"In Prince George's County the courts back us up. Landlords get the blame when a property goes downhill, and often they deserve it. But what can the owners of housing do when they have no way to enforce rent collections?

"Half of the relatively small number of families we have had to evict from Glenarden were plagued with internal quarreling," Allen said. "These are things that don't show up in written reports.

"I figure that if I can send a man into the families' present homes—no matter how miserable the external surroundings may be—he should be able to tell something about how good tenants they will be."

Gammon, whose projects have been aided by FHA programs, speaks highly of the work of this housing agency.

"Without FHA programs," he insists, "there wouldn't be any good quality, low rent housing."

"The agency also has a better batting average of accomplishments than most people credit it with."

WILLIAM J. KING, IMMIGRATION CHIEF AT BUFFALO, RETIRES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1971

Mr. DULSKI. Mr. Speaker, a 42-year veteran of Government service, known to his friends and employees as "Colonel King," has retired after serving the past 14 years as Chief of the Immigration and Naturalization Service District headquartered in my home city of Buffalo, N.Y.

William J. King has acquired a host of friends and has commanded wide respect in a position of responsibility that often has touched on very sensitive problems of human relations.

As one of the major international gateways to the United States, many, many thousands of individuals have crossed the border each day from Canada through the stations over which he had charge.

Colonel King supervised his district in a strict but completely humane manner, giving courteous and sympathetic consideration to every request for assistance in connection with immigration and naturalization problems.

Before he joined the Immigration and Naturalization Service he served in the Army where he achieved the rank of full colonel and is credited with organizing the Army's Criminal Investigations Division during World War II.

I join with Colonel King's many friends in wishing him gracious living in his retirement and many many happy days ahead.

Mr. Speaker, as a part of my remarks I include an excellent article from the Buffalo Evening News on Colonel King:

[From the Buffalo (N.Y.) Evening News, May 26, 1971]

RETIRING IMMIGRATION CHIEF LIKES CITY, BUT IRELAND IS MOST FIT FOR A KING

(By Tony Cardinale)

If Buffalo's retiring U.S. immigration chief had his way, he'd emigrate back to Ireland, which his ancestors left 160 years ago.

"Southern Ireland is the last outpost of gracious living in the Western world," mused William J. King, known to his friends and 360 employes as "Colonel King."

But for this 42-year veteran of government service, retirement this month means settling down in Buffalo. Nor is he complaining.

"Buffalo is our home town now," he said. "We love it! If everybody I know in Buffalo would vote for me, I'd run for mayor."

For gracious living, Buffalo style, Col. King will continue to swim daily at the Buffalo Athletic Club and meet there quarterly with the Philosophers, a group of successful friends he jokingly calls "15 old steamroom athletes."

MAN OF CONTRASTS

At 69, the out going director of the upstate New York district of the Immigration & Naturalization Service is a man of contrasts.

One moment he's the crusty colonel fully in charge of things. A twinkle later, he's the mellow, self-depreciating, devil-may-care conversationalist.

After all the successes in military and civilian life, the one prize that he points to with unabashed pride is a Disabled American Veterans citation he received for "your efforts in the entire area of employment of the handicapped."

Asked how he'd explain his impressive list of achievements, he said simply: "I just happened to be available with a particular knowledge that was needed at the time." The list includes:

Organizing the Army's Criminal Investigations Division (CID) during World War II while serving in England as the Army's liaison with Scotland Yard.

LIAISON WITH SCOTLAND YARD

Serving as senior liaison officer to the British Army of the Rhine.

Commanding a German labor service battalion, the beginning of a post-war German army under Allied supervision.

Retiring as a full colonel after only 13 years in the Army.

Returning to civilian life in 1954 to become head of the INS Field Inspection & Security Division, which brought him to every district immigration office in the country.

Rounding out his career with a 14-year stint as head of the Buffalo INS district, where nearly 80,000 aliens live and more people walk across the border than anywhere else in the country.

Col. King leaned back in his chair, pressed dimples into both cheeks with the tips of eyeglass frames, and allowed that his rise in the INS since 1929 has been meteoric.

SERVED MANY ROLES

He served in Detroit as chairman of a special inquiry board, in Honolulu as inspector in charge of the Chinese division, in New York City as head of the inspections division, and in Washington as information chief and assistant director of a special division seeking wartime subversives.

A graduate of Georgetown University's Foreign Service School, he is a native of Springfield, Mass., and has long given prime space on his office wall to photos of the three Kennedy brothers.

Snuffing out his methol cigarette, Col. King got up and stood at his window overlooking Niagara Square. He said he'll spend more time with his wife now, and with his Civil War books, and may visit his daughter in London and old friends in southern Ireland.

Any new battles left unfought?

"Lovely sunshine," he mused, still gazing out the window. "Think I'll get some of it tomorrow."

SENATE—*Wednesday, June 9, 1971*

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

Rabbi Morton M. Kanter, Congregation Beth El, Detroit, Mich., offered the following prayer:

Our Heavenly Father. King David's Psalm implores:

Seek peace and pursue it.—Psalm 34: 14.

The rabbis who came late said: "You must seek peace in your own place and pursue it even to another place as well." (Leviticus Rabbah, Tzav, IX, 9).

We seek Thy guidance and inspiration for those who are charged with the great responsibility of directing the affairs of our Nation. May Thy spirit dwell richly within them as they manifest abiding courage and sincere faith to work for freedom, justice, and peace within our Nation and throughout the earth. Grant them loving kindness and patience, understanding and foresight so that they will ever be warmed by Thy love and nurtured by Thy teachings.

Bless, O Father, all the people of our country. In our relations with one another, may we ever remember that we are all equally dependent upon Thee. Bring us together in an indissoluble bond of friendship and brotherhood, that, unitedly, we may promote the welfare of our country and increase the happiness of our fellow men. Hear Thou our prayer and bless us with strength and peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 8, 1971, be dispensed with.

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

EXECUTIVE SESSION

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

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

DEPARTMENT OF STATE

The legislative clerk read the nomination of Joseph F. Donelan, Jr., of New York, to be an Assistant Secretary of State.

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

The legislative clerk read the nomination of Charles J. Nelson, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

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

U.S. ADVISORY COMMISSION ON INFORMATION

The legislative clerk read the nomination of John Shaheen, of Illinois, to be a member of the U.S. Advisory Commission on Information.

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

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

S. 1985, THE TRUTH-IN-FOOD-LABELING ACT—REFERRAL TO COMMITTEE ON COMMERCE UNDER CERTAIN CONDITIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1985, the Truth-in-Food-Labeling Act, which has been referred to the Committee on Labor and Public Welfare, be referred to the Committee on Commerce for a period not to exceed 30 days if and when it is reported to the Senate by the Committee on Labor and Public Welfare.

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

S. 1991—CHANGE OF REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from the further consideration of 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 Company Holding Act of 1953 to provide housing for persons of low and moderate income, and that the bill be referred to the Committee on Commerce.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of unobjected-to items on the calendar beginning with Calendar No. 136.

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

DISPOSITION OF JUDGMENT FUNDS OF THE SNOHOMISH TRIBE, THE UPPER SKAGIT TRIBE, AND THE SNOQUALMIE AND SKYKOMISH TRIBES

The bill (H.R. 1444), an act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–140), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 1444 is to authorize the distribution of three judgments recovered against the United States by four different tribes in the Northwest. The tribes involved and the net amounts available, including accumulated interest, are as follows:

Upper Skagit Tribe	$426,801
Snoqualmie and Skykomish Tribes	285,241
Snohomish Tribe	157,000

The money has been appropriated, but it may not be used until authorized by Congress.

NEED

There is no present-day successor to any of the four tribes. Some of the descendants have settled on various reservations, along with Indians from other tribes, but many descendants are scattered. The bill therefore provides for the preparation of rolls containing the names of all descendants of the tribes who are now living, and for a distribution of the judgments among such persons in equal shares. The number of persons who will be entitled to be enrolled is unknown, but is estimated as follows:

Snohomish Tribe (persons)	2,450
Upper Skagit Tribe (persons)	1,000–1,500
Snoqualmie and Skykomish Tribes (persons)	1,000–1,500

SECTION-BY-SECTION ANALYSIS

Section 1 identifies three separate judgments against the United States that have been recovered by four separate tribes in the Northwest.

Section 2 provides for the preparation of separate rolls containing the names of all descendants of the tribes as they were constituted in 1855. The tribes do not exist today.

Section 3 limits the time for filing applications for enrollment, and makes final the Secretary's decision regarding eligibility for enrollment.

Section 4 provides for a per capita distribution of the judgments among the persons enrolled.

Section 5 provides for the protection of the interests of minors and incompetents.

Section 6 exempts the per capita distributions from State and Federal income taxes.

Section 7 permits the Secretary to issue rules and regulations.

The House of Representatives amended H.R. 1444 to prohibit enrollment as a descendant of the Snohomish Tribe of any person who has shared or is eligible to share in a per capita distribution of a claims judgment recovered by any other tribe. This amendment was requested by Snohomish Indians primarily because of the small size of the judgment. If Snohomish descendants who have shared in other judgments were allowed to share in this one, the per capita share would be very small. The Senate Interior Committee concurs in this amendment.

The descendancy roll prepared pursuant to this bill will serve only to identify the persons who are entitled to share in the distribution of this judgment, and will not affect the right to join any organization of Snohomish Indians.

The committee expressed its concern over the fact that in the preparation of lineal descendancy rolls to serve as the basis for distribution of the awards in H.R. 1444 no limitation is imposed on blood quantum to permit an individual to qualify for membership on such lineal descendancy rolls.

The committee requests the Department of the Interior to clarify for Congress the criteria and procedures generally followed in preparation of lineal descendancy rolls when they are authorized by legislation to serve as the basis for the distribution of judgment fund awards.

COST

Enactment of the bill, H.R. 1444, will involve no additional appropriation. The judgments have already been appropriated, and the cost of distributing the judgments will be paid from the judgments themselves.

COMMITTEE RECOMMENDATION

Action by the Committee on Interior and Insular Affairs in recommending that H.R. 1444 be enacted was unanimous.

DISPOSITION OF JUDGMENT FUNDS OF THE IOWA TRIBES OF OKLAHOMA AND OF KANSAS AND NEBRASKA

The bill (H.R. 4353), an act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 513, 158, 209, and 231, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–141), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 4353, which is similar to S. 1066, sponsored by Senators Harris and Bellmon and S. 805 by Senator Dole, is to authorize the division of five claims judgments between the Iowa Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma, and to authorize the use of the money after it is divided.

The money has been appropriated, and the net amount available, including accumulated interest, is $5,831,902.

NEED

The judgments were recovered by the two groups jointly, and legislation is needed to divide them. The bill provides that the Kansas and Nebraska group will get 61.29 percent, and that the Oklahoma group will get 38.71 percent. These percentages reflect the relative numbers of persons in each group in 1889 and 1891. Both groups have agreed to this division.

Legislation is also needed to authorize the use of the money after it is divided. The bill permits the money to be used for any purpose requested by the tribal governing bodies and approved by the Secretary of the Interior. Both groups intend to distribute all of the money per capita, except for a small sum which the Oklahoma group will reserve to meet tribal business expenses.

SECTION-BY-SECTION ANALYSIS (AS THE BILL WAS AMENDED BY THE COMMITTEE)

Subsection (a) provides for the division of five judgments against the United States that have been recovered by the Iowa Tribes. The division is: 61.29 percent to the Iowa Tribe of Kansas and Nebraska; 38.71 percent to the Iowa Tribe of Oklahoma.

Subsection (b) authorizes the money to be used for any purpose authorized by the Tribes approved by the Secretary of the Interior.

Subsection (c) limits per capita distributions to persons who meet membership requirements.

Subsection (d) exempts any per capita distribution from State and Federal income taxes.

Subsection (e) provides for the protection of the interests of minors and incompetents.

Subsection (f) permits the Secretary of the Interior to issue rules and regulations.

The House of Representatives amended H.R. 4353 to make the technical changes recommended by the Department of the Interior. The Senate Interior Committee concurs in these amendments.

COMMITTEE VOTE

The bill was reported by the Committee on Interior and Insular Affairs without a record vote.

COST

Enactment of the bill will involve no additional appropriation. The judgments have already been appropriated, and the cost of distributing the judgments will be paid from the judgments themselves.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that the bill as amended be enacted.

Mr. DOLE. Mr. President, I am pleased with the action of the Senate today in passing H.R. 4353. This Act embodies the substance of a bill, S. 805, which I introduced earlier this year to provide for the disposition of funds previously appropriated to pay three judgment awards by the Indian Claims Commission to the members of the Iowa Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma. These awards total $5,956,413.67 and represent funds for lands excluded from the Iowa Reservation in southeastern Nebraska by the treaty of September 17, 1836; for additional payment of land sold in northeastern Kansas under the treaty of May 17, 1854; for additional payment to the Iowa Nation for its undivided one-half interest in land in northeastern Iowa ceded under the treaty of October 19, 1838; and for land in Southwestern Iowa ceded under the same treaty. Funds to pay these awards were appropriated by the Congress in acts of December 26, 1969, and of July 6, 1970.

Mr. President, the tribal governments of the Iowa Tribes affected by this legislation have passed resolutions to govern the distribution of these judgment funds. The Iowa Tribe of Oklahoma plans to reserve $25,000 of its share for the administrative expenses of the tribal governing body and for programing, with the remainder being distributed per capita to the tribal members. The Iowa Tribe of Kansas and Nebraska plans to distribute its entire share per capita to tribal members. The bill specifies that 61.29 percent of the judgment funds shall go to the Iowas of Kansas and Nebraska and 38.71 percent to the Iowas of Oklahoma.

Since I first introduced legislation in the 91st Congress to effect disposition of these awards, representatives of the Iowa Tribes have been in contact with my office and have clearly explained their distribution formulas and their desire to see this matter expeditiously settled. Their claims are entirely just and meritorious. The Claims Commission, the Department of the Interior, the Office of Management and Budget, and even the Congress, through the appropriations process, have previously expressed approval of these claims. After 120 years these claims are long past due. I am pleased that the Senate has given its approval and paved the way for final settlement of these claims.

DISPOSITION OF JUDGMENT FUNDS OF THE PEMBINA BAND OF CHIPPEWA INDIANS

The Senate proceeded to consider the bill (H.R. 6072), an act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment. On page 3, in line 17, after "Secretary;" insert:

And provided further, That the Pembina descendants within the Turtle Mountain Band shall be authorized to establish pursuant to regulations set by the Secretary of the Pembina Descendants Committee and that the Tribal governing body shall be required to work in concert with such committee for the purpose of making recommendations to the Secretary.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–142), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 6072, which is identical to S. 1231 as introduced by Senator Burdick at the request of the Interior Department, is to authorize the distribution of a judgment against the United States recovered by the Pembina Band of Chippewa Indians. The money has been appropriated and the net amount available is $259,059.90.

NEED

The judgment, although appropriated, may not be used until the purpose has been approved and authorized by Congress.

The Pembina Band does not exist today as a separate entity. Some descendants of the band are living on three different reservations, and some descendants are scattered over a wide area. The bill therefore provides for the preparation of a roll containing the names of all descendants of the band. The roll will identify the Indians who are members of the three reservation groups. The judgment will then be divided among the three reservation tribes and the nonreservation Indians according to their relative numbers. The funds apportioned to the nonreservation Indians will be paid to them per capita, and the funds apportioned to the reservation Indians will be paid to their respective reservation tribes. The funds apportioned to the three reservations may be used for any purpose requested by the governing body and approved by the Secretary of the Interior. The amount of money in each case will be small and can probably best be used for some reservation purpose.

COMMITTEE AMENDMENT

The Pembina descendants residing on the Turtle Mountain Reservation in North Dakota form a distinct minority in the total tribal membership. As a result, the Metis, because of their numerical superiority, have maintained control over the tribal political entity since its inception in 1932. The Committee amendment has been written to expressly protect the Pembina descendants' interests in the judgment funds in the event program plans are adopted for their use to benefit the total membership.

