD. I would say to the Senator that I do not think he is stating the conclusion correctly, because the Gates Commission did not make that conclusion. The Commission made it very clear that it could work either way, that standards could be raised as well as lowered. So I do not think it is an apt conclusion that has been cited by the Senator from Massachusetts.

Mr. HATFIELD. The Senator also spoke about the draftees doing——

Mr. KENNEDY. Under the heading "The Racial Mix"—this is from the Gates Commission staff studies—they talk about the percentage of blacks as follows:

> Many observers are concerned about the racial composition of an all-volunteer military. The enlisted men in the mixed force of FY 69 were 10.1 percent black. My model suggests that the volunteer force will be 18.7 percent black, even considering the calculated "distaste" of blacks for the military. Milton Friedman has suggested that military pay must already be attractive to blacks, so that most of those blacks who have any inclination to enlist already have done so. The bulk of those who would be won over by a pay raise would therefore have to be white. However, the shameful fact of the matter is that current first term military compensation is so low that it is not even attractive to blacks.
>
> Some critics profess to be morally offended by the thought of a disproportionate number of blacks freely serving their country for pay which is very respectable for any young man. These critics could perhaps be relieved by the following plan: Preliminary calculations suggest that if blacks were paid about 21 percent less than non-blacks with the same ability and experience, the present 10.1 percent black ratio could be maintained.

Then they add the rather gratuitous statement:

> However, such discrimination would be stridently unconstitutional.

I wonder why they put that in there. The best way to keep the percentage of blacks down would be to pay them less. Then, after they make that comment, they say, "Of course, this would be unconstitutional."

To me, this is reaching a new sense of moral outrage. Does the Senator know why they would even include that kind of shameful comment in their report?

Mr. HATFIELD. The Senator reminds me of those who quote Scripture on occasion. I think one would have to read the whole report.

Mr. KENNEDY. Is that statement not offensive to the Senator from Oregon?

Mr. HATFIELD. The Senator asked me a question. Let me respond, if he would like to hear the answer.

I say the question involves the total report, and it seems to me very clear that if we are going to draw conclusions, one has to read the entire report, and that the material the Senator from Massachusetts just read had to do with both a conscripted army and a volunteer force, not with just a conscript force.

Mr. KENNEDY. I am reading from 11–9–14:

> Many observers are concerned about the racial composition of an all-volunteer military.

Then it goes on. Does not the Senator from Oregon find such comments as these distasteful:

> Preliminary calculations suggest that if blacks were paid about 21 percent less than non-blacks with the same ability and experience, the present 10.1 percent black ratio could be maintained.

Does not the Senator find that offensive?

Mr. HATFIELD. It is far more offensive to draft the blacks. Now——

Mr. KENNEDY. I am just wondering whether he finds that statement offensive.

Mr. HATFIELD. I have not read the entire report yet, but I agree on——

Mr. KENNEDY. Well, does the Senator find that particular comment offensive?

Mr. HATFIELD. I would like to ask the Senator a further question.

Mr. KENNEDY. All right. I do find it offensive, and I would certainly hope that my friend, who has been so strong in terms of civil rights and liberties, would also.

Mr. HATFIELD. I appreciate the Sen-

ator's comment. He knows my record; I do not think it necessary to respond to the obvious question, because it is not really in keeping with what we are trying to get at on these points today, as far as a black army and a poor people's army is concerned.

I would like to ask the Senator one further question: When he talks about military isolation of a volunteer army, does the Senator consider that a volunteer army is a viable organization, moving and changing and dynamic, or does he consider it a static organization?

Mr. KENNEDY. Static.

Mr. HATFIELD. Static. Is the Senator aware of the accession rate, under an all volunteer army, of 2.5 million?

Mr. KENNEDY. What?

Mr. HATFIELD. Is the Senator aware of what the accession rate of a 2.5 million man standing army is? The turnover. That is a technical term; the accession rate is the turnover.

Mr. KENNEDY. As I understand, it is three-fifths of what it is under a drafted army.

Mr. HATFIELD. The figure 325,000. Does the Senator believe that a volunteer army is a static organization?

Mr. KENNEDY. It is my understanding that for a volunteer army, the figure is three-fifths as rapid a turnover as for a drafted army.

Mr. HATFIELD. Is that what the Senator would call a static organization?

Mr. KENNEDY. I think one could reach that conclusion fairly. I certainly have.

Mr. HATFIELD. I think we are getting into the realm of opinion now, rather than the data and statistics of the argument.

The Senator mentioned sending draftees into this war in Vietnam. I do not think I have to cite my record to the Senator as having been a critic and a foe of the war for many years.

Does the Senator know the statistics as to the number of draftees that would be required in Vietnam after December 31 of this year?

Mr. KENNEDY. I hope the Senator's amendment is successfull, and we will have all of the men, both draftees and volunteers, out of Vietnam by December 31.

Mr. HATFIELD. Then the Senator would agree, would he not, that the argument about sending draftees to Vietnam after the June 30 cutoff line is a moot argument, because it takes about 6 months to train a draftee, and with the data that we now have at hand on the number of draftees required in Vietnam after December of this year, which is zero according to one source, and 1,700 the other, really the whole argument about draftees going to Vietnam after the June 30 cutoff is a moot argument?

Mr. KENNEDY. I wish I were as sanguine about that situation as the Senator from Oregon apparently is. We have been waiting for some 3 years for the President to end the war. In spite of the statements he made during the course of the campaign that he had a plan to end it, we have not yet seen it. I am just prayerful and hopeful that he will be able to bring an end to the war and I can support a volunteer army, but, as I have indicated, I would not do so as long as we are having killings of Americans over there. Maybe that will happen after December 31.

Mr. HATFIELD. Will the Senator——

Mr. KENNEDY. Let me finish. Maybe we will not have to have it. But I think the record to date, and certainly the comments of the President recently, indicate that we are going to be there for some period of time. I am very hopeful that he will end it or that we will, here in this body, take steps to insure that it is ended by passage of the McGovern-Hatfield amendment.

But as long as we have battles such as that in which some 38 or 39 Americans are killed, as I understand, last week, I do not think the burden ought to be taken by the disadvantaged.

Mr. HATFIELD. I appreciate the Senator's waiting for 3 years. I have waited for 7 years, so I can understand how one can get impatient. But I would only ask if the Senator has any other information or data that has not been made available to the rest of us, that would indicate there would be draftees required in Vietnam after December 31 of 1971.

Mr. KENNEDY. Other than my—and I certainly am hopeful that I am wrong in it—fear that we may very well have a continued battle and war going on there after December 31, and going on through next year unless we pass the McGovern-Hatfield amendment. As I say, I am hopeful I am wrong. I shall support various amendments that come before the Senate to try to cut off funds or take whatever steps we can, but I am not at all sanguine about the fact that we will not have troops going over there after December 31.

I realize the President stated the other evening on television that he was very hopeful that would not be the case, but I am not prepared to make my decision on the basis of the hope or anticipation of the President in this matter.

Mr. HATFIELD. The Senator and I are certainly shoulder to shoulder on many of these problems that relate to Vietnam and other problems facing this Nation; but I would say to the Senator, if he is concerned about draftees in Vietnam, the best way to assure no draftees in Vietnam after December 31 is to cut off the draft.

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

Mr. HATFIELD. I yield 15 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I yield the Senator and myself 10 minutes.

Of course, we still have those in the Air Force. We have those who have 4-year enlistments. I think that has been a part of the problem of our involvement in Southeast Asia now, that we are trying to minimize the battle casualties, and have increased the air war over there, which has brought havoc to the countryside.

Even if the draft were to end, I fear there would be the juggling of various military forces, either from Korea, Okinawa, or perhaps even from Western Europe, from where forces could be brought into Japan and Southeast Asia as well as a greater reliance upon the air war.

I share the desire to end the war. I think there are better ways, more effective ways of doing it, and certainly more certain ways of doing it.

Mr. HATFIELD. I appreciate the Senator's position on the matter of those who are still in the Air Force and in the Navy, but I would just remind the Senator that we are not drafting into the Air Force or into the Navy. Therefore, it is not a question of the personnel of the Navy or Air Force after December 30 coming in as draftees. They are there as volunteers.

I appreciate the Senator's support for the so-called McGovern-Hatfield amendment to set a time certain for all withdrawals in December 1971, but I would say to the Senator that it has to be a complete action by Congress if it is to be effective. Not only must we tell the President, "No personnel in Vietnam after December 31 of this year"; but also, if that should fail, we ought to cut off the power that he has to accelerate and to keep men in Vietnam. As long as we have the draft, as I am sure the Senator will agree, the President has unlimited command of manpower.

Therefore, it seems to me that if we are really going to move on the check and balance relationship between the executive and legislative branches, we must undertake not only to cut off funds but also to cut off manpower.

Would the Senator agree?

Mr. KENNEDY. I think there are ways in which we can further restrict the President's power.

Mr. HATFIELD. Would the Senator share that——

Mr. KENNEDY. Would the Senator just accord me the same courtesies which I have attempted to accord him in completing a response?

This is a very serious question in terms of the division of responsibility between the Senate and the Executive, and in terms of the military manpower and many other different military policies. That is why I have introduced and supported legislation providing a ceiling on the numbers of draftees who could be called by the President. If he felt it was in the national interest to exceed that number, he would have to come back to Congress to justify those increases. I have indicated that that figure ought to be 150,000, if it was going to be extended for 2 years. If the draft were only extended for 1 year, and since the Senate Armed Services Committee has cut the overall size to 2.4 million men, I think we could reduce that very significantly. This process would help to reassert our responsibility in this field. I think that is the best way of doing it.

I respect the position that has been taken by the Senator, who feels that we can do it another way, and that is just to terminate the Selective Service Act completely. I do not share the view of the Senator from Oregon, although I understand it and I respect it.

Mr. HATFIELD. I appreciate the Senator's amendment on setting a ceiling of

150,000. I think the only point of difference here between the Senator and myself is that rather than setting a limit of 150,000, I want to set a limit of zero. It seems to me that at that point we become more effective in playing the role of check and balance with the executive than merely phasing it out slowly on the 150,000 level.

I should like to ask a last question of the Senator. If the proposal for a volunteer army could be achieved without a pay increase and by maintaining the present poverty status for 10,000 families or 43,000 families, whatever Pentagon figure the Senator wants to take, would the Senator be willing to support a volunteer Army if we kept it a poor Army?

Mr. KENNEDY. The Senator has been talking about figures. As I understand, some 43,000 families were receiving some help and assistance in terms of welfare. With the proposed pay legislation that has been reported by the Armed Services Committee, that would go down to 900. If the Hughes amendment had been adopted, it would have been reduced to 75 families. I am distressed, as anyone would have to be, that those families are on welfare. I supported the increases suggested by the Armed Services Committee, and I supported the Hughes increases, although I had some very serious reservations about the housing allotment, some $640 million, for the higher grades, particularly at times when we cut funds for lower and middle income housing assistance in the Nation as a whole.

I think that, obviously, they ought to receive an equitable pay level. But, as the Senator knows, I am strongly opposed to the idea of inducements to go into combat arms or other kinds of inducements to bring them into the fighting divisions of the army—strongly opposed.

Mr. HATFIELD. As the Senator knows, I voted with him the other day on that very amendment.

Mr. KENNEDY. That is correct.

Mr. HATFIELD. We are not in disagreement on that.

Let me ask the Senator another question. The Senator has said that he supported the Hughes proposal for a pay increase which would leave only a thousand or less than a thousand—

Mr. KENNEDY. Seventy-five.

Mr. HATFIELD. I have offered an amendment, of course, which would make it zero families on welfare.

Mr. KENNEDY. It seems to me that we make a value judgment in terms of these questions. We try, as the Senator knows, to balance the various resources of this Nation in terms of other needs. I thought that the Hughes amendment went as far as I would have gone, at this time.

Mr. HATFIELD. The Senator would not support an amendment that would make it zero families?

Mr. KENNEDY. If the Senator has a particular suggestion as to how we ought to be able to reach those——

Mr. HATFIELD. I have an amendment now.

Mr. KENNEDY. Members of the Armed Forces, trying to get them off welfare, I would be extremely sympathetic to it. But I would not be sympathetic with a general kind of buckshot approach toward it. If the Senator had a rifle-shot approach as to how we could eliminate from the welfare rolls any of the servicemen who are serving in the Armed Forces of our country, I would certainly be very sympathetic to it, but not if it is in a way that is going to move the whole pay scale up out of proportion.

Mr. HATFIELD. I understand. I appreciate the Senator's statement, and it does not surprise me, because I know of his interest and support in this kind of equity in the military.

Let me ask the Senator this question: What would the Senator feel about maintaining the draft on the statute books if this pay increase goes through and the enlistments are such on a volunteer basis that no draftees are required to meet the 2.4 million level, as recommended by the Armed Services Committee, or the 2.505 million level, as recommended by the administration? What would the Senator feel then about maintaining the draft on the statute books, when we are not drafting men because they are enlisting on a volunteer basis?

Mr. KENNEDY. I think there is a difference in citing an end to the number of draftees, without accounting for the number of draft-induced volunteers. Because one of the most significant reasons for people joining the Air Force and the Navy is a concern that they might be drafted. This obviously has an extremely significant impact—and I think all the studies have so indicated—in terms of recruitment. If the draft were to be abolished, I believe there would be much less incentive in terms of the Navy and the Air Force, and probably the Marines. The Marines are somewhat different, in any event. But there still would be less incentive to join the Armed Forces.

So if we were to abolish the power to induct but the potential remained, I think it would have an impact. Obviously, if we are able to achieve a stated force level, and we are able to terminate the war, there would be no need for the draft.

Mr. HATFIELD. I want to make sure that I understand the Senator's position correctly. Even if we were able to meet our manpower requirements of 2.4 million or 2.5 million—whichever finally we decided upon—with pay increases showing the incentives and with some reorganizations, would the Senator still want to have the draft law remain on the books, even though we are meeting all our military requirements by volunteers?