DISPOSITION OF FUNDS TO PAY JUDGMENTS IN FAVOR OF CERTAIN INDIAN TRIBES

The Senate proceeded to consider the bill (S. 101) to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment. On page 2, in line 12, after "326–G," strike out "326–H," so as to make the bill read:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of the funds on deposit in the United States Treasury to the credit of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; the Bannock Tribe and the Shoshone Nation or Tribe of Indians appropriated by the Act of June 19, 1968 (82 Stat. 239) to pay a judgment of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, and 326–F, 326–G, 326–H, 366, and 367, and interest thereon, less attorney fees, a sum equal to 500,000/15,700,000th thereof, less the amount of $709.88 reimbursed expenses chargeable to dockets 326–E and 326–F, shall

be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of said tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 2. The funds credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation pursuant to section 1 may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 3. Any portion of said funds that may be distributed per capita to members of the tribes shall not be subject to Federal or State income tax.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–143), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 101, introduced by Senators Jordan and Church, is to authorize disposition and distribution of a portion of a judgment against the United States recovered by the Shoshone-Bannock Tribes of Fort Hall; the Shoshone Tribe of Indians of the Wind River Reservation; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians. The judgment award represents additional compensation of $15,200,000 for 38,000,000 acres of land of the Shoshone Nation or Tribe taken by the United States in 1868 and 1869 in the States of Idaho, Wyoming, Colorado, Utah, and Nevada, and $500,000 for damages for reservation claims of the Shoshone-Bannock Tribe at Fort Hall. Funds to cover the total award ($15,700,000) were appropriated by the Act of June 19, 1968 (82 Stat. 239), and most of the funds have been deposited in interest-bearing accounts.

NEED

The judgment, although appropriated, may not be used until the purpose has been approved and authorized by Congress.

The Shoshone-Bannock Tribes of the Fort Hall Reservation are organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and have a constitution and bylaws adopted by the tribes on March 31, 1936, and approved by the Secretary of the Interior on April 30, 1936. The constitution contains provisions governing the membership of the tribes. It is estimated that the membership of the tribe is 2800.

The Fort Hall Tribes propose to use $125,000, approximately one-fourth of their special award of $500,000, to construct a Community Diagnostic and Rehabilitation Center. The tribal proposal provides a central facility for the purpose of detention, diagnosis, rehabilitation, education, work furlough, social services, and employment assistance on the reservation for adult and juvenile offenders. Federally matching funds in the amount of $108,825 under Public Law 90–351 (1968) have been approved and were available as of July 14, 1970. The remainder of the funds, $375,000, is to be distributed per capita to the tribal members.

AMENDMENT

The Committee adopted a technical amendment recommended by the Department of the Interior which would delete the docket number 326–H on page 2, line 12, since that docket number covers the award in favor of the Shoshone Nation.

COST

Enactment of S. 101 will involve no additional appropriation of funds.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends that S. 101 be enacted.

DISTRIBUTION OF FUNDS APPROPRIATED TO PAY CERTAIN JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIAN CLAIMS

The Senate proceeded to consider the bill (S. 1462) to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission documents Nos. 142 and 359, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendment. On page 2, in line 13, strike out the word "offices" and the period, and insert "offices, and any other available records and rolls."

On page 3, strike out line 7.

In line 8, after the word "with", insert "more than one of the named Indian groups shall elect the";

And in line 16, after the words "basis of", strike out the words "tribal membership" and insert in lieu thereof "reservation residence and other residence";

On page 4, strike out:

That, in the case of the Sisseton and Wahpeton Sioux Tribe of South Dakota, the funds allotted for programing purposes which are attributable to tribal members who either (1) reside in the Upper Sioux Indian Community of Minnesota, or (2) are members of the Urban Sisseton Wahpeton Sioux on the effective date of this Act, shall be expended in accordance with plans and programs promulgated by the respective governing bodies of such organizations and approved by the Secretary; *And provided further*, That if the Upper Sioux Indian Community or the Urban Sisseton Wahpeton adopt independent programs for the use of such funds, the persons benefiting therefrom shall not be eligible for benefits under programs conducted by the Sisseton and Wahpeton Sioux Tribe with funds provided by this Act.

And insert in lieu thereof:

That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-St. Paul area in jointly submitting programing proposals to the Secretary.

And on page 6, in line 1, after "Sec. 7." strike out

The funds distributed under the provisions of this Act shall not be subject to Federal or State income tax.

And insert in lieu thereof:

None of the funds distributed per capita under the provisions of this act shall be subject to Federal or State income taxes.

So as to make the bill read:

S. 1462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, together with interest thereon, after payment of attorney fees and litigation expenses and the cost of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secreary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. No person shall be eligible to be enrolled under section 2 who is not a citizen of the United States.

SEC. 4. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

SEC. 5. (a) After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin Annuity Roll, as follows:

Tribe or Group:	*Percentage*
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Peck Reservation, Mont.	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a), shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 2(a) of this Act. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes; *And*

provided further, That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-St. Paul area in jointly submitting programing proposals to the Secretary.

None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a), shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 2(b) of this Act.

SEC. 6. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved: *Provided, however,* That no restrictions shall be placed upon payments to persons eighteen years of age or over who are married and are not under a legal disability for any reason other than age.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–144), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 1462, introduced by Senator McGovern, for himself and Senator Burdick, is to authorize the distribution to Sisseton and Wahpeton Tribes of Sioux Indians their portion of a judgment against the United States recovered by the Mississippi Sioux Indians. The money has been appropriated and the net amount available is $6,154,020.79.

NEED

The judgment, although appropriated, may not be used until the purpose has been authorized by Congress.

Successors to the combined Sisseton-Wahpeton (known as the Upper Council Sioux) are:

The Sisseton-Wahpeton Sioux Tribe of South Dakota (Lake Traverse Reservation).

The Devils Lake Sioux Tribe of North Dakota (Devils Lake Reservation).

The Sisseton-Wahpeton element within the Assinaboine and Sioux Tribe of Montana (Fort Peck Reservation).

While it is clear that these successor tribes exist and are representative of the aggrieved aboriginal bands, historical evidence confirms that there are additional descendants who are not enrolled with these successor tribes, but are entitled to share in the proceeds of the award.

The wide dispersion of the descendants of the aboriginal Sisseton-Wahpeton Sioux Tribes resulted from their participation in the Mississippi Sioux uprising against white settlers in Minnesota in August 1862, and which was brought under control by the military in 1863. After the uprising, the major portion of the Sisseton-Wahpeton bands of the Mississippi Sioux fled west and north, with some moving into Canada where many continue to reside.

A demonstrated result of the 1862 uprising was the forced and widespread dispersal of the aboriginal bands. Some descendants are living on the three successor reservations and others, and some descendants are scattered over a wide area. The bill therefore provides a method for all persons of Sisseton-Wahpeton Sioux blood to share in the award.

The bill provides for a basic apportionment of the judgment funds among the claimant groups on the basis of the 1909 McLaughlin Annuity Roll.

The percentage breakdown, as provided in section 5, is as follows:

Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of Fort Peck Reservation, Montana (meaning the Sisseton-Wahpeton element)	10.3153
All other Sisseton-Wahpeton Sioux	25.0225

These percentages derive from the names and addresses found on the 1909 roll; 963 persons residing at Devils Lake, 1,903 at Lake Traverse, 458 at Fort Peck, and 1,111 elsewhere, many on other reservations.

The bill authorizes the successor groups to utilize 70 per cent of their share of the funds for per capita payments to duly enrolled members and 30 per cent for programs to benefit the membership residing on their respective reservations and approved by the Secretary of the Interior. Others shall receive their proportionate share of the funds on proof of lineal descendancy with the aboriginal band. All of the concerned Indian groups endorse this method of apportionment and distribution of the judgment funds.

The Committee concurs with the provision of the bill that non-citizens shall not be enrolled. This is in reference to the Canadian Mississippi Sioux, and the proscription is supported by the successor tribes and the Department of the Interior.

AMENDMENTS

The Department of the Interior recommended several amendments, which are technical in nature, and these were adopted by the Committee.

COST

Enactment of S. 1462 will involve no additional appropriations. The judgment has already been appropriated, and the cost of distribution will be paid out of the judgment.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommended unanimously that the bill be enacted.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

TRIBUTE TO SECRETARY ELLIOT L. RICHARDSON

Mr. MANSFIELD. Mr. President, one of the shining lights in the present administration is Mr. Elliot L. Richardson, Secretary of Health, Education, and Welfare. It was with extreme disappointment that I noted last year his transfer from the Department of State, where he had served so well as Under Secretary, to the Secretaryship of the Department of Health, Education, and Welfare.

However, I must say that Mr. Richardson is a man of many seasons and all seasons. He was outstanding in the Department of State. He most certainly is outstanding in the most difficult job he has as head of the Department of Health, Education, and Welfare. He is a man who does his homework, who is understanding and considerate, who is a strong administration man at all times, but who is not unwilling to listen to the other side of a question.

May I say that any administration would be most fortunate in having a man of the caliber of Secretary Richardson as the head of any of its departments of Government, because of his integrity, because of his ability, and because of the way he gets things done.

I ask unanimous consent that an article on Secretary Richardson by John Herbers, which appeared in today's issue of the New York Times, be incorporated at this point in the RECORD.

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

RICHARDSON, AFTER YEAR ON JOB, HAILED FOR ENDING CHAOS AT HEW

(By John Herbers)

WASHINGTON, June 7.—One year ago, there was talk around Washington that one of the kindest things President Nixon ever did was to relieve Robert H. Finch from the torments of the Department of Health, Education, and Welfare.

Now there is talk that one of the smartest things the President ever did was to name Elliot L. Richardson to succeed Mr. Finch.

In his first year as boss of Washington's most unwieldly bureaucracy, the moderate Republican from Massachusetts has defused an area of government that Mr. Finch once described as "a political minefield," one that was exploding almost daily and causing considerable embarrassment for the Administration.

Through skill, timing and luck, Mr. Richardson has ended much of the chaos that existed under Mr. Finch and has turned the department once again into a rather dull federation of agencies and bureaus where 107,000 civil servants go about their daily tasks of administering 270 Federal programs across the country.

Already some of the department's oldtimers are calling Mr. Richardson one of the best secretaries. This may be a dubious distinction in that most of the eight secretaries who preceded Mr. Richardson left the office with a sense more of frustration than of achievement.

AN UNANSWERED QUESTION

A number of officials and observers in Washington agree that Mr. Richardson's handling of the post has well served the Administration's purposes. How well he has served the public is a more controversial question, and less easily answered.

This question involves Mr. Richardson's enthusiastic support of Federal disengagement and turning back authority and money to the state and local governments in the social services. Much of his H.E.W. constituency takes the view that a stronger Federal role is needed to meet domestic needs.

To some observers, Mr. Richardson has emerged as the superbureaucrat—skilled at administration, able to put out fires before they spread, a master of obfuscation when needed, adept in behind-the-scenes political maneuvering and deliverer of some of the most boring speeches on the Government circuit.

He is said to be highly regarded in the White House, where he has stood up to the political operators on choosing his lieutenants and running the department. But he has proved to be flexible on policy matters, avoiding the kinds of confrontation with the right wing that plagued Mr. Finch.

Last June, when President Nixon announced that he was moving Mr. Finch to

the White House, his department was in turmoil resulting from Mr. Finch's efforts to reorganize and reform the department and from confrontations with Republican conservatives.

Mr. Finch had been put down by the White House in his struggle to appoint Dr. John H. Knowles of Boston as chief health officer, and the man Mr. Finch finally chose an an alternate, Dr. Roger O. Egeberg, was not performing to the satisfaction of the White House. Health care, a subject Mr. Nixon had emphasized in his 1968 campaign, was in disarray.

KEY OFFICIALS DISMISSED

There had been several controversial public dismissals. Leon E. Panetta charged that he had been dismissed as civil rights director because he had tried to enforce the rights laws but had been prevented from doing so by the White House.

Dr. James E. Allen Jr. was dismissed as Commissioner of Education because, he said, he had spoken out against President Nixon's Cambodian incursion. The Office of Education was riddled with vacancies in top positions and was known in the education community as a place to avoid.

Many of the employes were in an uproar, particularly some carry-overs from the previous Administration who believed that the department's secretary should be an unabashed liberal. Some were openly cheering for Mr. Finch against the White House conservatives while others were publicly denouncing him for agreeing too much with the conservatives.

The discontent was heightened by the tight Nixon budgets that were pinching some of the department's programs below the authorized levels. All of this renewed an old complaint heard from former Secretaries and others that H.E.W. was unmanageable because of its size and make-up as a federation of independent bureaucracies.

Into this milieu stepped Mr. Richardson, who in 17 months had turned in a strong record as Under Secretary of State.

He came with good credentials. He was a member of the moderate wing of the Republican party and a Harvard-educated lawyer; he had served as an Assistant H.E.W. Secretary in the Eisenhower Administration, as United States Attorney for Massachusetts, as Lieutenant Governor and as Attorney General of Massachusetts.

On July 20, Mr. Richardson will be 51 years old, but he looks younger. He is black-haired, handsome, agile and wears plain, well-tailored suits. He is both pleasant and detached as his eyes glitter behind heavy lenses. He has been described as looking like a banker contemplating a loan.

It is generally acknowledged that luck and timing have saved Mr. Richardson some of the embarassments that Mr. Finch endured. By the time he took over, some of the painful policy decisions and dismissals had been made and settled. The courts had moved to the forefront again on civil rights and his department was less vulnerable.

But it is also obvious that Mr. Richardson has handled controversy and a number of delicate problems very skillfully. He has improved morale in the department even while becoming one of the foremost spokesmen for Mr. Nixon's policy of Federal disengagement in the domestic area.

His refurbishing of the Office of Education provides an example of how he operates. To succeed Dr. Allen as commissioner, Mr. Richardson picked Dr. Sidney P. Marland Jr., former Superintendent of Schools in Pittsburgh.

Although the American Federation of Labor and the Congress of Industrial Organizations stringently fought the appointment, Mr. Richardson knew before it was made that there were sufficient votes in the Senate for confirmation.

Mr. Marland is neither flashy like Harold Howe 2d of the Johnson Administration, nor bluntly outspoken, like Dr. Allen, and he is probably the least controversial of the commissioners in the conduct of the office since it was elevated to prominence in the mid-1960's. But he has valuable contacts in the education community.

Most of the vacancies that once riddled the office have been filled and the agency now seems to be humming along routinely.

"Richardson is cleaning out some of the deadwood, slowly, without setting off alarms," a long-time employee of the department said, adding: "In the health area, Dr. Egeberg never took control, and after a period of time Richardson moved decisively to open the job to a new man."

Dr. Merlin Duval of the University of Arizona Medical School has been appointed to the post of Assistant Secretary for Health and Scientific Affairs. After Dr. Duval's Senate confirmation, expected later this month, Dr. Egeberg is scheduled to become a consultant to the department.

Mr. Richardson cleaned out most of the young assistants who had been brought in by Mr. Finch to help reorganize the department and who had thoroughly stirred up the bureaucrats. He is said to deal easily with the agency heads and to talk their jargon. But he kept as Under Secretary John G. Veneman, the former California legislator who had a strong hand in pending welfare reform legislation.

On several occasions, according to H.E.W. sources, Mr. Richardson successfully resisted White House efforts to make what were considered purely political appointments in the department.

He has not always been firmly in control of policy. For example, the national health insurance legislation proposed earlier this year by President Nixon was written largely in the White House.

At press conferences and at other public appearances, Mr. Richardson turns aside penetrating questions with abstract, flowery phrases that frequently leave the questioner puzzled. He is a master of finesse.

Those who know Mr. Richardson well say that he believes deeply in returning authority to the local governments. At the same time, he has pushed hard both in the Administration and in Congress for a somewhat liberal version of the Family Assistance Plan, which is now considered likely to emerge from Congress this year.

Thus he has avoided having labels pinned on him. In his department he is known as neither liberal nor conservative but as a pragmatist who talks over the heads of most people.

Mr. Richardson is exceedingly energetic and is said by his friends to be very ambitious. He told a visitor a few days ago that he liked the job so well he would like to stay on after 1972.

Mr. GRIFFIN. Mr. President, I certainly want to join the distinguished majority leader in his words of commendation of Secretary Richardson, who has been one of the outstanding administrators in this administration, both in the Department of State and now in the Department of Health, Education, and Welfare. The tribute which the distinguished majority leader has paid him today certainly comes from both sides of the aisle.

RABBI MORTON M. KANTER

Mr. GRIFFIN. Mr. President, both Senators from Michigan are particularly pleased that the convening prayer today was offered by Rabbi Morton M. Kanter, a distinguished clergyman from our State.

Although he is one of the younger men in the American ministry, Rabbi Kanter serves a temple that must be considered among the most important in the American Jewish community. I refer to Temple Beth El of Detroit.

The pulpit shared by Rabbi Kanter has been occupied by men like the late Dr. Lee M. Franklin, who was a pioneer in the civil rights movement.

At Temple Beth El, Rabbi Kanter is an associate of Dr. Richard Hertz.

In his present role, Rabbi Kanter has become a leader in educational work. The love and respect for Rabbi Kanter reflected by the children of Temple Beth El provide the greatest testimonial to the unusual leadership ability of Rabbi Kanter.

Born in Cleveland on November 29, 1927, Rabbi Kanter received his bachelor of arts from Western Reserve University in 1950, after first serving his country in the Army from 1945–47.

In 1955, he received his bachelor of Hebrew letters from the Hebrew Union College, Jewish Institute of Religious Center. A year later he earned his masters of Hebrew letters from the same institution.

Rabbi Kanter is currently a candidate for the degree of doctor in education at Wayne State University.

Mr. President, as we contemplate the problems facing America and importance of religious training in the life of young people and the Nation, I cannot be other than optimistic because outstanding religious leaders of the caliber of Rabbi Morton Kanter are dedicated to the betterment of all men through the work of God.

Detroit and Michigan are very proud of Rabbi Kanter and his work dedicated to fulfilling the spiritual, moral, and educational needs of young people.

Mr. HART. I appreciate very much, Mr. President, the remarks of my colleague. He speaks eloquently of a magnificent leader of whom we in Michigan are very proud. I am grateful that the opportunity was given the Senate this morning to meet Rabbi Kanter.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

THE UNITED STATES AND NATO; TROOP REDUCTIONS—III

Mr. MANSFIELD. Mr. President, yesterday I inserted in the RECORD the second compilation of material dealing with the question of the United States and NATO, and troop reductions in Europe.

I ask unanimous consent to have printed in the RECORD a third series of editorials and commentaries, so that the reaction to this proposal, both pro and con, will become available to all Members of the Senate.

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

[From the Washington Post, May 21, 1971]

COLD WAR ANACHRONISMS

(By Don Oberdorfer)

History may or may not validate President Nixon's hope that this week marks "the beginning of a new era" in curbing armaments. It seems extremely likely, however, that these past few days will be recognized in retrospect as the beginning of an important era within the United States. More than ever before, the question of this country's post-Vietnam role abroad broke into the headlines, the newscasts and the speeches of our politicians.

The Senate battle over the Mansfield amendment to withdraw half of the American ground force in NATO was only the first round. Though Mansfield lost 61 to 36 on the final tally, he carried more than half of the Democrats in the Senate with him. Moreover, he prompted verbal agreement by the opposition leaders—including Chairman John Stennis of the Armed Services Committee and Senate Republican Leader Hugh Scott—that this country has too many troops in the NATO force today.

Underlying the Senate debate and its echo in the country is a growing belief that American security arrangements in the world are outmoded. Some 25 years after the onset of the Cold War, after the development of H-bombs, tactical nuclear weapons and intercontinental ballistic missiles on both sides, the economic resurgence of Europe and great political changes in the great power blocs, many of the existing arrangements are anachronisms. This is Mansfield's premise, and this premise is accepted to a large degree by those who opposed his amendment as unwise and ill-timed.

What is not agreed is the proper nature and dimension of the American military and political presence in the world in the era to come. Beyond such slogans as "we can't be the world's policeman," and "no more Vietnams," there has been little popular discussion of the shape of the future.

Due to the weakness of Mr. Nixon's position, it appears that 1972 will be a seriously contested presidential year with great potential for change. For this reason, the performance on the NATO issue of some leading politicians is of interest.

Sen. George McGovern, the only declared Democratic presidential contender, had no difficulty whatever in voting with Mansfield to reduce the U.S. troops in Europe by half. McGovern sees his willingness to advocate very deep cuts in defense expenditures—as the wherewithal for new domestic programs—as one of his major advantages over his fellow Democratic contenders.

Sen. Hubert Humphrey had no difficulty in opposing Mansfield's unilateral cut. Humphrey calls himself "a strong NATO man," and he seeks reductions through East-West negotiations. Humphrey is a pragmatist, and he forecasts a period of pragmatic adjustment in our international role.

Of the leading potential Democratic candidates, Sen. Edward Kennedy appears to have the clearest vision of a new arrangement—a "third force" Europe of both East and West in which the United States would play a diminished role. By going all the way with Mansfield, he aligned himself once again with the forces on the left which are seeking change.

Sen. Edmund Muskie backed Mansfield's troop reduction resolutions in the past but changed his mind following a trip to Europe and the Soviet Union early this year. The cautious Muskie consulted a half-dozen advisers, including several who had high posts in the Johnson administration, before his final decision 10 days ago to oppose a unilateral troop cut now. His vision of future security arrangements is cloudy because he is uncertain about Soviet intentions.

The Republican in the White House took a stern, hard, no-compromising stand on legislated troop cuts, though his aides forecast major efforts to negotiate a mutual troop reduction with the Russians. The President retains considerable room to maneuver within the ambiguities of the Nixon Doctrine. He will no doubt say more and do more later.

With the Vietnam war not yet over and the passions fanned by the war running high, this may not be the ideal time for a debate about America's future in the world. Nonetheless, it is beginning. The thinkers and politicians had best get ready.

[From the Washington Post, May 21, 1971]

THE PRESIDENT, THE SENATE, THE WORLD

Mr. Nixon won a crimped and costly victory in putting down the Senate's several challenges to his European troop policy—if "victory" is even the right word. For 23 senators voted for the Mathias amendment, which "requested" the President to negotiate reductions within a NATO-Warsaw Pact context and also within NATO. And 36 other senators—with only one overlap, Mr. Inouye—voted for the Mansfield amendment, mandating a 50 per cent cut in American forces by year's end. That means a full 58 senators registered one degree or another of opposition to the status quo. Moreover, there is every reason to believe that 35 senators (the 36 minus Inouye) who voted for the Mansfield amendment would have voted for the Mathias substitute, had it been left until last. But the 35 rejected the Mathias amendment which their votes would have carried, so that they could bring the Mansfield amendment to a final vote.

The more one ponders the proceedings, the more puzzling and dismaying it becomes that the President insisted on spurning the hand of that considerable company of thoughtful legislators who wanted to arm him, in any forthcoming negotiations, not with a command but with an entreaty which amounted to an expression of their support. Mr. Nixon's interest in ensuring that the Senate did not legislate troop cuts in advance of negotiations was indisputable. His no less passionate determination to prevent senators from stating their agreement with his purposes was shortsighted and cavalier. What possible coup in terms of Executive privilege or personal pride could justify the humiliation of one's senatorial friends—the very men, of course, whose votes will be required in other encounters to come?

True, the President has his free hand—but he also has a warning that the Senate is not disposed to let things stand the way they are for very long. Doubtless once negotiations with the Warsaw Pact nations get under way, he will argue against any further Senate effort to impose troop cuts, on grounds that such a move would undercut his negotiating stance. This has been the characteristic Executive-Senate stalemate on Vietnam, one of grim tension and grudging movement and mutual bitterness. A similar stalemate may now be shaping up over Europe. To prevent it, Mr. Nixon will have to alter his tack sharply and decide to treat the Senate as a responsible partner—by keeping it informed, by consulting it, perhaps by bringing some of its members into negotiations. An impartial observer must confess, though, that the record of the past week's sledgehammer assault on the Senate offers scant assurance that Mr. Nixon is prepared to do what the success of his own policy requires.

We can only hope that the European allies will look beyond the raw tallies into the substance of the Senate's deliberations. If they do, they will understand that America's days as patient patron of Europe are coming to an end. The Senate's plain message is that the United States will act responsibly, but it will act surely, to reduce the American super-presence to which Europeans, to a fault, have become accustomed. The votes of 58 senators are the measure of this entirely justifiable senatorial state of mind.

Mr. Nixon will now be involved in three sets of enormously important and complicated East-West negotiations. The first concerns the status of the chief postwar great-power friction point, the city of Berlin. In the second the President will lead NATO into talks with the Warsaw Pact on mutual and balanced force reductions, or, as Moscow puts it, on "reduction of armed forces and armaments" in central Europe. And in the third, arching over the first two, Moscow and Washington are undertaking to limit their own strategic arms. Mr. Nixon's and the Kremlin's announcement yesterday that the two governments have agreed to concentrate this year on working out an ABM agreement, and also "on certain measures with respect to the limitation of offensive strategic weapons," represents at the least a triumph of calculated ambiguity; we intend to study it before commenting further, as they say. For today, it is perhaps enough to note that the sense of diplomatic gears shifting, in both East and West, has never been so clear.

In this unfolding international drama, whose overall purpose is nothing less than to stabilize East-West relations at a lower order of cost and risk, it becomes all the more vital for the President to show appropriate respect in turn not only for the country's allies and adversaries but for those legislators at home on whose understanding and support the success of his foreign policy ultimately depends.

SENATE REAFFIRMS U.S. ROLE

The full significance of the powerful Senate vote to continue the present American military presence in Western Europe should not be underestimated.

The Senate did more than simply reject by a 61-to-36 vote an amendment by Sen. Mike Mansfield to cut the number of U.S. troops in the North Atlantic Treaty Organization in half.

It also refused with equal decisiveness a number of attempts to dilute the American commitment to NATO in any way or to undermine President Nixon's position in dealing with the Russians for mutual troop reductions.

Also rejected were amendments to the Selective Service bill that would have extended American withdrawal over a period longer than that desired by Sen. Mansfield, that would have put an onus on our allies to pay more of the military expenses, and that would have made our troop level in Europe conditional upon the progress of negotiations with the Soviet Union.

All in all, the Senate action was a clear, unwavering statement of support for the Atlantic alliance. It should put to rest—at least temporarily—the idea that the Senate is rushing into isolationism, or that the doves represent a majority of opinion in that body.

Adding materially to the strong posture of the Senate was the unprecedented display of unity for NATO that extended across the American political spectrum.

All responsible statesmen of both major political parties, including two former presidents, rallied behind the administration's position that the American commitment to the Atlantic alliance is essential at this point in time.

It was just as well that the Mansfield amendment brought matters to a head. The test should clear the air of the confusion regarding our foreign policy caused by debate over the Vietnam war.

Further, the Senate decision to continue NATO support at the present level should be a catalyst to solve other problems among nations of Western Europe and the United States, such as the dollar crisis.

Above all, however, the Senate vote should constitute a clear message to the Kremlin that it does not have an open road to the spread of Communist imperialism into Western Europe, because we do not intend to default on our commitments to the free world.

CONGRESS PROVING INEPT FOREIGN POLICY ADVISER

(By Roscoe Drummond)

WASHINGTON.—Congress is unwittingly warning the American people not to allow it to grasp too large a role in the conduct of foreign policy.

In principle it is altogether right that Congress should be exercising an important voice in foreign affairs.

But the reckless way it is going about the business of trying to do so can hardly fail to create a massive public demand on Congress to STOP, LOOK and LISTEN.

In recent months there has hardly been a single aspect of foreign policy which Congress, when it has acted to intervene, hasn't bungled.

The latest instance was the Mansfield amendment to slash in half the U.S. forces assigned to NATO. This would have been perilous folly. Only after great effort was it deflected by a face-saving compromise which does no immediate harm.

If this is the way Congress proposes to seize the conduct of foreign affairs from the President, there will have to be a massive public crusade to save the country from Congress.

Congress should play a significant role in foreign policy but it will throw away its opportunity to do so if it continues to show such ineptness.

Take the Mansfield amendment.

The NATO nations have long been urging the Soviet Union to negotiate a mutual reduction of Warsaw Pact and NATO forces in Europe. At times, Moscow has appeared interested but has held back until very recently. Now at the very moment when party leader Leonid Brezhnev announced that the Soviets are ready to move for a mutual cutback, Mansfield and other like-minded senators proposed to give to the Russians a 50 per cent cut in U.S. NATO forces without getting anything in return.

Defeated, yes—but the very initiative was ill-timed, ill-conceived and harmful.

Is this the way Congress proposes to conduct foreign policy?

The NATO governments had already worked out an agreed policy for the prospective talks with Moscow. The Mansfield amendment would have torn up that agreement. And to legislate a unilateral cut in U.S. forces in Europe would undermine NATO and destroy the confidence of the NATO countries in the steadfastness of American support. It would also have destroyed all prospects of reaching a workable solution for West Berlin, and the failure to get such a solution would nullify the worthy efforts of West Germany to improve relations with Russia and Poland.

Is this the way Congress proposes to conduct foreign policy?

Have no doubt about it, the Soviets want to destroy NATO. They have tried to make the dissolution of NATO a precondition of nearly every international negotiation they have participated in with the United States in recent years. They have even tried to make it a condition of the limited nuclear test ban.

The Soviets want to get the United States out of Europe, and the Senate maneuvers to slash U.S. NATO forces without any counterbalancing reduction of Soviet forces were about to begin that process before wiser counsel prevailed at the last minute.

It can fairly be argued that the United States is bearing too one-sided a burden in the cost of keeping up NATO's defenses and that the NATO nations should be doing more. But for Congress to propose a one-sided action breaching agreed NATO policy is simply irresponsible.

Is this the way Congress proposes to conduct foreign policy?

Is this the way the Senate expects to win public confidence in its efforts to strengthen its voice in foreign affairs?

If so, the nation will suffer.

There is a right balance in the role of the President and the role of the Congress in these matters and it can only be achieved with great care and responsibility.

[From the St. Louis Post-Dispatch, May 17–23, 1971]

CARRY ON, MR. MANSFIELD

Senate Majority Leader Mike Mansfield has been subjected to criticism for unexpectedly introducing a measure to cut in half the 300,000-man American force in Western Europe by the end of December. He has been talking in these terms for years. He is right, and though his timing may have been abrupt, there is more to his action than meets the eye.

President Nixon saw the maneuver for what it was, a major challenge to the Executive Branch domination of foreign policy and a specific challenge to the way that policy is being implemented militarily in Europe. With a notable display of energy, Mr. Nixon marshalled the cold war warriors of past administrations, men present at the creation of the North Atlantic Treaty Organization, to denounce Mr. Mansfield's bill. It went down to defeat at mid-week.

But the major factor may not have been the opposition of the White House and the eminent statesmen and generals it summoned, but a puzzling series of statements by Russian leaders encouraging the idea of mutual military cutbacks in Europe. This gave Senators opposed to the Mansfield amendment an excuse to argue that a unilateral reduction by the United States would prevent this country from bargaining for a reduction by the Warsaw pact nations; last winter the Administration pledged to maintain its forces unless mutual reductions could be arranged.

There is something to this point, but not a great deal. It is quite possible that a unilateral reduction by the U.S. would be followed by a Russian reduction. The Americans and the Russians both know that war in Europe is not deterred by the presence of NATO and Warsaw pact forces, each numbering something over a million combat and direct support troops. The deterrent, assuming one is required, is in the nuclear capability of each side. Modern airlifts can supply quick reinforcements if needed.

The United States maintains half a million men and dependents in West Germany. This has become an important prop of the Bonn economy, but it is a drain on U.S. resources and a source of continuing cold war tension. A token force would signify the U.S. commitment to Europe; moreover, reduction of American troop levels might prod other NATO countries into assuming their just share of the burdens.

There is nothing intrinsically wrong about bargaining with the Soviet Union for a reduction of opposing forces in Europe, but the process is somewhat irrelevant if U.S. reduction is advisable anyway. It is easy to demonstrate that the U.S. is overextended militarily abroad, in Germany, Vietnam, Korea and elsewhere.

The votes in the Senate on Mr. Mansfield's bill and various substitutes showed Senators are well aware of the problem. Mr. Mansfield's views actually received more support than suggested by the Administration victory. An analysis of the five principal ballots indicated that a total of 62 Senators wanted some sort of change.

So in a sense it may be said that Mr. Mansfield and his colleagues won the day. The Senate resents being pressured, and is not likely to forget the Administration lobbying. There will be a next time. Through his action Mr. Mansfield was able to focus public attention on the problem. As he told the Senate, "It has been made a matter of moment for this body."

It remains a matter of moment, and we hope Mr. Mansfield feels encouraged to press his point.

U.S. ISOLATIONIST MOOD GIVES REDS THEIR CHANCE

(By Crosby S. Noyes)

It has taken them a while to believe their good luck. But it looks as if, at long last, the leaders in China and the Soviet Union are waking up to the glittering prospects that await them.

There is nothing strange or surprising about the recent behavior of Chou En-lai or Leonid Brezhnev. They are responding to a new reality on the international scene. And the new reality, quite simply, is that the power of the United States which has stood between them and their ambitions for a quarter-century will soon be in full retreat in every part of the world.

The Communist leaders, after all, are not complete fools. They undoubtedly have a better appreciation of what is happening in this country than the great majority Americans have.