Mr. KENNEDY. The Senator's question is more complicated than the way he states it. As the Senator knows, a very heavy percentage of those who join the Navy or the Air Force would do so in order to escape the draft. There is no question about that. It is a heavy percentage.

So we cannot use an absolute figure. But if we say that draft needs are only 50,000, say, or 70,000, and therefore, the draft can be dispensed with, that is obviously not an accurate kind of comment, because of the fact that the draft does have this impact in terms of inducing volunteers to join the Armed Forces.

If the question was, if we did not need the draft to induce people to go into the Army, Air Force, Navy, or Marines and if the alternative were not disproportionate financial inducements, would I feel that we needed to continue the draft, the answer to that question obviously would be no. But it would be qualified in this way, that at the time when we ended hostilities in Southeast Asia, then I would vote for an end to the draft. But the Senator will find this an extremely difficult time to expect that we will be able to induce young people to go into units of combat arms, with the current unpopularity of the military due to the war in Vietnam in the colleges and high schools of this country.

Mr. HATFIELD. The Senator is aware, I am sure, as I have said on previous occasions, that the draftees are dying by an inordinate ratio now.

Mr. KENNEDY. That is right.

Mr. HATFIELD. Does the Senator have any other studies, other than the ones I have seen, which would indicate that since 1965 we have had a constant level of 2.1 million men as true volunteers—not forced, not draftees—but volunteers, even at a time when we had a 3.5 million level standing army, that we have had one constant factor of 2.1 million men? Is there any other study the Senator may know about that would contradict that?

Mr. KENNEDY. I am interested in what the Senator's point is—do I know of another study that would contradict that fact? I take the Senator's word for it.

Mr. HATFIELD. That is on true volunteers.

Mr. KENNEDY. I take the Senator's word for that.

Mr. HATFIELD. All right. The fact is, as I understand it by the studies that I have seen, the level is 2.1 million men of what would be true volunteers in the military today.

My point is this: That with a 2.4 million level as recommended by the Armed Services Committee, that would mean we would have to attract about 300,000 additional true volunteers.

I would like to add, for clarification, one further statistic which was given to me by the Pentagon and confirmed by the chairman of the Armed Services Committee; that is, to maintain a 2.4 million level, there is a requirement of a 432,000 accession; with the fallout or the shortfall as considered by the military, they say we would have a shortfall of 22,000 to 44,000 men, without a draft.

My question is: Does the Senator not agree that internal reform or internal change in taking bartenders, chauffeurs, grass cutters, and all other nonmilitary jobs, and civilianizing them, that within the existing military we could reach the 2.4 million level within the statistics given to us by both the Pentagon and the chairman of the Armed Services Committee?

Mr. KENNEDY. Is the Senator including in that the Reserves as well, in the number of draft-induced people?

Mr. HATFIELD. In the 2.1 million? No.

Mr. KENNEDY. Does the Senator include the importance of the reserves in terms of the backup of support for the Armed Forces as well?

Mr. HATFIELD. Oh, yes. We would be able to meet that. The Gates Commission recommends 25 percent.

Mr. KENNEDY. What is that, true volunteers? In the Reserves it is 75 percent? How does that figure into the Senator's equation? I suppose, if we are talking about total military manpower needs at any level, obviously the Reserves have an impact.

I would be interested to know what kind of projections he makes in terms of that issue.

Mr. HATFIELD. The Gates Commission has made a projection—and I would be happy to give citations on that—on meeting Reserve forces, with the elimination of the draft. The only point I would like to make here with the Senator from Massachusetts is simply this: The Senator from Massachusetts has indicated by both his vote and his statements on the subject that he supports an equitable pay scale.

Mr. KENNEDY. That is right.

Mr. HATFIELD. My point is simply, with an equitable pay scale, according to all the data I have—and I am open to receive any new data, if it is available—that by having an equitable pay scale, we will be able to get all the true volunteers we need to meet the 2.4 million level that has been recommended by the Armed Services Committee. Therefore, I am trying to find out under what conditions—and I understand now and I believe, as the Senator has said, that at the end of hostilities he would then consider the elimination of the draft—although I do not understand why he would maintain the draft law, which is not to draft any man or woman in this country because we will be meeting all our requirements by volunteers.

Mr. KENNEDY. In terms of the numbers of volunteers, with all respect to the statements the Senator has been making in the Armed Services Committee—I think the numbers of volunteers are unrealistic. I say this——

Mr. HATFIELD. I have some other statements and data to give the Senator on that.

Mr. KENNEDY. Well, if I could just respond here, I think that individuals make judgments. The Senator has traveled to many schools and colleges in this country. I know that he is much in demand as a speaker there. With all respect to the official data that has been provided to the Armed Services Committee, the studies which have been made, and the background which has been prepared, I cannot, for the life of me, find where we will get the volunteers to join the Armed Forces of our country.

The Senator can talk about this and he can cite study after study after study, but I have had the opportunity, as the Senator from Oregon has, to talk to high schools and colleges in this country and I do not believe we will be able to get our young people today to volunteer for the Armed Forces or to volunteer to go to Vietnam or anywhere else in Southeast Asia.

We can take every empirical piece of study that has been made on that, and the Senator will not be able to convince me of it.

I am sure, as the Senator has visited the schools and colleges in this country from time to time, that if he has asked the students there how many of them would volunteer to go to Southeast Asia and fight in that war, I think he would reach the same conclusion.

Mr. HATFIELD. Has the Senator asked that same question in the black ghettos?

Mr. KENNEDY. Yes.

Mr. HATFIELD. What is the answer?

Mr. KENNEDY. Interestingly enough, in the course of the campaign last fall, I must have visited at least 70 high schools and colleges in my State of Massachusetts. I never went to one in which I did not ask about how many favored a volunteer army. The overwhelming majority would put up their hands. I would then ask how many would volunteer. Of the 70 schools or colleges, I would say that I got about 37½ hands. Some of them would put up a half a hand.

The greatest number of volunteers came from Dorchester high school. The enrollment there is about 50–50 black and white. In Charlestown trade school, there were about 12 boys.

We will not find a volunteer, however, in any of the elite 4-year colleges. I could not find any.

Young people would laugh when I asked how many would volunteer to fight in Vietnam. This is just as true, or very closely so, in terms of the high school students I talked with.

I think this is something that we have to realize and recognize. I daresay it would be as true in the State of Oregon as it is in the State of Massachusetts.

Mr. HATFIELD. Mr. President, I appreciate the Senator's poll and survey that he has made in these colleges and universities.

I must assume from the Senator's comments that he has rejected the scientific studies made on this whole question in preference to the surveys he has made.

Mr. KENNEDY. Mr. President, I believe strongly that it would be virtually impossible to ask young people in this country at this time, given the climate and the atmosphere in this Nation, to volunteer unless a $6,000 special bonus for combat is sweet enough to reach down into some of the more disadvantaged groups in our society to be able to reach the kind of volunteers suggested by the Gates Commission. That is my conclusion. And I might note that the Pentagon also has raised serious questions about the adequacy of the Gates report.