They can see that the retreat of American power from Asia is gaining momentum each month, with thousands of troops leaving Vietnam, Thailand, Korea, Japan and the Philippines. They know that the announced policy of the American government is to withdraw all significant military force from the Asian mainland as quickly as possible.

They can see that pressure in this country is growing for a similar retreat from Western Europe. They have every reason to hope that the departure of the Americans and the dismantling of NATO, which has been a fixed Communist objective for more than 20 years, is only a matter of time.

They can see what is happening in the American Congress. They understand the implications of the moves to end the war in Vietnam by legislation, to abolish the draft, to limit the war powers of the President, to cut-off budgetary support for the armed forces, to force a withdrawal from Europe.

They know that the administration is fighting a desperate, rear-guard action against those who would put the United States out of business as a major world power. They are aware that the majority political party—including almost all of the potential Democratic presidential candidates—is making political capital out of a growing anti-military, isolationist, almost xenophobic mood in the country.

They understand that the administration, by mustering all of its power, is able to win the political skirmishes—or at least some of them. But they are banking on the hope that the trend in the United States is irreversible and that in time the marbles will fall into their laps.

They have ample support for this hope. In one way or another, all of the countries in the world which have relied on the United States are beginning to hedge their bets.

What is true today for South Koreans, Japense, Nationalist Chinese, Filipinos, South Vietnamese and Thais will be equally true tomorrow for Western Europeans and Israelis. No national leader in his right mind can have much confidence at this point in the performance of the United States as an ally. People whose survival is quite literally at stake must look for other ways of assuring their security.

Some, like the Japanese and Germans, may try in some degree to fill the power vacuum

that the retreat of American power will create. But many, if not all, also will adjust themselves to the new reality and make whatever accommodations they can with the preponderant super-powers in their part of the world. This process already is well under way in the smaller countries of Asia and has begun to affect the thinking of political leaders in Europe.

So it is not surprising at all that the leaders in Peking and Moscow are bestirring themselves to encourage a trend which is unbelievingly favorable to their interests. Whatever they can do to speed the retreat of American power in Europe and Asia, they most certainly will do.

Chou En-lai, with a few kindly words, is well on the way to accomplishing his major diplomatic objectives, very possibly including a final solution of the problem of the Nationalist regime on Taiwan. The American public is being led to believe—and is eager to believe—that a regime which has been implacably hostile for 20 years suddenly has become benign and amiable.

As for Brezhnev, his objectives are exactly the same as those of United States senators who favored the Mansfield amendment. There is no doubt at all that he is willing to negotiate a "balanced and mutual" reduction of forces in Central Europe which results in the departure of American troops and leaves the Russian military potential intact. He is equally willing, with the support of a great majority of American liberals, to negotiate a limitation of strategic nuclear weapons which will guarantee a decisive Soviet superiority within a few years.

Make no mistake about it. In all of these matters, the Russian and Chinese leaders know exactly what they are doing and why. The question is whether the majority of Americans can say the same.

U.S. PRESENCE

When the Senate came to the point of a straight vote on the Mansfield amendment it took the responsible course and voted the amendment down. By that time, all compromise suggestions having fallen, it had little choice. Senator Mansfield's proposal that the American military presence in Europe be cut in half by the end of this year was simply too drastic; too deep a reduction too swiftly. To have approved it would have been to invite consternation within the ranks of the North Atlantic Treaty Organization.

It was our opinion that one of the substitute amendments, recognizing in principle that the American military role in Europe was seriously in need of re-examination, would have been preferable both to the Mansfield amendment and to a flat rejection, not only of its particulars but also its intimations. This, however, the White House would not entertain, and in a hurried display of heavy pressures the White House prevailed.

And thus the conditions that motivated Mr. Mansfield's effort will remain essentially as they are: A military posture in Europe that involves great numbers of men (and of dependents) whose mission was set on concepts of two decades ago and has not been much altered despite changing situations both in Europe and in the United States.

Senator Mansfield says that he has at least achieved his minimum purpose of making the size of the American presence in Europe a public issue. So he has, and it will continue to be an issue.

[From the Christian Science Monitor, May 21, 1971]

MR. NIXON, THE SENATE, AND POLITICS

President Nixon did not either gain or lose as much as the headlines might suggest in the Senate votes against resurrecting the supersonic transport plane and against cutbacks of United States troops in Europe.

In the matter of the SST, it is true that Mr. Nixon suffered a personal defeat back in March, when he telephoned a number of senators and brought other pressures to reverse an earlier House defeat.

But in this latest round, the White House kept carefully aloof, unwilling to have its fingers burned a second time. And wisely so. For the decisive factor in this second anti-SST vote was an economic cost argument of such compelling force that the senators simply could not justify a yea vote. The Boeing Company's own estimate that revival of the project would add $500 million to $1 billion more in costs, for a plane that the financially burdened airlines did not want and could not afford, could not be shrugged aside. Where environmental questions had figured importantly in the first defeat, economic facts were decisive in the second.

In the Senate vote against compromise versions of Sen. Mike Mansfield's original bill to cut back U.S. troops in Europe 50 percent by year-end 1971, White House opposition again was not the sole factor. It can be argued that what swayed the senators in their decisive 63-to-26 defeat of a modified cutback bill—even though it was designed to appease White House objections—was a bipartisan, high-level coalition of names dedicated to the proposition that the North Atlantic Treaty Organization must under no conditions be threatened by anything remotely resembling an arbitrary, one-sided decision by the United States.

Mr. Nixon, who prides himself on his expertise in foreign relations, agreed with this viewpoint. He was able quickly to amass a formidable array of men whose names do now and will continue always to loom large in post-World War II history as the architects of NATO. With or without White House intervention, it can be assumed these men would have rallied to save the continuingly vital structure that binds the United States to Western Europe, forming a massive counterweight to the Russian and Chinese Communist worlds.

Both Senate votes thus can be seen to have carried on the strength of fundamental realities. They are neither a great plus or minus on Mr. Nixon's political scoreboard. But they say a great deal for the good judgment of the Senate.

[From the St. Louis Globe-Democrat, May 21, 1971]

TROOP-CUT PLAN ONLY DELAYED

While the Senate has refused to reduce the 300,000-man European garrison our armed forces maintain in Europe, the cutback in American troops on the Continent has merely been retarded.

Half or more of these forces will eventually be withdrawn from the NATO's standing guard, and one may expect before long.

They are not needed there. They are a harsh drain on national resources. Slashing the manpower establishment we maintain in Europe is so obviously logical, it must be accepted.

Knowing this, no doubt, why did the Administration make such an all-fronts battle in the Senate to hold our land divisions intact in Germany, Britain, Italy, Spain, Turkey and Greece?

We have supported this heavy commitment to European defense for 20 years at a multi-billion cost. The servicemen with their dependents, a total of about 525,000, create an expense running at $14 billion a year. This when Washington government is strapped to mountainous annual deficits, under acute pressure for domestic needs and running a critical imbalance of trade payments.

The deficit in our balance of payments, if present rates are continued, is estimated to reach a red-ink figure of $22 billion this year—twice the 1970 imbalance. Yet the Senate votes to add to the dollar drain by $14 billion annually for our European troop commitment.

* * *

Although the pressure of the Pentagon perhaps played a part in White House thinking, most likely the decisive factor in the President's policy was diplomatic.

He was concerned about fear among NATO allies that the United States was veering toward isolationism, away from our solid support for defense against any Russian threat or potential danger from Moscow's East European satellites.

Or Mr. Nixon may have been gambling on the Kremlin's gestures the last few weeks toward negotiations for a mutual pullback of forces in Europe, sketchy as these overtures have been.

He may well have felt if we began hauling our troops out unilaterally, there would be no trading basis for withdrawal on both sides.

It could also have been he reasoned Moscow would not have intervened with suggestion for reducing standing armies over Europe, while the cutback issue was being debated in Congress, unless it really was interested in bilateral withdrawals.

Certainly if there is hope in Soviet talks on this issue, the topheavy rejection of troop reduction by the Senate could be explained. The Moscow move was openly trotted out by Senators in last-minute debate.

* * *

Perhaps these considerations weighed significantly in Richard Nixon's repudiation of Sen. Mike Mansfield's proposal to halve our European forces.

The President must realize we shall have to cut back these troop emplacements. The costs are sacrificial. The need for such heavy defense commitments—to countries we have so long fortified and helped become fat and strong—should before this have expired.

This is now the biggest policing job America underwrites—in an area of the world virtually at peace for a generation.

In 1964 President Eisenhower said the six United States divisions in NATO should be cut to one. Mr. Nixon remembers this; he was Ike's Vice President at the time. And Dwight Eisenhower knew more about Europe's defense needs than any other American President.

The action by the Senate to retain our 300,000 military force on the Continent must be viewed as temporarizing action. Mr. Nixon knows these troops must in all realism be reduced. That time will come sooner than the Senate ballot Wednesday night imply.

[From the San Francisco Examiner, May 21, 1971]

ENIGMA OF SENATOR MANSFIELD

(By Carl Rowan)

WASHINGTON.—One of these years historians will go nuts trying to make some lasting judgments about Sen. Mike Mansfield.

For the professorial Montanan is surely one of the most enigmatic characters ever to hold the powerful post of Senate Majority Leader.

For weeks Mansfield projects an image of jellyfish philosopher, contributing heavily to the widespread view that the Democratic party lacks strong, driving leadership.

Then, apropos of almost nothing, the jellyfish turns to shark. Mansfield gets his back up on one of his pet issues and becomes the Senate brawler, taking on the President and all the helpers the White House can assemble.

What motivates Mansfield?

Democratic party leaders recently browbeat the networks trying to get free television time in which to respond to an address by Nixon.

But there was Mansfield, undercutting them publicly with textbook talk about how

the President has rights to the networks that the opposition ought not have.

Democratic Presidential hopefuls Ed Muskie and George McGovern recently socked it to the FBI for what they call illegal surveillance and abuses of the rights of citizens; other Democrats call for the resignation of J. Edgar Hoover.

But Majority Leader Mansfield? He surprised newsmen at breakfast by saying that if he were President he wouldn't replace Hoover (but he refuses to say why).

Then, a few days later, after it is revealed that FBI agents ushered a wired-for-sound informer into the office of Rep. John Dowdy (D-Tex.), Mansfield called for a probe of FBI activities.

How does a man who seems so wishy-washy on so many issues suddenly strike out to make changes that the Administration says would wreck the North Atlantic Treaty Organization (NATO)?

Bases abroad have long been the symbol of world leadership. Some Americans fear that, if we have fewer foreign bases and fewer troops abroad than does the Soviet Union, it will lead the world to conclude that the Soviets have overtaken us as the most powerful nation in the world.

It is almost certainly true that, if we had fewer bases and soldiers abroad and devoted more energy and resources to resolving domestic conflicts and fulfilling domestic needs, we would be infinitely stronger and more clearly the kind of society the rest of the world might envy and wish to emulate.

But that idea does not meet easy acceptance in a still-powerful generation which is reluctant to break with the past. Mansfield's contribution, in his strange way, is that he finally forced the country to consider the alternatives.

[From the Philadelphia Inquirer, May 21, 1971]

EVEN IN DEFEAT, MR. MANSFIELD SUCCESSFULLY MADE HIS POINT

The Mansfield amendment went down to defeat on the Senate floor, as the senator from Montana expected it to (and as it deserved to), and so did a packet of compromise amendments designed to achieve much the same end.

Whence arises a paradox, which is that the end—a sizable reduction in the number of American troops now stationed in Europe to support our commitment to the North Atlantic Treaty Organization—is more likely to be achieved now than it was before the Senate majority leader introduced his amendment to the draft bill.

In added paradox, the Nixon Administration received its most timely and telling support in its floor fight against the Mansfield proposal from the most powerful individual in the nation against which NATO was designed to defend our and our allies' security.

When Leonid I. Brezhnev, the Soviet Communist Party chief, issued his call last week to begin talks on mutual reductions of military forces and armaments in Central Europe, the Administration eagerly grasped it as the best reason why a unilateral troop reduction could be, as Secretary of State William Rogers put it, "detrimental to our foreign policy and very harmful to our national interest."

Why, administration forces argued, throw away our trump card? Why not extract something from the Russians, why not extract some Russians from Central Europe, by negotiating the matter?

A valid point, although not entirely so. Negotiating with the Russians isn't Ping-Pong, and it is not the only way to get results. The most cogent argument against the Mansfield move, in our judgment, was that the negotiations must first take place with our NATO allies. If an alliance is to mean anything, the members cannot go off in separate directions as suits their convenience.

President Nixon was correct in warning that a unilateral move by the U.S., forced by Congress, would undermine the credibility of America's commitment to NATO.

Yet Senator Mansfield was also right in saying that it is long past time for the U.S. to take up the question with its allies. Some 310,000 American troops are stationed in Europe, as they have been for two decades. There is no magic in that number, and there is considerable expense, especially when you consider that the troops are accompanied by 225,000 American dependents.

One can hardly blame senators for being unhappy when our allies applaud our zeal in maintaining military strength in Europe while at the same time they criticize our failure to resolve our imbalance of payments which, to a large extent, derives from that situation.

Twenty years ago, when Western Europe had barely begun to recover from the drain of blood and treasure of World War II, it was reasonable and proper to station that kind of American force in Europe to meet what seemed then to be a genuine threat of Soviet aggression. Today, Western Europe is fully recovered, more than capable of undertaking a larger share of mutual defense against a diminished threat.

So in bringing attention to a problem which has been left largely unattended over the years, Senator Mansfield has won all he could reasonably expect—an administration commitment to begin negotiating with our allies. In even further paradox, by warning our allies that the Senate's patience is not unlimited, he has strengthened the administration's hand in those negotiations.

AGREED: WE WILL AGREE ON ARMS

It is by no means clear from the joint statement issued yesterday in both Washington and Moscow just how close to a real agreement the United States and the Soviet Union may be in their extremely complicated and important talks to limit the deployment of strategic weapons. What does emerge from the statement read to the nation by Mr. Nixon is that a political decision has been reached that there should be an agreement, and that on the basis of this the SALT negotiations have been given new vitality.

The first priority in the talks, it has now been decided, will be on limiting the deployment of antimissile systems, something the Russians have long pressed for. But beyond this the two sides "will agree on certain measures with respect to the limitation of offensive strategic weapons." This is a point the United States has been insisting upon. Moreover, as Administration officials stress, the agreements on offensive and defensive weapons will become operative simultaneously. In other words, a package deal.

It may be that enough preliminary progress has in fact already been made in private discussions so that a firm basis of confidence for full agreement exists. The peculiar wording of the joint statement hints at this. The two sides, says the announcement, will concentrate in their talks this year on working out ABM limitations. It then says that "together with concluding" an ABM agreement, "they will agree" on some steps to limit offensive strategic weapons.

This is pretty positive stuff, as are the further references to an "understanding" and a "commitment" to agreement. So what we plainly have is a decision and a mutual wish "at the highest levels" to resolve some very sticky problems, with the hard details to be left to the technicians involved in the negotiations. That in itself doesn't add up to an agreement, but it does stand as the most encouraging development since the SALT negotiations began—months ago.

There are good reasons for movement now. Whatever international considerations may have influenced the mutually felt need to make some progress, there is no question that strong internal pressures on both sides have also played a key part. The Russians have their own serious economic problems, and they are no more eager than is the United States to make the vast investment required in an ABM system. Further, there seems at long last to be a realization that simply adding more and more costly weapons won't really alter the existing military balance of power.

It is a welcome breakthrough certainly, and possibly one with useful implications for areas beyond the immediate field of arms limitations.

One of these areas could be a mutual reduction of forces in Europe. The possibility of a reciprocal thinning out of troops at some point in the near future was, we now know, very much in the Nixon Administration's mind as it waged its belated but vigorous campaign to defeat Sen. Mike Mansfield's amendment, which would have cut in half, by the end of the year the U.S. commitment of men to NATO.

The Administration won its fight hands down. For his victory Mr. Nixon largely has to thank the Senate's sensible reluctance to solve with a single stroke of a hatchet the complex problems of European defense, and he has also to thank the timely proposal from the Soviet leadership to enter into talks on mutual force reductions. The Senate wisely decided the United States should not give away something it could in fact trade to its own advantage.

But the Mansfield amendment served a positive purpose. It has drawn attention to the too-long neglected fact of an overly large and expensive American contribution to NATO, and it has drawn support, even from many of those who voted against the amendment, to the need to do something about all this and soon. In this sense Mansfield can claim a victory, too.

[From Research Institute Report, May 21, 1971]

DEAR MEMBER: *Missiles and Mansfield:* small gains for Pres. Nixon on both. He won on troop cuts, scored on TV with his SALT announcement. But he's still a long way from any genuine breakthrough on either, needs substantive, as well as symbolic, concessions from Moscow.

On missiles, Russia must bargain offense & defense together. If she tries to put ICBM discussions on the agenda after ABMs, the talks will drag on endlessly, the new climate will peter out.

Moscow must also stop work on SS–9 supermissile systems. If she goes on building and deploying the 25-Megaton warheads, U.S. plans for advanced land & sea-borne systems will also continue.

On troop cuts, Moscow must similarly follow words with deeds. This involves 3 conditions Russia has always refused to meet:

. . . Pull Soviet forces all the way back to the Soviet Union, not merely shift them from one part of East Europe to another.

. . . Withdraw more troops, and do it faster, than the U.S., to make up for the vastly greater distance of the U.S. withdrawal.

. . . Allow the troop pullbacks to be inspected and verified.

Note that *these are NATO's conditions,* not just the U.S.'s. They've been carefully put together over the past three years, never been deviated from in replying to Russia's past initiatives. *Sec. of State Rogers* will be reminded they're still applicable, when he gets to the semi-annual NATO meeting, later this month.

Russia could conceivably be *ready for real concessions now,* give Nixon the breakthrough he tried to talk up on TV, this week.

Moscow's low-key handling of the announcement makes that seem dim.

Most likely, a period of slow, *hidden probings lies ahead.* Object is to get some agreement with Russia before any conference, hopefully use the new atmosphere for all the benefits it may yield.

That will take time, maybe more than Congress can abide. Pres. Nixon has won his troops-in-Europe fight—but at a price. *Congress has put him on notice* to negotiate cutbacks with Russia, probably faster, with more concessions than Nixon thinks healthy.

If Nixon doesn't produce, Mansfield will be back at him, the cutback battle reopened, Nixon accused of reneging on SALT. Next time, even the Europe-Firsters may not be able to save him.

Point is, a *much larger crisis in foreign affairs is brewing.* Congress wants some of its power back to shape foreign policy, will keep pushing all summer to get it. Nixon went on TV to blunt their efforts. This week he succeeded, but *that's only for now.*

[From WMAL-TV, Washington, D.C., May 21, 1971]

COMMENTARY OF JOSEPH MCCAFFREY

The echoes from the vote on the Mansfield Amendment will be reverberating for a long, long time. The echoes will last longer than the tangible results, and those results will probably come sooner than some of Mansfield's critics are willing to admit.

The cold, hard fact is that the United States troops commitment in Europe will be cut back. The initial cut won't total the one hundred fifty thousand which the Senator sought, perhaps only 50 thousand, but the troops are going to come out and they will come out much sooner because of the week's debate on the Mansfield Amendment.

The message should be loud and clear to the White House and, even of more importance, to Bonn, Paris, Rome, London and Madrid. The message is a simple one: time's up, we're closing out the books on World War II.

The message was clear in the Senate votes, but the message is even clearer from the reaction of the American people to the debate.

Mike Mansfield, the man who brought this all to a head, has received more than five thousand pieces of mail on the troops in Europe issue. Five thousand, and of this total, thirty, or more than 40 opposed his position. He received more than seventy-five telegrams on the issue from his own State of Montana, every one of these supported him.

When the ratio runs four thousand nine hundred sixty to forty, the score is pretty lopsided.

That is the message which comes through from the fight on the Mansfield Amendment, the Administration won the vote, Mansfield won the issue.

[From the Boston Globe, May 21, 1971]

NEW CRACKS IN COLD WAR WALL

The Russian peril, if one there be, has been faced on three fronts in the last couple of days—in the United States Senate, where Majority Leader Mike Mansfield's proposal to reduce the number of American troops in western Europe by half was defeated; in Moscow, where Soviet Premier Alexsei N. Kosygin and Canadian Premier Pierre Trudeau signed a pact pledging regular, and at least once-a-year, conferences on any differences between the two countries; and at the Strategic Arms Limitation Talks (SALT), where President Nixon yesterday announced "a major step in breaking the stalemate on nuclear arms talks between the United States and the Soviet Union."

The last of the developments could be the most important of the three even though the White House has acknowledged that the two sides have not abandoned their basic positions which, so far, have defined lengthy efforts for an agreement. This makes Mr. Nixon's announcement a bit confusing. Even so, however, the agreement to discuss a limitation on defensive weapons "to create more favorable conditions for further negotiations to limit all strategic arms" is encouraging.

On the Soviet-Canadian pact and the Senate vote on the Mansfield resolution, it is noteworthy that the Senate mood is not so different from the Canadian as may at first appear. The Mansfield proposal was defeated and defeated handsomely, it is true. But this was only because of the fortuitous timing of last week's Russian proposal for mutual withdrawal, which of course is to be preferred to unilateral. The Senate understandably drew back from the possibility of risk when it appeared, at a timely moment, that the Mansfield purpose might be accomplished without risk.

Thus, as Chalmers M. Roberts has pointed out in the Washington Post, "Sen. Mansfield lost the battle but won the war." His amendment lost by the sizable vote of 61 nays to 36 yeas, an extraordinary number of yeas in the circumstances and a clear warning to President Nixon that the Senate intends to resume its constitutional function in US commitments. A majority of senators was on the side of withdrawal in one way or another, failing only to unite on an agreement on any specific one of the substitute resolutions that was offered. The Mansfield proposal, coupled with the commitments the Administration had to make to defeat it, has wrought at least the appearance of a welcome change from earlier Administration indifference to current Administration receptiveness toward the Russian proposal for mutual withdrawal.

The Mansfield position is not only that the United States is dangerously overextended all over the world. We clearly are, with more than 1.75 million troops, their dependents and civilian workers on 2,000 bases in more than 30 countries at a cost of $4.5 billion a year—and not especially welcome anywhere except where we pay taxes on our bases. He is concerned, also, with the international tensions which are inevitable when opposing troops confront each other while their governments, for the sake of domestic political mileage and escalating defense budgets, voice mutual fears and suspicions. Mr. Nixon himself damped down some of these with his SALT announcement.

It is in the Canadian-Russian pact that our so-called "little brother to the North" has taught us a diplomatic lesson, just as France, one of our NATO affiliates, did last October when it, too, signed a pact with Moscow. This is that, so long as there may be mutual gain in regularly scheduled consultations, it is senseless to let tensions reach the breaking point from which, in this nuclear era, there can be no return. But here, again, tensions have been somewhat relieved by Mr. Nixon's SALT announcement.

The Canadian-Russian agreement like the Russian-French agreement before it, pledges regular high-level consultations at least once a year on all matters that threaten "friendship, good-neighborliness and mutual confidence." It may be argued that these are only words, and this is of course true. But it is also true that it is better (and safer!) to discuss differences as they arise instead of after they have festered.

It is argued in some Washington quarters that Sen. Mansfield and his supporters—and maybe France and Canada, too—are the new isolationists. But a divorcement from the Cold War attitudes and warriors of the past is not isolation. The true isolationists are those who do not yet see how truly isolated we would be if Washington were to continue its standoffishness while other NATO nations, as is now in the cards, accept Russia's urgent invitation to try settling differences rather than fighting over them.

[From the Norfolk Virginian-Pilot, May 21, 1971]

A PYRRHIC VICTORY

It was amidst a confetti of counter-proposals, amendments to amendments, face-saving language and such that the Senate voted against a cutback of the American troops in Europe.

On the basic proposal, the amendment attached to the draft bill by Senator Mike Mansfield, the Democratic Majority Leader from Montana, to halve our European forces by the end of the year, the vote was 61 to 36. (Both Senators Byrd and Spong voted with the majority against the cutback.) The outcome represents a major political victory for Mr. Nixon and for the elder statesmen whom the White House had rallied to its side. (The list is practically a roll-call of the Eastern Establishment *emeriti*, recalling Richard Rovere's tongue-in-cheek essay on the Establishment's existence: "It seems to me perfectly clear, for example, that the Establishment has never found a way of controlling Congress. Indeed, there are times when Congress appears to be nothing more or less than a conspiracy to louse up the plans of the Establishment. . . .")

If Mr. Mansfield failed to force a cutback in Europe upon the White House, he succeeded in something that few observers suspected they ever would witness. He managed to bring together Dean Acheson and Leonid Brezhnev in the cause of Richard M. Nixon; neither is normally to be counted among the President's friends.

Indeed it was Mr. Brezhnev who doomed the Mansfield proposal almost as soon as it was voiced. With the Administration crying in Chicken-Little tones that unilateral withdrawal would end hopes of negotiating a mutual pullback with the Soviet Union, Mr. Brezhnev called for starting such talks. The Administration spokesmen then were able to argue against the cutback by looking to the negotiations with the Russians.

But Mr. Nixon's victory is Pyrrhic. It is likely that Mr. Mansfield has succeeded in forcing the issue to the bargaining table. "If the climate has changed," Senator Frank Church (D-Idaho) declared in the debate, "it is because the Senator from Montana, Mr. Mansfield, put forth the proposal."

The arguments for a mutual pull-back of American troops in Western Europe and Soviet troops in Eastern Europe is persuasive. The cost of maintaining more than 300,000 troops in Europe is getting to be more than the United States can bear comfortably, and the notion that the Soviet Union will overrun the West no longer is a threat that the Europeans fear. The American Army in Europe is fat in the military sense, and a big fat luxury in the political sense. Cutbacks are overdue.

As for the Russians, there is no military threat from the West. The noises that John Foster Dulles made once upon a time about "liberating" the Eastern European satellites survive only in the occasional resolutions that Congress passes; the reality was shown by the U.S. response to uprisings in Hungary in 1956 and in Czechoslovakia in 1968. The Chinese are the ones who have the Russians scared today, and the Kremlin has its own reasons for wanting to normalize the situation in the West. In fact, the situation is not what it was in Stalin's time, or even Khrushchev's time, and neither NATO nor the Warsaw Pact are what they were: The instruments remain, but the needs and purposes no longer reflect the reality of the day. That is not a pretty reality, as Czechoslo-

vakia reminds us, but a policy should be based upon the reality that is, not the reality that one might prefer.

And the reality of the Seventies is that the United States is overextended throughout the world and is beginning to retrench. The American people are war-weary and world-weary and the problems that we have at home are urgent. Call it "neo-isolationism" or what you will, the consensus foreign policy that has prevailed in the United States for a generation is giving way, and the new consensus that is emerging in its place looks to accommodation not only with the Soviet Union, but even with the Chinese Communists, the unspeakables of yesteryear. It certainly ought to be noted such is both the gospel and thrust of Mr. Nixon's foreign policy.

For the Russians, the reality of the Seventies is that there are almost a billion Chinese at their back door and a historical rivalry that cannot be wished away by the doctrines of Lenin and Marx. One cannot predict the shape of events to come, but can predict that they will be different from what we have known in the postwar years.

In short, Mr. Mansfield has lost a battle this week, but he is going to win the war. There will be a big cutback in our European forces in a fairly short while.

[From the Washington Post, May 22, 1971]

PRESIDENTIAL POWERS VINDICATED

(By William S. White)

The Senate's crushing rejection, 61 to 36, of the attempt of Democratic leader Mike Mansfield to force a reduction of American troop commitments in Europe by legislative fiat—thus tearing up the very North Atlantic Treaty ratified by that same Senate—is not a victory for President Nixon only.

It is first of all a victory for the Constitution of the United States, which solely empowers the President to deploy and to command American troops. It is, specifically, a vindication—so long overdue now—of the proper powers of any President as commander in chief.

Secondly, it is proof that a bipartisan majority of the Senate, no matter how far that once matchlessly responsible body was of late years been the voice of strident demagoguery in this land, is nevertheless still not prepared to abandon, unilaterally and without consultation, its solemn promise to our allies in Europe.

Thirdly, it is a message that will truly be heard all around the world, by friend and foe alike, that the tireless Senate advocates of a "new politics," which wants an America made littler and littler, have at long last been decisively turned back.

Finally, it is the most profound repudiation of a Senate party leader on any grand issue in memory. Even in a Senate full of the most virulent partisanship—this because about one Democratic member in three is already running against President Nixon for 1972—Mansfield was able among his own partisan colleagues to marshal only a bare nine-vote margin out of an aggregate of 53 Democrats for this unexampled assault upon this nation's pledges of honor. He says, defiantly, that he will try again. Some will say, with sadness and without bitterness, that a sensitive leader whose position had been so deeply compromised would be thinking more of stepping down than of stepping up this attack upon a solemn contract signed by his own country.

To be sure, on the same day of Mansfield's defeat the Little Americans did manage to destroy the supersonic transport project, thus for the first time in history consciously voting to make this a second-rate country in the air—behind the Russians and even the French. Still, undeniably damaging though all this may be—and is—it is a puerile triumph for the new isolationists as contrasted to the immense defeat they have suffered over the issue of the North Atlantic Treaty Organization.

Nor can the Little Americans offer a single alibi over NATO. In the beginning they had nearly everything going for them. They were the beneficiaries of a wide and almost hysterical "antimilitarism" long running in the Senate; of all the frustrations of the war in Vietnam; and of the extraordinary decision of Chancellor Willy Brandt of West Germany to open an attack upon the value of the American dollar precisely while the NATO debate was opening in the Senate.

This, of course, was very heavy water upon Mansfield's wheel, since it is quite true that the outflow of American dollars to Europe has put us in a difficult position and a good many of these dollars are undeniably going out to support our troops abroad—and especially those that are standing there to help protect Willy Brandt's Germany.

Still, the Little Americans can usually be counted upon to let their conviction of their own unique rightness and righteousness make them lose their cool. And lose their cool they did in their sneering condescension toward the bipartisan group of distinguished and dedicated Americans, including former Democratic Presidents Harry Truman and Lyndon Johnson and former Secretary of State Dean Acheson and John McCloy and so on, who came forward to defend the word of the United States. (One of the very littlest of the Little Americans even sardonically inquired whether one of the greatest public servants of his time, Robert Lovett, was still alive.)

These men are all long past any personal or partisan ambition; and the way they were treated cost Mansfield more votes than he knows.

Could it possibly be that the Senate of the United States may be slowly returning to the traditions that made it the world's greatest legislative body?

[From the Washington Daily News, May 22, 1971]

THE SENATE AND NATO

When the Senate voted this week not to cut U.S. troop strength in Europe by half, President Nixon got a victory—and a warning.

He would be well advised not to dwell on the victory and to pay attention to the warning.

Naturally, Mr. Nixon is pleased that his all-out counterattack turned back Senate Democratic Leader Mike Mansfield's drive to reduce U.S. troops committed to NATO from 300,000 to 150,000 this year.

But the 61–36 vote against the Mansfield amendment gave notice that more than one-third of the Senate was ready to gut America's troop contribution to NATO, abruptly and without a word of consultation with our traditional allies.

Moreover, the vote would have gone worse for the President if the Kremlin had not unexpectedly offered to talk about a mutual reduction of forces and armaments in Central Europe. This gave Mr. Nixon a strong argument: that the Senate should not unilaterally disband forces that could be used in negotiations to get some Red Army units moved back into Russia.

The debate reflected moods that seem to be growing in this country—an antimilitary feeling, a weariness with foreign burdens, a belief that "prosperous" NATO allies are not doing their fair share. And it was clear that the Mansfield amendment, in one form or another, will come up again—with a strong chance of passage.

Mr. Nixon's duty is to prevent such a blow at our principal alliance. NATO kept the peace in Europe, where the last two world wars started, for 22 years and is still essential. If the allies hang together, there is a chance of negotiating a decent settlement with Russia. If NATO falls apart, after the American rug is pulled out, the Kremlin will gain the great advantage of being able to deal with its members one by one.

The President should make it clear to the allies that they must put up more money and manpower for their own defense. Evidence that NATO is making more of a defense effort would make the American people more willing to keep the necessary forces in Europe. It would also make a troop thin-out treaty with the Communist bloc more likely.

In addition to pointing up the dangers to Mr. Nixon's European-security policy, the debate cast interesting light on prominent senators.

J. W. Fulbright, for example, the neo-isolationist who inappropriately heads the Foreign Relations Committee, voted for the Mansfield amendment. He ceaselessly lectures the White House that it must consult his committee on foreign affairs, but votes to cut forces pledged to NATO without consulting its members.

Among the Democratic presidential hopefuls in the Senate, three—Edmund Muskie, Hubert Humphrey and Henry Jackson—opposed the amendment and four—George McGovern, Edward Kennedy, Birch Bayh and Harold Hughes—voted for it.