Mr. HATFIELD. Mr. President, I appreciate the Senator's patience today and the amount of time he has taken.

Mr. President, I would like to be able to make one or two concluding comments after the Senator has concluded.

Mr. GRAVEL. Mr. President, will the Senator yield? I have one question, and then I would like to make some comments following the comments of the Senator from Oregon.

Mr. KENNEDY. I yield.

Mr. GRAVEL. Mr. President, do I understand the position of the Senator from Massachusetts correctly that he believes we need the draft, because we need a force level of about 2.5 million or 2.4 million? I for one can argue, as the Senator from Oregon, that I feel satisfied in my conscience that we can have 2.4 million. However, I personally take a much different view, that with 2 million under arms we could very adequately provide for our commitment.

Is my interpretation correct, that that is the view of the Senator from Massachusetts? It is obvious if we are talking about a 500,000-man differential that we do not need the draft.

Is that a proper conclusion for me to make? I ask this question because it is a very germane part of the argument.

I would hope later on in the debate to bring up the military requirements for the Philippines of 18,000 troops and bring up the requirements for various parts of the world. I would make the point that we do not need this many men under arms.

If I can convince the Senator from Massachusetts of this at a later date, I will try to do so. If we need that many men under arms, the Senator believes that we need the draft. Is that correct?

Mr. KENNEDY. Mr. President, I think it is entirely possible to reduce the overall number from the 2.4 million to perhaps 2.25 or 2.1 million. These are figures that I think we ought to be debating each year.

As one who supported the Mansfield amendment to cut the number of troops in Western Europe, I have indicated that I felt there could be a reduction of troops there and also in South Korea. I think it is entirely possible.

If we made a judgment at a time when we were not engaged in combat that we could protect the security of this Nation and do so with 2 million or so men, and all we needed to do was to provide an equitable pay scale without the combat bonus, we would not need the draft. At that time, I would support the Senator.

There are many steps, however, before we reach that point, and the first is to put an end to the war in Vietnam.

Mr. GRAVEL. Mr. President, I would hope that in the ensuing weeks, and perhaps in the ensuing months, I would be able to make that case. I would appreciate support from the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Oregon was talking about the 2.1 million true volunteers. Does the Senator have any figures or statistics to indicate how many of those are high school graduates and how many have not completed high school and how many have completed college?

Mr. HATFIELD. I do not have it at hand. That information could be obtained. I would be happy to provide it.

Mr. GRAVEL. Mr. President, perhaps I could offer some figures that are very interesting. Some use military training as an opportunity to get a college education. However, the very poor do not get into the service, even from the point of view of volunteers. I was citing earlier today the case where the Army, to make

the case for the need for the draft increased the acceptance score from 50 percent on four different occasions all the way to 90 percent, so that they could hold out people who wanted to volunteer. More than 50 percent of the young men who failed their preinduction examinations are from the lower strata. Roughly 15 to 20 percent of the population are excluded from military service. Not surprisingly, most of them are poor and are undereducated. Similarly, they are at the lower end of the social scale where health care is poorest. The majority excepted on moral grounds are those with criminal records.

As we come down to it, draft or no draft, the people underrepresented are the very poor.

I would hope that at some time we could put this argument aside, because I share the view of both the Senator from Massachusetts and the Senator from Oregon who have excellent records in the Senate and have demonstrated a depth of social consciousness that is hard to equal.

I think we have to go further in this area. Social needs cry out to be satisfied. I know from experience that the records of the Senator from Massachusetts and the Senator from Oregon are impeccable in that regard. I would hope that we could address ourselves to solving the problems of the poor and the black in other legislation.

Mr. President, I have no further questions.

Mr. HATFIELD. Mr. President, I yield myself such time as I may require.

Mr. President, I feel that the debate and the colloquy today has certainly brought into sharp focus some of the issues we are confronted with in the Senate and the position on which we are going to be called upon to vote.

I would like to underline and emphasize the simple proposition for those who oppose the concept or the problem of poverty existing anywhere in our country, and by the same token support equitable pay for military personnel.

I have heard no one challenge or deny the simple fact that today there is not a comparable relationship between military pay and civilian pay. Therefore, it is incumbent upon Congress to move to eliminate that gap between military and civilian pay scales.

The obvious conclusion to draw from that achievement would be that since we accomplish equitable pay we need no longer maintain the draft. I have not heard anything but personal opinions—and everyone has a right to his personal opinion and I respect people who differ on the same subject and the same issue—but we have to make a decision whether we are going to accept personal opinion on one hand when we have an overwhelming amount of scientific data which contradicts the personal opinion.

There is no study of which I am aware—and I ask today and other days if anyone has a study and no one has come forward with anything—that contradicts the point that if there is a comparable pay scale in the military we will get all the personnel needed to maintain the 2.4 manpower level.

Therefore, the whole argument becomes focused on whether to agree to a system which is held over the heads of the young, to be used at some time in the future as a club, or at the moment, or whether to agree to a voluntary arrangement where people join the military, as young men have chosen to do for all of our history of 160 years of voluntary military in this country. It is not something new. We have 160 years of voluntary military. I think that is one of the important focuses to be made. If there is comparable pay, no longer is there a requirement for the draft.

Second, it should be pointed out that the Senator from Mississippi (Mr. STENNIS), chairman of the Committee on Armed Services, and I were able to agree on one basic statistic: To maintain a 2.4 million standing military, there will be an accession rate of 432,000. When we take the 432,000 without the draft it means a shortfall of only 24,000 to 44,000. That is without a pay increase or comparable pay; and that is without a draft. There would be a 24,000 shortfall.

I indicated before and I summarize at this moment that we have examples in the military in two categories, grass cutters and KP, consisting of 95,000 men—almost 100,000 men—who could be relieved of that military duty and have it turned over to civilian personnel to fill that gap of 24,000 to 44,000. That is as simple, direct, and accurate as I can make this entire picture. At the same time we would not be endangering the security of this Nation. We are not freezing in an inequitable system that permits some young men to escape and requires other young men to serve, but we are returning to the most prudent system we have ever had, the volunteer system.

Mr. President, lastly, I would like to answer the statement that it is the black and the poor who would be set upon and mistreated by an inequitable or unfair military procurement system. That is simply without foundation. My worthy colleague, the Senator from Massachusetts, today could not name one organization of the black or the poor that supports the contention for maintaining a conscriptive, coercive, unequitable, and unfair system.

We do not need to take the personal opinions of anyone. Personal opinions should count and I do not reject them outright. But they must be given careful consideration. I listened to them before and I do not think it is necessary to listen to them again. People in the Black Caucus in the other body, Rev. Channing Phillips, Jesse Jackson, and George Wiley, as well as Mrs. Martin Luther King, Jr., Dick Gregory, and the list goes on and on, all support the volunteer army and not a conscripted army.

Mr. President, this is somewhat like religion and politics in that it can become emotional and it can come down to a matter of opinion. But should we abandon the logic and scientific data which is available to us. I cannot conceive that any Senator would totally reject all of the scientific studies which have been made merely to state an opinion. As I have said, I respect the opinions of others, but the opinions must be based on more than casual meetings on campuses. So I do hope we will keep the focus here upon the statistics and the scientific data because we are making a decision affecting the future of the young men of this Nation. Their lives hang in the balance here and the action the Senate must take is obvious.