Of the latter group, we fear that their desire to be on the mod side of an issue is equalled only by their willingness to risk undermining this country's alliances.

[From the Washington Daily News, May 22, 1971]

NATO SELF-HELP PRESSURE

Washington theory that Senate wrangle over bringing home half the U.S. troops stationed in Europe will strengthen U.S. hand in calling for increased European contributions to NATO forces is headed for quick test.

In next two weeks, NATO defense ministers meet in Brussels and NATO foreign ministers assemble in Lisbon.

Altho Senate defeated troop cut proposal advanced by Senate Democratic Leader Mike Mansfield, Mont., Secretary of State William Rogers agrees with Sen. Mansfield that debate will help convince our European allies they must do more to keep NATO going or risk disastrous U.S. cutbacks.

[From the Baltimore Sun, May 22, 1971]

SPARKS AT HOME FORCING U.S. PUBLIC TO ALTER THINKING

WASHINGTON.—We think a tremendous shift of public attention is now going on in America that may be the dominant feature of the 1970's. There are fascinating signs of it everywhere. Right in the midst of spraying the first hose on Europe and Asia we have suddenly noticed sparks shooting up in our own neighborhood; Hey, whose house is that? Hey, help—it's *our* house.

If you take that as your key you will find a grim connection between some of the oddest kinds of incongruities in American news: the Senate turmoil over the number of United States troops in Europe, say, and the ghetto riot up in Brownsville, N.Y., over state relief costs; the sickening discovery that a lot of our conscript sons in Vietnam are becoming heroin addicts and the accelerating determination to end the adventure and get back to home affairs; the deep-seated reluctance of most Americans to get mixed up in the Middle East, along with the shock of seeing law-and-order Democrats in sedate Philadelphia nominate a pistol-whipping cop for mayor.

Is the connection far-fetched? Well, we must ameliorate our problems at home or go in for repression; one or the other, there is not much time to choose. A nation that has gradually got over-extended abroad is suddenly becoming aware of brutal problems at

home: racial, social, economic. They will not wait.

Take hunger. It is easier to visualize it in personal terms. "About a month and a half ago," Senator Walter F. Mondale (D., Minn.) told the McGovern committee, "I went to a small elementary area school in our small ghetto in St. Paul. They had a splendid cafeteria and a very balanced meal, a warm meal salad, and about every fifth child could not afford it. One child, whom I will never forget as long as I live, was about 6 or 7 years old. She had a filthy dress on, and she sat at this table eating a chocolate cookie while the other children ate their good meal. She had a little dirty bag that her mother had sent, and two other chocolate cookies. I asked the principal, how can this happen? And he said, 'We still don't have the money to pay for lunches when the families can't afford it.' I assume there are millions like her in the country, that sit amidst their friends at lunch who have a decent meal and they don't. It's a disgrace."

That hungry kid with three cookies at school represents America. The U.S. has 6 per cent of the world's population and about half the world's resources but an income distribution, as noted in the Esterlys' "Freedom From Dependence" (Public Affairs Press, Washington, $6), that awards 77 per cent of total income to the top half of the population, and only 23 per cent to the lower half.

The fact is, America is stingy. As the Swedish economist, Gunnar Myrdal, notes: "America of all rich countries (is) the one which has the highest rate of unemployment, the worst and biggest slums, and which is least generous in giving economic security to its old people, its children, its sick people and its invalids."

President Nixon, to his great credit, has introduced family assistance welfare legislation and Representative Wilbur D. Mills (D., Ark.) has picked up the ball. There is a lot that is wrong with the Nixon proposal and the Senate may kill it as it did last year, but it does accept one revolutionary concept, the right of the disadvantaged poor to basic income maintenance. Pretty communistic, eh? Here is how one man put it: "Every man has the right to life and to the means which are necessary for the proper development of life; these are primarily food, clothing, shelter, rest, medical care and finally the necessary social services." I may not have rendered this smoothly, it is a translation from the Latin, *Pacem in Terris*, by Pope John XXIII.

Mike Mansfield, Senate majority leader is a kindly, courteous man. Time and again he has argued the urgency of problems at home and declared that, 26 years after the war ended, the U.S. does not need half a million persons in Europe—including dependents—with 7,000 tactical nuclear weapons, or even 123 generals. Nobody paid much attention. Then suddenly, the mouse roared. Mr. Mansfield gave the White House a terrible scare. He crisply demanded that we pull out half our troops in Europe, at once, now. He caused a tremendous commotion and he left no doubt of the shifting American interest from problems abroad to problems at home.

This is not isolationism. It is merely that what happens in NATO and what happens in Brownsville are connected. The United States cannot be the staunch defender of the free world if its foundations crumble at home. Europeans might as well know that the pendulum is swinging, and that the long-suffering Congress, in sour revulsion after six years of executive deception and arrogance over Vietnam, is in the mood to asert itself. Mr. Nixon would be wise to adjust policies lest the pendulum swing too far.

[From the Evening Star, Saturday, May 22, 1971]

NIXON'S FOREIGN POLICIES WINNING

The 92nd Congress is concluding a week of feverish activity on Capitol Hill, dealing with a two-day railroad strike which threatened to strangle once again the nation's economy; with the Mansfield amendment to the military draft bill which would have cut American armed forces stationed in Europe as part of the NATO defenses against Communist aggression by 150,000 men, and with the SST—by denying funds for its continued construction in the second Supplemental Appropriations Bill.

The only two bills passed by the Senate were the railroad bill—which settles nothing—and the supplemental appropriations bill which was sent to conference with the House, which must pass on the Senate amendments.

The railroad bill keeps the railroads in operation for another four months, during which it is hoped the roads and the 13,000-man Brotherhood of Railroad Signalmen will be able to settle their differences. There is no assurance they will, and there is the prospect of another strike if they do not. The rail unions have acquired a habit of compelling Congress to act on their demands for increased pay in a manner favorable to the workers, which brings in its trail boosts in labor costs all along the line, and increased inflation.

Nothing will cure this situation until the railroad labor laws are amended. President Nixon submitted to Congress two years ago legislation intended to bring a final and binding agreement between the roads and the rail workers. Nothing was done about his proposals in either the House or Senate.

With the country aroused over this latest strike after having been tied into a knot for two days by a union of 13,000 members (there are more than half a million railroad workers all told), the powers that be on Capitol Hill, who fear labor union opposition when they come up for re-election, say they "will do something" but not right away.

They suggest that they should wait until the country and the Congress cool down before tackling such legislation.

It seems clear that until some tribunal is set up to deal with labor unions and management in strike situations which threaten the safety, the health and the economy of the American people, there will be no cure for these evils. This goes for big labor unions and big business—one with the strike power and the other with the lockout power—including all transportation and industrial and farm businesses.

Another way to get at these ills is to enact and enforce strict laws against political campaign contributions by labor unions, as well as by business.

It is vital to the nation's defense that the bill extending the military draft for two years be enacted into law before June 30, its expiration date. Many proposals to amend the bill are still to be acted upon. Sen. Richard S. Schweiker, R-Pa., is one proposing that the draft be extended for only one year, and that after that the nation rely on volunteers to keep the country strong enough to defend itself. Despite the enticements offered, experience is proving a voluntary enlistment plan won't work. This is particularly true while the country is still at war in Indochina and is threatened with war in other parts of the world, including the Middle East, where the Arab nations seem determined to wipe Israel off the map—with an assist from Communist Russia.

The amendment to the draft bill offered by Mike Mansfield, Democratic leader of the Senate, was decisively defeated, 61 to 36, at President Nixon's request. Democrats as well as Republicans opposed the amendment. Former Presidents Harry S. Truman and Lyndon B. Johnson issued statements against the amendment, as did other former high officials of the government.

But it is obvious that Mansfield brought to the attention of the American people and the governments of the NATO nations that the time has come when the other nations should take on more of the burden of keeping up these defense ararngements. Indeed, so reasonable is this demand that Mansfield may ask for and obtain another showdown on his amendment, or a modified version of it.

Nixon's firmness in demanding that the war in Vietnam be continued until the South Vietnamese are capabel of standing on their own against Hanoi and until American war prisoners in the hands of the Communists of the north are exchanged, is bearing fruit.

Without Russia's aid to Hanoi—the shipment of arms—it has been clear for some time that the Hanoi government would have to come to the peace table. The latest move by Russia is an announced agreement to discuss a limitation of offensive nuclear weapons as well as of defensive nuclear weapons. Heretofore the Russians have agreed only to discuss defensive weapons. It is clear that the United States would be unwilling to let down its guard by agreeing to limit our defensive weapons while Russia continued to build up its offensive nuclear weapons.

If we have such an agreement with Russia for nuclear weapons as now is envisioned, our military "deterrent" would continue to help keep peace in the world.

Nixon fought hard for an appropriation of funds for continuing work on the SST, believing that it would be to the advantage of the United States to remain a world leader in the construction of airplanes, both for civilian travel and for war. He succeeded in the House, but lost in the Senate, and the plan to allot the necessary funds is now considered dead. Whether it will ever be revived is a matter of conjecture. Strange things happen in this unpredictable Congress.

[From the Christian Science Monitor, May 22, 1971]

TROOP WITHDRAWAL

Dr. Robert R. Bowie's effort to discredit Sen. Mike Mansfield's proposal for reducing American troops in Europe is hardly a credible performance. Instead of dealing concretely with the arguments advanced by the senator, Dr. Bowie has resorted to generalities and suppositions which are incapable of proof.

For example, Dr. Bowie alleges that withdrawing a portion of American forces would "deeply" shake "stability in Europe." What is the basis for this sweeping and grim prediction? Do most Europeans share Dr. Bowie's concern? If we examine the budget expenditures of the Germans and other NATO participants for military defense, which are far less than what they are capable of spending, it is clear that they do not! Indeed a plausible case can be made for the view that the American occupation has now become a source of instability and anti-Americanism in Europe.

Dr. Bowie further maintains that American troop withdrawals "could gravely impair the prospects for East-West negotiations." No proof whatsoever is supplied so that one must accept this dim picture on faith in Dr. Bowie's judgment. However, it can equally be asserted, on the basis of "faith," that the opportunities for detente in Europe would be considerably enhanced by the initiation of troop reductions. His contention that force cuts in Europe "could jeopardize the chances for progress in the Middle East" is also a purely subjective judgment.

The cold facts are, as Senator Mansfield has brought out, that our NATO allies do not want to measure up to their own defense responsibilities because they prefer to place that burden on the backs of the American taxpayers. In this way, they are able to enjoy a most profitable trade with the Soviet Union while the American dollar is subjected to speculative attacks from our European friends—the very people our armed forces in Europe are supposed to protect against the "menace" from the East!

The United States now has more than 2,000 bases scattered over the world manned by

1,750,000 military personnel, military dependents and indigenous workers. There are 300,000 troops in Europe plus 225,000 dependents and 128 generals. Besides these forces there are over 7,000 nuclear warheads in the area. In some of the bases, the United States is obliged to pay land taxes for the privilege of defending our European allies.

These are some of the simple truths which cannot be refuted by the tattered rhetoric of the cold war. As one who played a key role in directing the cold war in Germany, Dr. Bowie appropriately falls into the category described by Senator Mansfield as the "old-timers, all the guys who formulated this policy 25 years ago. It just illustrates the generation gap in our policy."

Dr. HERBERT KREIDMAN,
Professor of History,
Nassau Community College.

NATO . . . THE POLITICAL WEAPON OF THE EASTERN ESTABLISHMENT

The recent hassle in Congress over this country's commitment to NATO was marked by the Eastern Establishment's ferocious attack on all those, such as Mike Mansfield, who dared to suggest that perhaps Europe ought not to be a private American preserve.

Beyond anything, NATO means very Big Business, the controlling factor in the enormous growth of American multinational corporations and banks, the instrument that guarantees division rather than cohesion in the Common Market, the political weapon that secures for American capital the competitive edge in the world struggle for income and wealth.

The Eastern Establishment includes that whole complex of Wall Street bankers and lawyers who keep cropping up as advisers in every Administration, the architects of the national security state in the postwar period, the designers of the Marshall Plan and Truman Doctrine and other elements in the strategy of world communist containment.

Historical conditions demanded that the Eastern Establishment be heavily European-oriented in their international outlook. Uneasy that Vietnam was creating more disruption than stability in its empire, this group of people nevertheless continues to label efforts to reduce America's expansive world role as "isolationist."

The preservation of NATO is the issue around which the Eastern Establishment remains most solid. It likewise remains ardent supporter of foreign aid and "development." especially through American-controlled multilateral agencies, population control, free trade and whatever international mechanisms can be designed to protect and enhance the flow of corporate capital.

The New York Times is the major organ expressing the views of the Eastern Establishment, its board of doctors containing names such as Eugene R. Black and George D. Woods, investment bankers who helped to create and manage the several international development agencies. The Times' editorial policy has traditionally taken a strong anti-Russian line, matched only by its hatred for Charles de Gaulle who, like Mike Mansfield, dared to suggest that American hegemony in Western Europe come to an end.

In Congess, the Eastern Establishment is well represented by figures such as Illinois Sen. Charles Percy and especially Jacob Javits of New York, who is on all the important international economic and foreign policy committees. Javits, having devoted his entire career to opposing all institutional constraints on the flow of American corporate capital, understands very well the kind of financial and business unravelling that might take place from the demise of NATO.

It's true, of course, that NATO proponents see the organization in global strategic terms emphasizing possible Middle East consequences in the reduction of American troops. Earlier, attempts were made to bring NATO into the Vietnam war and create a multilateral image there.

But Javits, in addition, shows how the anti-Communist stuff is only the tip of the iceberg. Arguing against the Mansfield troop cut proposal in the Senate May 12, Javits said.

"It will be notice to Europe that the United States is relinquishing its position in Europe, and we could certainly expect that Europe would then have less concern for US trade, investment and monetary interests."

What Javits is talking about is the development of the European Common Market, and the American foreign policy interest of blocking the formation of the kind of unification that would harm the growth of American business and financial enterprise. The dismantling of NATO has much less to do with the so-called Russian threat than with the future shape and content of the Common Market. The timing of NATO troop cuts has less to do with NATO-Warsaw Pact negotiations than with the pace of Common Market negotiations over its enlargement and openness to American business interests.

Those who want a better understanding of these interests should read the writings of George W. Ball, former undersecretary of state and now with Lehman Brothers in New York. The powerful growth of the multinational corporations has helped to sour American support for trading blocs such as the Common Market. NATO, in effect, is designed to help create George Ball's concept of the future multinational corporate world community, a worldwide corporate state dominated by American capital.

David Deitch is a Globe staff columnist.

[From the National Observer]

WHITE HOUSE CONFIDENT MAJOR ACCORDS CAN TAKE SOLID SHAPE BY YEAR'S END

(By Jude Wanniski)

With Soviet Communist Party chief Leonid Brezhnev supplying the adrenalin, President Nixon's anemic "era of negotiations" has suddenly revived. In the past several days, Mr. Brezhnev twice pumped life into U.S.-Soviet relations, indicating the Russians have decided to do some serious bargaining on critical issues.

There may have been some question of Soviet intentions regarding the first gesture, when Mr. Brezhnev invited the Western powers to start exploratory talks on reductions of troops and armaments in Central Europe. But there were few doubts last week at the White House that the Russians have now entered into the spirit of negotiations in a big way. Mr. Nixon's three-minute address to the nation—revealing, simultaneously with a similar announcement in Moscow, a break in the long-stalled nuclear-arms talks with the Soviets—was purposely vague and restrained. Yet because of the nature and timing of the break, the White House is confident the Russians mean business, and that major agreements may be taking solid shape before the end of the year.

Later last week, Mr. Nixon talked almost casually about the two governments working "toward agreement in this field to be implemented sometime this year," although "some very intensive negotiations will have to take place to achieve our goal."

The prospect of such agreements will have an immediate effect on Washington politics. The developments came at a time when Mr. Nixon's global strategy was undergoing serious attack in the U.S. Senate precisely because it did not seem to be getting any place. Now Mr. Nixon should have clearer sailing in Congress for his foreign and defense policies, at least for the rest of the year. And at the same time, the political seers will bid up his re-election stock for 1972. One reason: If there is a major agreement with the Russians, chances of an election-year summit meeting increase.

RESISTING TEMPTATION

Mr. Nixon already owes the Kremlin a thank-you; the Brezhnev invitation to the Western powers helped the President beat off a wave of Senate attacks last week against his strategy in Europe. The Administration expected to narrowly beat Senate Majority Leader Mike Mansfield's proposal to cut the U.S. troop level in Europe by 50 per cent, to 150,000 from 300,000. But after the Brezhnev offer to negotiate mutual withdrawals, senators otherwise tempted by the idea of unilateral U.S. troop withdrawals edged away from the Mansfield amendment. It lost, 61 to 36.