Mr. GRAVEL. Mr. President, will the Senator yield to me briefly?

Mr. HATFIELD. I am happy to yield to the Senator from Alaska for such time as he may require.

Mr. GRAVEL. Mr. President, I would like to make a few points for the RECORD that will be germane. I will be brief, because I realize the hour is late.

It should be recognized that the new figures that have come forward in 1970 as a result of the lottery demonstrate that about 62 percent of those coming in from January until October 1970 under the lottery system were volunteers. That is an interesting and a valuable figure.

The other point I would like to make is with respect to the black and the poor. This is so germane to this point. I am reading from page 15 of the President's Commission on an All-Volunteer Armed Force. The record states:

> The frequently heard claim that a volunteer force will be all black or all this or all that, simply has no basis in fact. Our research indicates that the composition of the armed forces will not be fundamentally changed by ending conscription. Negroes presently make up 10.6 percent of the armed forces, slightly less than the proportion of blacks in the Nation. Our best projections for the future are that blacks will be about 14 percent of the enlisted men in a conscripted force totalling 2.5 million officers and men, and 15 percent in an all-volunteer force of equal capability. For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 18 percent for the voluntary force as compared to 12.8 percent in the Army today. To be sure, these are estimates, but even extreme assumptions would not change the figures drastically.
>
> If higher pay does make opportunities in an all-volunteer force more attractive to some particular group than those in civilian life, then the appropriate course is to correct the discriminations in civilian life—*not* introduce additional discriminations against such a group.
>
> The argument that blacks would bear an unfair share of the burden of an all-volunteer force confounds service by free choice with compulsory service. With conscription, some blacks are compelled to serve at earnings below what they would earn in the civilian economy. Blacks who join a voluntary force presumably have decided for themselves that military service is preferable to the other alternatives available to them. They regard military service as a more rewarding opportunity, not as a burden. Denial of this opportunity would deflect either bias or a paternalistic belief that blacks are not capable of making the "right" decisions concerning their lives.

I thank the Chair.

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able junior Senator from Maine (Mr. MUSKIE), the able junior Senator from

Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON THURSDAY, JUNE 10, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, June 10, immediately following the recognition of the distinguished majority leader and the distinguished minority leader under the standing order, the able senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

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

HEARING ON NATIONAL LAND USE POLICY LEGISLATION ON MONDAY, JUNE 7, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be permitted to insert in the RECORD a statement by the able junior Senator from Washington (Mr. JACKSON) with respect to a hearing on national land use policy legislation.

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

STATEMENT BY SENATOR JACKSON

Mr. President, for the information of members of the Senate, the Interior and Insular Affairs Committee will conduct another in a series of hearings on legislation to establish a National Land Use Policy. Witnesses appearing before the Committee will be Secretary Romney of the Department of Housing and Urban Affairs; Governor Patrick J. Lucey of Wisconsin; Jack Hemingway, Idaho Fish and Game Commission, representing Governor Cecil D. Andrus of Idaho; James T. Goodwin, Coordinator of Natural Resources, representing the National Legislative Conference; and Mayor Robert Knecht of Boulder, Colorado representing the National League of Cities.

Additional hearings will be scheduled for later this month following the conclusion of Monday's hearing.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. This will be the final quorum call for the day.

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.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. ON MONDAY, JUNE 7, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

Immediately following the recognition of the two Senators under the standing order, the following Senators will be recognized each for not to exceed 15 minutes, in the order named. Messrs. EAGLETON, MUSKIE, and GRAVEL.

Upon the completion of the orders mentioned, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Senate will resume debate on the Hatfield amendment, with time controlled. The vote will occur on the Hatfield amendment at 1 o'clock p.m. Immediately following the vote on the Hatfield amendment, debate will occur, with time controlled, on title V of the Schweiker amendment, as amended, if amended, and the vote will occur not later than 4 o'clock tomorrow. Both votes will unquestionably be rollcall votes.

The rule of germaneness under the third paragraph of rule VIII of the Standing Rules of the Senate—the Pastore rule of germaneness—has been waived for tomorrow by virtue of the existence of the agreement which provides for controlled time.

ADJOURNMENT UNTIL 9:30 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 9:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 4, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 3, 1971:

SECURITIES AND EXCHANGE COMMISSION

A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1976; reappointment.

RAILROAD RETIREMENT BOARD

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board for the remainder of the term expiring August 28, 1973, vice Thomas M. Healy, deceased.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Carroll Hilton Dunn, 332–07–2863, U.S. Army.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title X, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abler, Peter D., [redacted]
Alberts, John M., [redacted]
Allgood, Richard A., [redacted]
Allman, Robert L., [redacted]
Ames, Richard C., [redacted]
Anderson, David P., [redacted]
Anderson, Louis A., [redacted]
Arms, Charles I., [redacted]
Arnold, James F., II [redacted]
Arnold, Stephen M., [redacted]
Arthur, Arch S., [redacted]
Atwood, Charles L., [redacted]
Babcock, Robert A., [redacted]
Baird, David C., [redacted]
Baisley, George A., [redacted]
Baker, Michael L., [redacted]
Baker, Warren E., Jr., [redacted]
Balcik, John T., [redacted]
Ballentine, Burt E. [redacted]
Balslev, Robert A., [redacted]
Baque, Frank III [redacted]
Barber, Donnie C., [redacted]
Barden, Paul W., [redacted]
Barker, Bruce W., [redacted]
Barthel, Daniel O., [redacted]
Bash, Donald C., [redacted]
Basine, James M., [redacted]
Battiston, John J. [redacted]
Beal, William D., [redacted]
Beatty, Jerome W., [redacted]
Beckett, Robert E., Jr., [redacted]
Behnfeldt, Roger E., [redacted]
Behrend, Leon C., [redacted]
Bissinger, Harry R., Jr., [redacted]
Blair, Donald C., Jr., [redacted]
Boatright, Ned C., Jr. [redacted]
Boileau, Winfield A., [redacted]
Boling, Richard K., [redacted]
Bolio, Lawrence H., [redacted]
Bowman, Medford C., Jr., [redacted]
Bowser, Earle S., [redacted]
Boyle, Richard M., [redacted]
Briggs, John J., III [redacted]
Britton, John F., Jr. [redacted]
Bruderick, Joseph E., [redacted]
Brown, Alan H., II, [redacted]
Brown, Bill G., [redacted]
Bughman, Niles J., [redacted]
Burchell, Gary F., [redacted]
Burink, Gerald A., [redacted]
Burke, Robert F., [redacted]
Burke, Terry A., [redacted]
Burrows, Henry P., III, [redacted]
Butt, Charles H., [redacted]
Caillouet, Richard W. [redacted]
Caldwell, William R., [redacted]
Calloway, James W., [redacted]
Calverley, Wesley S., Jr., [redacted]
Campagna, Carmen S., [redacted]
Campbell, Frank B. [redacted]
Campbell, Hugh T., [redacted]
Capps, John T., [redacted]
Caputo, John A., [redacted]
Carberry, Don L., [redacted]
Carlson, Kenneth R., [redacted]
Carson, Donald R., [redacted]
Carter, Charles M., [redacted]
Case, Randolph M., [redacted]
Caster, Robert J. [redacted]
Catoni, Frederic N., [redacted]
Cauldwell, Malculm D., [redacted]
Cave, Gary R., [redacted]
Chadbourne, Harvey L., [redacted]
Chambers, Mark R., [redacted]
Chancellor, John H. [redacted]
Chanda, John S., [redacted]
Chandler, Vincent [redacted]
Chapman, Dean W., [redacted]
Chappelear, Robert L. [redacted]
Chichester, William R., [redacted]
Chowning, Richard W., [redacted]
Christensen, Elroy E., Jr. [redacted]
Churchill, Gerald A., [redacted]
Clapp, Thomas R., [redacted]
Clark, Kenneth J., [redacted]
Clark, Merrill, G., Jr., [redacted]

Clark, Phillip C., xxx-xx-xxxx
Clatanoff, Kevin J., xxx-xx-xxxx
Clement, Robert E., xxx-xx-xxxx
Clements, John P., xxx-xx-xxxx
Clinton, John A., xxx-xx-xxxx
Clinton, William D., xxx-xx-xxxx
Coffey, Michael J., xxx-xx-xxxx
Collins, Clifton M., xxx-xx-xxxx
Collins, Perry B., III, xxx-xx-xxxx
Combs, John R., Jr., xxx-xx-xxxx
Cooper, Paul R., xxx-xx-xxxx
Coryell, Charles E., III, xxx-xx-xxxx
Costello, Jeremiah F., xxx-xx-xxxx
Crabb, Roy W., Jr., xxx-xx-xxxx
Crabtree, William E., xxx-xx-xxxx
Cramer, Charles E., Jr., xxx-xx-xxxx
Crawley, George D. A., xxx-xx-xxxx
Crehan, James E., xxx-xx-xxxx
Crites, William J., xxx-xx-xxxx
Crowley, Duane E., Jr., xxx-xx-xxxx
Cuddeback, Robert L., xxx-xx-xxxx
Cummings, William D., xxx-xx-xxxx
Cunningham, Richard C., xxx-xx-xxxx
Dade, Dennis A., xxx-xx-xxxx
Dahmer, Robert L., xxx-xx-xxxx
Dalton, Thomas P., Jr., xxx-xx-xxxx
Davies, James E., xxx-xx-xxxx
Davis, Orval J., Jr., xxx-xx-xxxx
Davis, Patrick R., xxx-xx-xxxx
Davis, Wayne A., II, xxx-xx-xxxx
Dean, Gary L., xxx-xx-xxxx
Decker, Jerry F., xxx-xx-xxxx
Declue, David J., xxx-xx-xxxx
Dejong, Ralph G., xxx-xx-xxxx
Dellamea, Vincent E., xxx-xx-xxxx
Dennis, Harry S., III, xxx-xx-xxxx
Dierdorf, Harold E., Jr., xxx-xx-xxxx
Dillon, Steven M., xxx-xx-xxxx
Divelbiss, Robert D., xxx-xx-xxxx
Domain, Donald A., Jr., xxx-xx-xxxx
Dooley, Martin P., xxx-xx-xxxx
Doyle, James P., xxx-xx-xxxx
Doyle, James T., xxx-xx-xxxx
Druebert, Hilmar C., xxx-xx-xxxx
Dugan, Richard W., xxx-xx-xxxx
Duke, Derek L., xxx-xx-xxxx
Dukes, Luther M., xxx-xx-xxxx
Dunbar, Robert F., xxx-xx-xxxx
Duncan, Ronald P., xxx-xx-xxxx
Durham, Ronald W., xxx-xx-xxxx
Dyer, Everett B., III, xxx-xx-xxxx
Echols, Melvin, xxx-xx-xxxx
Ellett, Watson H., Jr., xxx-xx-xxxx
Elmgren, Clyde A., xxx-xx-xxxx
Emmons, Dwight N., xxx-xx-xxxx
Enoch, Robert A., Jr., xxx-xx-xxxx
Erickson, Robert L., xxx-xx-xxxx
Erickson, Robert V., xxx-xx-xxxx
Esselman, George D., xxx-xx-xxxx
Evans, Charles L., Jr., xxx-xx-xxxx
Ezell, Melton L., xxx-xx-xxxx
Fagg, Hamby D., xxx-xx-xxxx
Farnam, Thomas J., xxx-xx-xxxx
Farrell, Reginald D., xxx-xx-xxxx
Faunce, Kenneth C., xxx-xx-xxxx
Fay, Thomas L., xxx-xx-xxxx
Fazackerley, Paul F., xxx-xx-xxxx
Fehrenbach, Richard L., xxx-xx-xxxx
Feterle, Lynn C., xxx-xx-xxxx
Finch, David W., xxx-xx-xxxx
Fineour, John V. S., xxx-xx-xxxx
Finley, James D., xxx-xx-xxxx
Fischer, James K., xxx-xx-xxxx
Fisher, Lewis W., xxx-xx-xxxx
Fleming, Gerald B., xxx-xx-xxxx
Forte, Robert A., II, xxx-xx-xxxx
Foster, Anthony, xxx-xx-xxxx
Franckowiak, Stanley V., xxx-xx-xxxx
Fullner, Frank J., xxx-xx-xxxx
Galbraith, John Y., xxx-xx-xxxx
Gallagher, Michael F., xxx-xx-xxxx
Garrison, George F., xxx-xx-xxxx
Gill, Paul F., xxx-xx-xxxx
Glauner, Lewis M., xxx-xx-xxxx
Goossen, Kenneth J., xxx-xx-xxxx
Gothard, James E., xxx-xx-xxxx
Gowin, William T., II, xxx-xx-xxxx
Granquist, Bruce K., xxx-xx-xxxx
Gray, George A., III, xxx-xx-xxxx
Green, Darrell D., xxx-xx-xxxx
Greksa, Gary J., xxx-xx-xxxx
Gresch, Thomas J., xxx-xx-xxxx
Guasco, David F., xxx-xx-xxxx
Haase, Alexander M. A., xxx-xx-xxxx
Hadfield, Larry D., xxx-xx-xxxx
Hall, Donald R., xxx-xx-xxxx
Hall, John W., xxx-xx-xxxx
Hall, Kenneth B., xxx-xx-xxxx
Hall, Terry C., xxx-xx-xxxx
Halstead, Dale H., xxx-xx-xxxx
Haman, Kenneth W., xxx-xx-xxxx
Hamann, David L., xxx-xx-xxxx
Hames, David C., xxx-xx-xxxx
Hamilton, Gale W., xxx-xx-xxxx
Hancock, Stanley R., xxx-xx-xxxx
Hanna, Richard L., xxx-xx-xxxx
Harding, Ralph D., xxx-xx-xxxx
Harper, Robert W., xxx-xx-xxxx
Harris, Cassius A. IV, xxx-xx-xxxx
Harris John L., Jr., xxx-xx-xxxx
Harrison, James W. III, xxx-xx-xxxx
Hartley, John J. II, xxx-xx-xxxx
Hasley, Richard L., Jr., xxx-xx-xxxx
Hawkins, Max L., xxx-xx-xxxx
Heers, Alan R., xxx-xx-xxxx
Heestand, Ronald J., xxx-xx-xxxx
Heidt, William S., xxx-xx-xxxx
Heinrich, Bennie J., Jr., xxx-xx-xxxx
Helsley, Edward F. III, xxx-xx-xxxx
Hendrickson, Carl R., Jr., xxx-xx-xxxx
Hensel, Ralph L., xxx-xx-xxxx
Hepler, William C., xxx-xx-xxxx
Hesser, William R., xxx-xx-xxxx
Hewett, Gary T., xxx-xx-xxxx
Higaki, Fred S., xxx-xx-xxxx
Higbie, John M., xxx-xx-xxxx
Hikda, Larry K., xxx-xx-xxxx
Hill, Gordon C., xxx-xx-xxxx
Hill, Lloyd D., xxx-xx-xxxx
Hill, Victor A., xxx-xx-xxxx
Hille, Donald R., xxx-xx-xxxx
Hines, Charlton W., xxx-xx-xxxx
Hisey, John M., xxx-xx-xxxx
Hobgood, Charles D., xxx-xx-xxxx
Hohl, Michael D., xxx-xx-xxxx
Holbert, Stephen E., xxx-xx-xxxx
Hollrah Dale E., xxx-xx-xxxx
Holt, Allen D., Jr., xxx-xx-xxxx
Hortsman, Randall L., xxx-xx-xxxx
Houck, James H., Jr., xxx-xx-xxxx
Houston, Ronnie L., xxx-xx-xxxx
Howard, Bill R. Jr., xxx-xx-xxxx
Howe Charles L., xxx-xx-xxxx
Howell, Thomas O., xxx-xx-xxxx
Howze, Richard S., xxx-xx-xxxx
Hughes, John E., xxx-xx-xxxx
Hulse, Charles A., Jr., xxx-xx-xxxx
Hunt, Charles S., xxx-xx-xxxx
Huskey, Leon O., xxx-xx-xxxx
Inscoe, Willard D., xxx-xx-xxxx
Irvine, George N. III, xxx-xx-xxxx
Jahnke, Terance L., xxx-xx-xxxx
Janes, Benjamin F. IV, xxx-xx-xxxx
Jason, Anthony, Jr., xxx-xx-xxxx
Jaspers, David A., xxx-xx-xxxx
Jensen, Mark S., xxx-xx-xxxx
Jester, William L., xxx-xx-xxxx
Joerger, Joseph J., xxx-xx-xxxx
Johansen, William A., xxx-xx-xxxx
Johnson, Charles T., xxx-xx-xxxx
Johnson, Linn V., xxx-xx-xxxx
Johnson, Robert N., xxx-xx-xxxx
Joiner, Ray E., xxx-xx-xxxx
Jones, James P., xxx-xx-xxxx
Jones, Keith W., Jr., xxx-xx-xxxx
Jordan, Michael G., xxx-xx-xxxx
Jorgensen, Doyle G., xxx-xx-xxxx
Jungel, Carroll D., xxx-xx-xxxx
Kapsaroff, John C., xxx-xx-xxxx
Karlsson, Peter E., xxx-xx-xxxx
Kassen, William C., xxx-xx-xxxx
Kates, Richard W., xxx-xx-xxxx
Keefe, Michael J., xxx-xx-xxxx
Keller, John J., Jr., xxx-xx-xxxx
Kelly, Joseph H., xxx-xx-xxxx
Kelly, Patrick E., xxx-xx-xxxx
Kenna, Michael J., xxx-xx-xxxx
Kennedy, James M., xxx-xx-xxxx
Kingston, John C., xxx-xx-xxxx
Kirchhoff, Alan A., XXXX
Kleinsasser, Vernon E., xxx-xx-xxxx
Knapp, Edward, xxx-xx-xxxx
Knight, Wayne A., xxx-xx-xxxx
Korner, William C., xxx-xx-xxxx
Ladd, William T., III, xxx-xx-xxxx
Lancaster, Mark A., xxx-xx-xxxx
Lane, Samuel O., Jr., xxx-xx-xxxx
Languit, Gerald A., xxx-xx-xxxx
Lapointe, John W., xxx-xx-xxxx
Larson, David E. R., xxx-xx-xxxx
Leininger, Philip A., xxx-xx-xxxx
Leitch, Donald R., xxx-xx-xxxx
Lemon, Daniel M., xxx-xx-xxxx
Leonard, James B., xxx-xx-xxxx
Leone, Kennth C., xxx-xx-xxxx
Leppert, Gregory A., xxx-xx-xxxx
Leslie, Thomas M., xxx-xx-xxxx
Lessard, Dennis J., xxx-xx-xxxx
Lewis, Larry T., xxx-xx-xxxx
Libby, Richard K., xxx-xx-xxxx
Lindstrom, Ronnie G., xxx-xx-xxxx
Loomis, Edwin E., xxx-xx-xxxx
Lumsden, Stanley H., xxx-xx-xxxx
Lutz, Charles F., xxx-xx-xxxx
Maas, Charles I., xxx-xx-xxxx
MacCartey, Homer G., xxx-xx-xxxx
Mack, Ronald F., xxx-xx-xxxx
Mackey, Gary R., xxx-xx-xxxx
Mackinnon, John D., III, xxx-xx-xxxx
Maclennan, John A., xxx-xx-xxxx
Mahan, James B., III, xxx-xx-xxxx
Mammen, Ronald W., xxx-xx-xxxx
Manley, William J., xxx-xx-xxxx
Manor, Steven R., xxx-xx-xxxx
Markham, Lawrence W., xxx-xx-xxxx
Marlow, Stephen W., xxx-xx-xxxx
Marsch, Robert J., Jr., xxx-xx-xxxx
Marshall, Terry D., xxx-xx-xxxx
Marshall, William D., xxx-xx-xxxx
Martin, Michael A., xxx-xx-xxxx
Martin, William L., xxx-xx-xxxx
May, Alvin H., III, xxx-xx-xxxx
Mayer, Ronald L., xxx-xx-xxxx
McAdams, William D., xxx-xx-xxxx
McClarney, Winton P., xxx-xx-xxxx
McComber, Robert G., xxx-xx-xxxx
McCormick, Samuel D., xxx-xx-xxxx
McDonald, Jerald A., xxx-xx-xxxx
McHenry, Kenton D., II, xxx-xx-xxxx
McLean, John A., Jr., xxx-xx-xxxx
McMillen, Bertram D., III, xxx-xx-xxxx
McMurray, Frederick C., xxx-xx-xxxx
Melton, Dennis D., xxx-xx-xxxx
Merrill, Kenneth D., xxx-xx-xxxx
Merrill, Wayne R., xxx-xx-xxxx
Mihalski, Edmund J., xxx-xx-xxxx
Milham, Robert N., Jr., xxx-xx-xxxx
Miller, Bennie A., Jr., xxx-xx-xxxx
Millhone, Malcolm M., xxx-xx-xxxx
Mills, David M., III, xxx-xx-xxxx
Moore, James S., Jr., xxx-xx-xxxx
Moore, Warren W., xxx-xx-xxxx
Moreau, Edward L., xxx-xx-xxxx
Morgan, Richard A., xxx-xx-xxxx
Morris, Francis B., xxx-xx-xxxx
Morse, Gaylord J., xxx-xx-xxxx
Moschkau, Michael C., xxx-xx-xxxx
Mote, Albert S., xxx-xx-xxxx
Mount, Michael B., xxx-xx-xxxx
Muehlberger, Gerald L., xxx-xx-xxxx
Mueller, John W., II, xxx-xx-xxxx
Munn, Henry J., xxx-xx-xxxx
Murphy, John J., Jr., xxx-xx-xxxx
Nakrosis, Paul P., xxx-xx-xxxx
Naumann, Leroy M., xxx-xx-xxxx
Neel, James L., xxx-xx-xxxx
Neel, Jeffrey R., xxx-xx-xxxx
Nelson, Gary W., xxx-xx-xxxx
Nelson, Larry K., xxx-xx-xxxx
Nye, Richard J., xxx-xx-xxxx
Ochandarena, Douglas W., xxx-xx-xxxx
O'Connor, Brian P., xxx-xx-xxxx
O'Donnell, Jon D., xxx-xx-xxxx
Okumura, Roland T., xxx-xx-xxxx
Olech, James R., xxx-xx-xxxx
Oliphant, Ronald E., xxx-xx-xxxx
Olson, Eric A., xxx-xx-xxxx
Ostermann, Thomas C., xxx-xx-xxxx
Oxenham, John R., xxx-xx-xxxx