The break-through in the Strategic Arms Limitation Talks (SALT), which began in November 1969, was of course a bigger plum for the Administration. For a year, the talks had been deadlocked. The Russians insisted on limiting a first agreement to antiballistic missiles (ABM) and other defensive weapons—those that cannot strike the adversary; the United States insisted that any agreement cover some offensive weapons, and that the talks cover a "mix" of offensive and defensive weapons.

The Administration's reasoning is that only a mixed agreement would assure the United States that the Soviet Union has no intentions of seeking a clear nuclear superiority. If defenses alone were fixed by agreement, the Administration reasoned, the Soviets could continue their rapid expansion of offensive weaponry with their planning no longer complicated by U.S. defensive tactics.

In the agreement announced by Washington and Moscow, the Russians have now concurred in principle that an agreement will contain a mix. Now that this framework has been established, the White House expects that negitiations will accelerate.

The belief here is that the Soviets may now agree to place limits on land-based intercontinental ballistic missiles. Their 276 SS–9 missiles, plus 60 SS–9 sites under construction, have been the basis for U.S. fears that the Russians may be thrusting toward clear nuclear superiority. Presumably the United States will be willing to deal on the short-range tactical weapons in Europe, which have been the Soviets' chief concern. This dealing would take place as part of the NATO-Warsaw Pact talks that Mr. Brezhnev is anxious to get going.

Mr. Nixon's televised statement was clearly designed to make it appear that he and the Kremlin met halfway: The two governments, he said, "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missiles systems (ABMs). They have also agreed that, together with concluding an agreement to limit ABMs, they will agree on certain measures with respect to the limitation of offensive strategic weapons."

ORDERS TO GET SERIOUS

This, though, is precisely the framework that Mr. Nixon has insisted upon. Though this agreement is still a long way from an arms-control pact, it is still the first concrete indication that Mr. Brezhnev's recent peace offensive is genuine. Beginning at the 24th Soviet Party Congress in March, Mr. Brezhnev has been conciliatory both to the United States and the other Western powers. Last month, senior Soviet officials reported privately that they had been ordered to negotiate seriously on outstanding differences with the West. In his invitation to negotiate on Central Europe, Mr. Brezhnev said the Soviet Union would do everything it can "to achieve the strengthening of the peaceful

coexistence of states, regardless of their social system."

Among both supporters and critics of Mr. Nixon's approach to the Soviets, the speculation in the Capital is that the Brezhnev peace offensive is an outgrowth of two Soviet problems: internal economic difficulties and the nagging threat along its 4,000-mile border with China. The Soviets would like to divert some defense spending to the domestic sector, and since they cannot risk weakening their eastern defenses, a mutual and balanced force reduction in Europe is the answer.

The speculation may be imprecise, but as long as it is part of the working assumption here it is important. The differences occur over how this situation should be exploited. The Administration counsels firmness, patience, and the promise of generous, good-faith arrangements with the Soviets; when the fruit ripens, it will fall from the tree.

Nixon critics argue that the fruit is already ripe, but because of White House stubbornness it is withering. They counsel unilateral concessions to show U.S. good faith. And at least until last week they had urged Mr. Nixon to take a SALT agreement covering only defensive weapons.

In the Senate attack on Mr. Nixon's policy in Europe, Idaho Democrat Frank Church and Mr. Mansfield were most explicit in making this argument. "For those who say that we must take no unilateral step," declared Mr. Church, "I suggest that the record shows that unilateral action prudently taken has led to successful negotiations with the Soviet Union." He pointed to President Kennedy's initiative in ceasing atmospheric testing of nuclear weapons, a step that led to the limited test-ban treaty.

"LINKAGE" STRATEGY

Senator Mansfield maintained that the Soviets are so eager to pull troops out of Europe and station them on their frontier with China that they would do just that if the United States unilaterally withdrew 150,000 troops from the North Atlantic Treaty Organization (NATO). "I suggest such a cut on our part would act as effectively to obtain this end as would any force reductions reached mutually through long drawn-out negotiations."

Administration strategists grant that Mr. Mansfield may be exactly right, but that it is not the objective of U.S. policy to find the quickest way to relieve the Soviet Union's internal problems.

The objective is to bring about Soviet pacifism along a broad front, including not only the NATO-Warsaw pact face-off in Europe, but also in the SALT talks, the four-power Berlin talks, and in the Middle East. The White House does not go so far as to say there can be no agreement on European force reduction unless there is also a SALT agreement, but it makes it clear enough that a SALT pact would put the NATO alliance in a much more relaxed and forthcoming frame of mind regarding Central Europe. This, more or less, is the nub of the President's "linkage" strategy, a policy that encourages this broad-front negotiation.

It was because the White House saw the Mansfield amendment as a potentially crippling blow at its linkage strategy that Mr. Nixon pulled all the stops in defeating it. Former Presidents Truman and Johnson issued statements inveigling against the amendments. U.S. ambassadors all over Europe lobbied senators by transatlantic telephone. Mr. Truman's Secretary of State, Dean Acheson, roused himself to denounce the move. So, too, did President Kennedy's Undersecretary of State, George W. Ball, who was all over Capitol Hill fighting the Mansfield measure.

Not that all the Democrats who supported Mr. Nixon did so as a testimonial to his linkage strategy. On the contrary, most were concerned only that passage of the Mansfield amendment would cripple NATO and encourage the European allies to turn away from the United States toward accommodations with the Soviets. Two Democratic Presidential hopefuls, Edmund Muskie of Maine and Hubert Humphrey of Minnesota, have steadfastly urged the President to accept a defense-only agreement at SALT. Yet last week they were in the Administration's corner in opposing the Mansfield move. Senator Muskie said almost nothing during the debate. But Mr. Humphrey pitched in with enthusiasm, and in warming to the debate appeared to become a full-fledged advocate of linkage:

"I do not believe in unilateral disarmament, not if it means disarming at the risk of our security and the security of our allies," he said. It was a comment that brought a warm smile to the face of Sen. Edward Kennedy of Massachusetts, a Mansfield supporter. Continued Mr. Humphrey: "I am not here pleading for President Nixon. On the contrary, I am pleading for a foreign policy of the United States that will preserve peace, that will arrive at negotiated settlements, that will reduce nuclear armaments. . . ."

After the Nixon announcement on the SALT talks, Mr. Humphrey issued glowing statements of "a major breakthrough." Supporters of Sen. Henry Jackson of Washington, the only Democratic Presidential hopeful who has defended the Nixon position on the SALT talks, fumed that Senator Humphrey "is trying to make believe he never pushed the other way."

Though this kind of Presidential politicking played a small role in the Senate debate last week, the most important factor that saved Mr. Nixon from any troublesome votes was this: Although most senators were eager to show annoyance with the NATO allies for not paying more of the NATO costs, a majority could not agree on the degree of indignation appropriate.

Indeed, practically the entire Senate feels this indignation, and only the broader foreign-policy considerations kept senators from expressing it. The argument is that while the United States pays $14 billion to maintain its NATO commitments, including a net loss of $1.5 billion in the balance of payments on these commitments alone, the other 14 NATO allies skimp on their commitments, and at the same time blame the United States for causing their monetary problems.

Ohio Republican William Saxbe put forth the most colorful version of this argument: "We were the No. 1 country to emerge from World War II. We had money sticking out of all our pockets. Japan and Germany were completely financially broken. We had ideas that we could afford to do all these things, anywhere in the world. So we were the big spender that picked up the check every time it came around." Now, he says employment is so high in Germany that they have to import 3,000,000 workers. And in Japan, there are several jobs for every high-school graduate. Yet in the United States there is unemployment, distress, poverty. "What we are still doing, though, is walking around Europe with the 'big spender' sign in front and 'kick me' sign on the back."

This message came through loud and clear, both to the European press corps and European diplomatic corps in the Capital. They know that Mr. Nixon restrained the Senate last week, but he will not be able to do it a year from now. Whether or not there are successful negotiations with the Warsaw Pact nations, Western Europe is aware that Washington has grabbed for the last check. That's all Senator Mansfield was trying to do, and though his amendment lost, his purpose was served.

For Mr. Nixon, this was the added fillip to a week of immensely satisfying developments. He got his initial SALT understanding out of the Russians. He foreign policy survived a week of Senate attacks, and as a result is firmer than ever. The Democratic Presidential hopeful divided a half-dozen ways. And the NATO allies got an earful of overdue invective. This the President can publicly disavow—but if he wishes can privately applaud.

[From the Billings Gazette, May 23, 1971]

MANSFIELD MAY HAVE WON BATTLE

(By D. W. Bowler)

The man from Montana, Sen. Mike Mansfield, lost a skirmish this past week when the U.S. Senate turned down his proposal to cut in half U.S. troops in Europe.

He may have won a battle, even a war.

When Mansfield rocked the boat, rattled the cage and again challenged the status quo in Europe, he set forces in motion that needed stirring.

The war has been over in Europe for 26 years. The U.S. taxpayers has been paying through the nose for 26 years to keep the status quo.

Meanwhile, most of the countries of western Europe, the free world we like to call it, have been getting nothing but fat. The free has been from us to them.

We are told it is in our national interest. It is, to a point.

It was especially in our national interest to keep western Europe free at a time when Russia was moving into its slavic spheres of interest and a few others.

The U.S. held the nuclear threat umbrella over western Europe while those nations recovered from the ravages of war. America not only stood off the Russian threat, real or otherwise, but also primed the economic pump.

We went beyond that. We helped the German mark get hard while the dollar got soft.

As columnist Frank Getlein of the Washington Star writes:

"It happened in a great part as a result of the smashing defeat of the Germans in World War II, which forced them to rebuild their industry from scratch, and to get newer and better systems than ours. This process was helped along enormously by the Marshall Plan, but the final push was certainly accomplished by the use of American troops to protect Germany from what once was considered a threat of Russian attack.

"Since Germans in arms give most Europeans the willies—as in Kaiser Willie, rather than as in Willy Brandt—the Americans took over the German defense, pumping in dollars and leaving the defeated Germans free to accentuate the positive in industry while the conquering freedom forces poured their money down the rat hole of military expenditures."

Getlein calls Mansfield's move "the most sensible thought anyone has had about either the dollar crisis or the crisis of the American military presence in Europe."

The Europe of today is not the Europe of 20 years ago.

Solid proof of this comes from Italy's conservatives. Tempo, Rome's leading rightwing daily, editorializes:

"Mike the Terrible has asked that U.S. troops be halved, causing a terrible stink . . . But the Mansfield bill is not to be written off so casually. We Europeans at least, who are loaded with money, industries and manpower, had better start taking notice that an ever-growing number of American taxpayers are getting fed up with spending billions of dollars for the defense of nations that are opulent in every field . . .

"Soon or later the proposals of Mansfield may spread around over there and win a majority. And we shouldn't be surprised or get worked up about it.

"The real problem is in putting to our-

selves urgently the question why a people numbering 250 million, with a unified culture, a history, a military experience, a scientific, technological and industrial establishment that is the oldest and the finest in the world, why it can't defend itself with its own forces? Why does it have to be defended by these extremely costly American divisions?"

Quite naturally, the Italian diplomat who has been NATO secretary general for seven years does not agree with his conservative Roman countrymen.

Even in Russia, notice is being taken of the man from Montana's prodding.

Premier Kosygin noted in his talks with Prime Minister Trudeau of Canada that "much attention is paid today to the problem of troop and arms reductions. In certain countries, animated discussions are going on on this score."

That is quite an understatement when one considers the ghosts of past policies that the Nixon Administration hauled into the Congressional skirmish to stop Mansfield's try.

The action also split forces without regard to party lines in Congress. It seemed that everyone tried to get into the act with an amendment of his own, or at least a comment.

Sen. George Aiken of Vermont, a Republican, took issue with the administration by saying:

"I thought the Nixon Doctrine envisaged predicating our actions more on the willingness of others to take responsibility themselves, and less on a unilateral assumption of responsibility on our part.

"I thought this was the heart of the President's policy in Southeast Asia, a policy I have supported. Yet here we see the President mobilizing old advocates of old causes, not to buttress his actions in Southeast Asia where he so badly needs support, but to champion the status quo in Europe, for which these same advocates planted the seeds nearly a generation ago . . . (I wonder) if this makes the new foreign policy more believable or whether it will create a new wave of disbelief in our government pronouncements."

Mansfield's pot-stirring also prodded the Nixon Administration into taking a second look at a suggestion made more than six weeks ago by Leonid Brezhnev, the Soviet Communist Party chief.

Brezhnev said March 30 he'd like to talk with the U.S. about a balanced force reduction on both sides in Central Europe.

After Mansfield's move, the U.S. secretary of state and U.S. ambassador to Moscow took the time to find out if the Kremlin was serious.

So, much as the Mansfield amendment was viewed with alarm, it did accomplish three things:

1. The troop issue in Europe is moved off dead center into possible beneficial action.

2. Opulent Europe realizes it may before too long have to pay for its own defenses.

3. The Nixon Doctrine of helping those who help themselves is put to a test.

Yup, the mild-mannered man from Montana caused quite a fuss when he introduced an amendment that questions why it is necessary for "a foreign army to be on the continent of Europe a quarter of a century after World War II."

Oh, yes, Mansfield's previous profession—he was a professor of history.

[From the Washington Post, Sunday, May 22, 1971]

WEEK OF HISTORIC CHANGE

Moments in history of striking importance to the world generally can be discerned only long afterwards unless one speaks of a critical election, say, or the first man on the moon. Nonetheless it is worth the risk of saying that last week may very well turn out to have been of key import.

Three events were striking: the dialogue in Paris between French President Pompidou and British Prime Minister Heath on Britain joining Europe; the movement by Moscow and Washington toward a resolution of the strategic arms limitation talks, and the movement by the two superpowers and their allies toward a beginning of talks on reduction of armed forces and armaments in Central Europe.

Taken together, these events relate to a reordering of the Western Alliance and a restructuring of the East-West relationship. The three events, of course, do not stand alone. Subsidiary but of great importance were the Senate votes on the Mansfield proposal to trim the American troop level in Western Europe, Canadian Prime Minister Trudeau's declaration in Moscow of increased independence of the United States while remaining within the NATO alliance, and the continuing East-West effort to resolve the Berlin issue on which depends the late of West German Chancellor Brandt's Ostpolitik, or effort at reconciliation with the East.

This in sum, is a vast canvas depicting great efforts to wind up the loose ends of World War II and to create a new framework for international life. And it is striking that central to much of this effort is the attempt to control the nuclear weapons that sprang from that war so that a human holocaust can continue to be avoided.

A great deal has been said about the effect on America and on its relations to the world of the Indochina venture. Most of our ills, foreign and domestic, are laid at its door. There is truth in all that but it is not the whole story.

While nothing is foreordained in human relations and man does have charge of his fate, there is a cyclical aspect to it all if history teaches anything. One does not have to pigeonhole history neatly in the Toynbee manner to see this, either. Thus, it seems to me, the flow of history mentioned above most likely would have taken place irrespective of the Indochina affair. The timing probably would have been different, however. Indochina simply impelled events and deepened the pressures for change.

History, too, moves in jerks and while the matters now in motion are interrelated they are not likely to come to consummation at any single time. Britain may "enter" Europe on a specific date but that is not the same thing as the creation of a United States of Europe which may be generations away if it comes.

The two arms control issues are still far from resolved. Indeed, the best hope in each case is for initial steps, for a sense of momentum, for at least a slight lessening of mutual suspicions, especially between the United States and the Soviet Union.

Since Napoleon's time nationalism and xenophobia has been a dominant force, stronger than the dreams of men for a more rational relationship between peoples. The perils of war, as in World War II and in the subsequent post-war period, diminish such feelings, but as nations escape the fear of human and national extinction nationalism asserts itself again.

In this age of nuclear technology the peril in this is greater than ever before in human history. For this, if for no other reason, even the equally suspicious men in the Kremlin and the White House are impelled to try and try again to bridge the gap lest they face the dreadful alternative of Armageddon.

The technologically and economically advanced societies of today are in a period of rising expectations that man can master his environment and that he must do so. It is a time when single citizens and citizens in groups feel strong enough to push those who rule them, in democratic or totalitarian societies, to try harder.

Last week, then, was on the whole a hopeful moment, one worth a cheer or two. But the chores ahead are massive, the struggle for fulfillment never ending.