Palicia, David F., xxx-xx-xxxx
Pankey, William A., III, xxx-xx-xxxx
Parkinson, William P., xxx-xx-xxxx
Parris, Lonnie W., III, xxx-xx-xxxx
Pasecky, Steve Jr., xxx-xx-xxxx
Patrone, Donald P., xxx-xx-xxxx
Patterson, Arthur W., xxx-xx-xxxx
Pavolko, George J., Jr., xxx-xx-xxxx
Pechnik, Edward J., xxx-xx-xxxx
Pederson, Arvid P., xxx-xx-xxxx
Pedretti, Harlan T., xxx-xx-xxxx
Peraldo, Mario G., xxx-xx-xxxx
Perry, Ronald D., xxx-xx-xxxx
Peters, William E., Jr., xxx-xx-xxxx
Peterson, Andrew S., Jr., xxx-xx-xxxx
Peterson, Robert D., xxx-xx-xxxx
Petryszak, Frank L., xxx-xx-xxxx
Philips, Philip H., II, xxx-xx-xxxx
Phillips, James V., xxx-xx-xxxx
Pickrel, Eddie G., xxx-xx-xxxx
Pietras, Robert J., xxx-xx-xxxx
Pipgras, Frank J., xxx-xx-xxxx
Poore, Charles P., xxx-xx-xxxx
Popovich, James E., xxx-xx-xxxx
Powell, Michael R., xxx-xx-xxxx
Pressley, Humer M., Jr., xxx-xx-xxxx
Price, Delton M., xxx-xx-xxxx
Priddy, Ronald N., xxx-xx-xxxx
Prouty, James W., xxx-xx-xxxx
Quinn, John J., III, xxx-xx-xxxx
Ralls, Charles D., xxx-xx-xxxx
Ramsey, Carl A., xxx-xx-xxxx
Rasco, Joe R., Jr., xxx-xx-xxxx
Ream, Barry L., xxx-xx-xxxx
Reese, Michael A., xxx-xx-xxxx
Register, Willie C., xxx-xx-xxxx
Reich, Stephen H., xxx-xx-xxxx
Remagen, Lawrence D., xxx-xx-xxxx
Revill, Donald L., xxx-xx-xxxx
Reynolds, Larry K., xxx-xx-xxxx
Richter, Keith M., xxx-xx-xxxx
Ricketson, Robert C., xxx-xx-xxxx
Reiss, Charles F., xxx-xx-xxxx
Riggs, James R., xxx-xx-xxxx
Riley, Earl W., xxx-xx-xxxx
Ripple, Carey W., xxx-xx-xxxx
Ritter, James W., Jr., xxx-xx-xxxx
Rittmuller, Richard F., xxx-xx-xxxx
Roberts, Albert J., III, xxx-xx-xxxx
Roberts, Samuel J., xxx-xx-xxxx
Robertson, Charles L., xxx-xx-xxxx
Robinson, Patrick L., xxx-xx-xxxx
Robison, Everett J., Jr., xxx-xx-xxxx
Rodda, Allen Jr., xxx-xx-xxxx
Rogers, John A., xxx-xx-xxxx
Rose, Gary A., xxx-xx-xxxx
Ruths, Donald R., xxx-xx-xxxx
Rybak, Richard J., xxx-xx-xxxx
Sandlin, Dennis R., xxx-xx-xxxx
Scarboro, William E., Jr., xxx-xx-xxxx
Schardon, Stanley D., xxx-xx-xxxx
Schmeling, Donald M., xxx-xx-xxxx
Schmidt, Jerry L., xxx-xx-xxxx
Schoening, Norman L., xxx-xx-xxxx
Schumann, John E., xxx-xx-xxxx
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WITHDRAWAL

Executive nomination withdrawn from the Senate June 3, 1971:

Col. William A. Willis, USAFR, xxxx xxxx, from further consideration for appointment as an Air Force Reserve brigadier general. His name was submitted along with 20 other nominees for appointment to Reserve of the Air Force general officer grades on April 19, 1971.

HOUSE OF REPRESENTATIVES—*Thursday, June 3, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He endured seeing Him who is invisible. Hebrews 11: 27.

O God and Father of us all, in these anxious moments and uncertain hours, we come to Thee with needs and longings only Thou canst help us meet. As we live through these difficult days, grant unto us beliefs big enough, hearts honest enough, and spirits strong enough to make us equal to the demanding duties of this disturbing day.

By Thy spirit help us to rise above all that is narrow and petty and selfish and with increased devotion may we work together for the well being of our Nation and the welfare of all mankind.

To this end guide us in our thinking and govern us in our living, that at the close of the day we may rest in peace and arise in the morning with joy in our hearts.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

SCHEDULE OF HEARINGS BY THE JUDICIARY SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the Judiciary Subcommittee of the Committee on the District of Columbia will hold hearings at 10 o'clock, Monday, June 21, in the full committee room, on H.R. 5465, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and also on the same day on H.R. 7405, to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier.

Also on Tuesday, June 22, at the same place and hour, the committee will hold hearings on H.R. 7717, 7718, 7719 and 7720, companion measures for exemption from taxation by the District of Columbia of certain property in the Dis-