[From the Washington Post, Sunday, May 23, 1971]

FLEXIBILITY GETS RESULTS

(By Joseph Kraft)

It was a great week for presidential leadership. With a little show of flexibility, Mr. Nixon asserted his control over dealings between Washington and Moscow.

In the process he stole the arms control issue from his liberal critics and girded himself against a possible counterattack from the right. He thus put himself in position to come on strong as a peace candidate in 1972.

The big development, of course, was the joint Soviet-American statement on the strategic arms limitation talks. Mr. Nixon had previously insisted that there had to be an intimate connection between an agreement on defensive weapons, notably the antiballistic missile (ABM) and offensive weapons.

The Russians favored an agreement that gave priority to a limitation on the ABM. Leading Democrats asserted that the President should, if necessary, take an ABM agreement only. It looked as though Mr. Nixon had boxed himself in.

Behind the scenes, however, the President initiated diplomatic moves to take himself out of the box. These moves bore fruit in the announcement made simultaneously in Washington and Moscow last Thursday.

Basically all the agreement provides is that the arms control talks can go forward. What the continuing negotiations will yield by way of results is not clear.

But the connection between defensive and offensive missiles which the administration had previously stressed so hard has been thinned to the vanishing point. The agreement announced last week provides, with exquisite vagueness, that the Big Two "will agree on certain measures with respect to the limitations of offensive strategic weapons."

In the background briefings, White House officials came off the emphasis on the big Soviet missile, the SS–9, which had previously been the justification for an insistence on tying offensive to defensive weapons in any agreement. Hints are now being put about that the new Russian holes which the Pentagon claimed were being dug for an improved version of the SS–9 have in fact turned out to be accommodations for another weapon, the SS–11, which is far less menacing as a possible first-strike threat.

In these circumstances, almost any kind of agreement reached in future talks can be said to fit the President's demand for a connection between offensive and defensive weapons. Moreover, the exceedingly vague wording of the statement about offensive missiles suggests that, while an agreement about defensive weapons would go to the Senate in treaty form, the understanding about offensive weapons would be submitted in another form—a form less vulnerable to opposition. In that way the President has already taken out insurance against an attack in the Congress from the hawks and the military in his own party.

The ease with which a President prepared to be flexible can foil opponents was further demonstrated during the week in the debate on resolution to cut American troops in Europe which had been offered by Majority Leader Mike Mansfield. Though Sen. Mansfield is one of the most powerful men the Capitol has seen in a long time, the administration beat his amendment decisively.

What turned the tide against Mansfield was a positive administration response to the Soviet indications of willingness to negotiate a mutual reduction in troop strengths. With such negotiations in the offing, very few responsible senators were prepared to come out for a unilateral American reduction.

The lesson of all this is a lesson that Mr. Nixon has been trying to resist ever since he entered the White House. It is that hostility to the presidency is not built into the system; that everybody does not hate Mr. Nixon.

On the contrary, a President prepared to show just a little diplomatic flexibility will have broad national support. Mr. Nixon got it last week, and he will continue to have it so long as he stays away from the politics and the diplomacy of confrontation.

[From the Courier Express (N.Y.), Sunday, May 23, 1971]

DON'T GIVE UP SHIP, SEN. MANSFIELD

The Senate's votes on the proposed U.S. troop cutbacks in Europe and the SST have an interesting interrelationship. This should serve as both a puzzle and a challenge to those who argued that the point of either issue, or both, was somehow a simplistic return to isolationism vs. international commitments.

Of course, further public funding of the SST was rightly rejected, for the third time, on grounds of public policy; domestic fiscal priority and environmental risk, a risk which is worldwide and which will accompany both the British-French Concorde and the Russian SST. And while the Mansfield amendment to the draft bill, and those substitutes which aimed at making the cutbacks in easier stages, were turned aside, the sentiment grows for a new policy in tune with the 1970s. The vote reflected no blind devotion to some interminable form of Manifest Destiny but rather a feeling of not wanting to force the cuts on President Nixon right now, a matter of timing, therefore.

Already Sen. Mansfield's campaign has spurred Washington and Moscow to greater effort toward serious negotiations on mutual troop cuts. Yet unilateral cuts, on a prudent scale, can help the momentum. If unilateral cuts are valid in Vietnam, where a war is going on, or by either Britain, Canada or France, all of which have made Nato cuts lately, then certainly the U.S. Senate, which ratified the Nato pact in 1949, can order them.

With the cost running as high as $14-billion a year, we are overextended in Europe. Why should we need 10,000 troops in Spain, or 40,000 in Britain, Italy and Turkey? While it is easy to see why a politician in Bonn can practice Ostpolitik in East Germany or Moscow, and can sell more than $750-million in goods to the Soviet as in 1969 (while Melvin Laird vetoed a Ford Co. plan to build a plant there), with an American umbrella overhead in case of any gathering thunderstorm, it also is an insult to our valued West German government ally to suggest, as some Americans have, that one reason why we would keep 215,000 men in West Germany is for fear that Bonn will, if it brings its force up to pledged levels or beyond, somehow turn into the same kind of threat to world peace that governments in the Kaiser or Hitler eras became. Stirring these fears is a move unworthy of reasoned debate.

Britain, France and West Germany today have 1.4 million men under arms. If this is not sufficient, they have the ability to raise more. The alliance will be healthier if all the European Nato members become more self-reliant, as the Nato treaty called for.

Western Europe's monetary problems today stem mostly from serious imbalances caused by the excessive American presence, the glut of dollars. Only Americans can do the trimming. And Sen. Mansfield has done the nation a distinct favor—and eventually all will thank him—in centering our attention on the European situation whilst our preoccupation has been so long in Indochina. If, as some senators and the Achesons, McCloys and Balls contend, the Nato alliance would collapse if we pulled back only half our ground troops, then something must be rotten at the core of this partnership. It might not even be a true partnership.

The plain truth is that we *are* overextended in both Asia and Europe; both the Seato and Nato treaties were hatched for the same general reasons 20 or more years ago and both now need updating to fit the future. Troop reductions in Europe are essentially a European problem; it's their future. While these negotiations will be welcomed warmly, we trust, the idea of balanced reductions should also mean equal reductions. That is, the U.S. cutback should be in precise equal numbers to that of the Russians'; there should be no formula based merely on distance from Berlin.

Before negotiations begin, however, it remains the obligation and the right of the U.S. Senate to take the initiative in encouraging the president to launch cutbacks in any amount that may seem proper. This is one sure way to keep the momentum for rapprochement in Europe moving along.

[From the Grand Rapids Press, May 23, 1971]

IT'S ONLY THE BEGINNING

Sen. Mike Mansfield's proposal to reduce American troop strength in Europe by half obviously was doomed to defeat at the outset. Despite the fact that it has cost the United States billions to maintain 300,000 troops in the NATO countries and that this is one of the chief reasons why our balance of payments has become so unfavorable, the proposal never had a chance. There were too many powerful forces against it—including both of our still-living ex-Presidents (Truman and Johnson), Mr. Nixon himself and all those who oppose any move to reduce the United States' defense commitments abroad.

The most effective argument brought against the Mansfield amendment, and one of the most cogent, was that our unilateral decision to reduce our military strength in Western Europe would greatly weaken our bargaining power in any discussion with the Soviet Union with respect to a mutual reduction of armed forces in that area.

This was not, therefore, the most propitious time for the senator to make his move But his proposal scarcely warranted the bitterness of the attack on him. A person unfamiliar with American politics might have assumed from the vitriol poured on Mansfield that he had just suggested approving a move by the Soviet Union to establish missile bases in Cuba. Benedict Arnold would have looked almost saintly in comparison with the Mansfield portrayed by some of his critics. Some went so far as to characterize him as an idiot.

Mansfield doubtless realized that he was fighting an unpopular cause and that he could not hope to muster sufficient strength to get his bill passed. Even if it made it through the Senate, he could be sure it never would receive House approval. Since Mansfield is anything but stupid, he must have had other purposes in mind than the adoption of the amendment at this time. And they do not appear to be especially obscure.

One objective certainly was to emphasize again that Congress should be consulted in the deploying of American fighting forces outside the United States. The significant thing is not that 61 senators voted against his proposal but that 36—more than a third of the Senate—voted for it. We can remember when any bill aimed at our getting out of Vietnam would have received far less support in the Senate.

The vote indicates, therefore, an increasing sentiment in the Senate to be heard in the formulating of military agreements with other countries. And the debate and public attention given Mansfield's proposal should alert our European allies that the American public and a substantial segment of its government believe that Western Europe itself should assume a larger share of the burden of defending itself.

To put it even more bluntly—our allies cannot expect us to go on indefinitely seeing the American dollar beaten and battered in their money markets because of the way the U.S. government has spent so freely for so long to rebuild their countries and to participate in their defense. The vote went against Mansfield 61–36. Unless there is a marked improvement in our economic position and the trend in the balance of payments, the vote on a similar proposition six months from now could be considerably closer. And there is every indication—including Mansfield's public statements—that attempts to compel a reduction of American military forces in Europe will not be discouraged by this defeat.

[From Los Angeles Times, Sunday, May 23, 1971]

THE PRESIDENT'S ABOUT-FACE IN SEARCH OF ALLIES

(By Peter Lisagor)

WASHINGTON.—Senate Democratic leader Mike Mansfield was cruelly miscast as a fierce adversary irresponsibly bent upon bringing down that temple of the cold-war faith, NATO.

He was, in fact, the least likely man in town to set the White House on its ear, to exhume the shibboleths and the sages of post-World War II politics, to trigger a propaganda blitz by the President that betrayed the doctrinal staleness of the Nixon Doctrine.

Mansfield is a sober, reflective, tacitturn man, not a flamethrower. His reputation as a man of probity and reason led the President to order the troops be mobilized to avoid any personal attacks upon the senator.

Mr. Nixon has gone to some lengths to court the weathered Montanan. Chance bystanders at the southwest gate of the White House have seen Mansfield, at the wheel of a white Mercury that has seen better days, driving in for breakfast or a late evening meeting with the President.

The idea that Mansfield suddenly and abruptly provoked a "crisis" in the affairs of the Atlantic alliance is absurd. While quietly biding his time, he has informed anyone willing to listen that he believed the United States has borne too great a burden in Europe, that the 300,000-man force was a costly legacy of a debilitated and disorganized Europe, and that he planned a move to throw the Senate's weight behind a reduction of that American force.

It is true that he turned a proposed sense-of-the-Senate resolution, without the force of law, into an amendment tied to the draft bill which would have forced the President to act. But the response at the White House suggested an act of perfidy, a despoilment of a sacred shrine, sabotage at the crossroads of Western civilization.

The irony of the President's reaction was vividly revealing. To whom did he turn? He turned to those very men whose wisdom and vision he had severely questioned in an interview with C. L. Sulzberger of the New York Times last March, to those in whom he saw "a basic, strange sickness."

Mr. Nixon told Sulzberger that "the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending. This is also true of the attitude of those former internationalists

with respect to our defense posture and defense spending."

And later in the interview, in a more pointed reference, the President said:

"These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier."

Because the President named no names, the White House flacks may argue that he didn't have in mind the men he invited to take on Mike Mansfield. But it won't wash. He had in mind as "great internationalists—such men as George Ball, Cyrus Vance, John J. McCoy, Dean Acheson and the great generals of containment.

In truth, Mr. Nixon was tilting at straw men in the Sulzberger interview, and nothing proved it more convincingly than that he sought comfort and support from the Establishment in his contrived hour of need. The old internationalists have not become isolationists, neo or otherwise, and whether the President cuffs them around or not, they're tickled pink when the White House calls. What is doesn't do to the ego, it makes up for at the office.

Mike Mansfield surveyed what he had wrought and called it "overkill," a polite word for what he probably thought about it. The spectacle must have made him chuckle. And surely he took satisfaction from the fact that he had shaken up the White House enough to form a fresh assessment of America's role in the world, not just a rhetorical song-and-dance.

In the end, some Administration officials implied that the agitation displayed by the White House was based upon the knowledge that the Russians had agreed to link offensive and defensive weapons in the strategic arms limitation talks, which the President hailed the day after Mansfield "lost."

They thought it "inappropriate" to use that information in the debate. It would not have impressed Mansfield, in any case.

[From the Fort Wayne Journal-Gazette]

THE MANSFIELD AMENDMENT

Although the Mansfield amendment was defeated in the Senate, there is evidence of mounting unrest among Senators not only over U.S. troop levels in Western Europe, but on the general powers of the executive branch to conduct foreign policy as well.

Previous efforts in the Senate had been confined to resolutions to the President calling for a review of West European troop strength in relation to the U.S. NATO commitment. Congressional appropriations determine the level of the forces, but previously there had been no attempt to set specific numbers.

A number of factors apparently provoked Mansfield into trying to slash the number of troops in Europe from about 300,000 to 150,000 by the end of the year. One of the most obvious is that a weakened U.S. monetary position is partially caused by the cost of paying for European forces. In addition, the European nations have been somewhat slow to cooperate economically and politically among themselves. It's only very recently that there has been real progress toward making Britain a part of the Common Market.

A more basic reason might be that with all the talk of re-evaluating the role of U.S. troops in Europe since the depths of the Cold War, very little has been done about it. Three administrations have struggled with the question, and some of their representatives again backed President Nixon's refusal to compromise on the matter.

At this time, there is not much to dispute the administration's contention that a troop reduction shouldn't be a unilateral move, but instead should be a point of negotiation on a whole series of diplomatic issues with the Russians. The Soviets said something similar about talks on troops about a year ago, with not much to show for it. If Nixon is going to use the same point now, it might be expected that the administration would follow through and try to bring about discussions. If not, the case will be more difficult to sell to the Senate next time.

The Mansfield amendment struck most deeply at the Nixon Doctrine of international relations and the powerplay diplomatic attempt to force the Soviets to negotiate concurrently on a series of matters, including the SALT talks and the Mideast. This comes at a time when Congress, and especially the Senate, is becoming increasingly restless about a loss of prerogative on foreign policy to the office of the President.

What is at stake then, is much more than the number of U.S. soldiers stationed in NATO countries. It further entails essential divisions about the proper course for foreign policy, and who should make the decisions. The Mansfield amendment, even in its failure, is a fundamental part of that determination.

The ACTING PRESIDENT pro tempore. Is there further morning business?

MILITARY AID TO TAIWAN

Mr. GRAVEL. Mr. President, it has come to my attention this morning, from a publication entitled "The Military Balance, 1970–71," published by the Institute of Strategic Studies, that the amount of military aid this country has recently furnished to Taiwan is as follows:

In 1970, we gave them one battery of Nike-Hercules.

In 1970, we gave them 34 F–100 Supersabres.

In 1969, we gave them 18 F–104 Starfighters.

In 1970, we gave them 30 C–119's.

In 1970, we gave them 50 medium tanks.

In 1970, we gave them 120 howitzers.

In 1970, we gave them five submarines.

In 1969, we gave them four destroyers.

Mr. President, I also note in the news this morning a dispatch from Taipei that U.S. Ambassador at Large David Kennedy has postponed his departure from Hong Kong, after apparently failing in his attempt to conclude a textile agreement with Taiwan.

I think it pertinent to note that of the arms we have given them, all except the last two items that I cited were grants in aid. The three submarines were given as a 5-year loan, and the four destroyers, apparently, they paid $1 million for. Yet, we cannot even secure some type of arrangement to protect our textile industry, to protect the jobs of the people who pay the taxes to provide this great largess to the Taiwanese and Generalissimo Chiang Kai-shek.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The legislative clerk proceeded to call the roll.

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

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

NO HELP FROM THE ALLIES

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "No Help for United States From Trade Allies," written by Jonathan C. Randal and published in this morning's Washington Post.

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

[From the Washington Post, June 9, 1971]

NO HELP FOR UNITED STATES FROM TRADE ALLIES

(By Jonathan C. Randal)

PARIS, June 8.—The Nixon administration today failed in its efforts to win the formal support of its 22 major trading partners for sharing the burden of America's worldwide responsibilities.

The setback, reflecting growing foreign irritation with new U.S. claims for special consideration because of the major American defense commitment, was apparent in the communique issued after the ministerial session of the Organization for Economic Cooperation and Development (OECD).

Until 4:30 this morning U.S. negotiators unsuccessfully sought to win acceptance of wording in the communique which would recognize what Secretary of State William P. Rogers yesterday called "the costs of the role the United States plays today in the security of the free world."

The communique made no mention of the key word—burden.

Instead, the Americans had to settle for the vaguer recognition for the "position of certain member countries concerning the special factors affecting their balances of payments."

OBLIQUE LANGUAGE

Privately American officials explained that this oblique language was all that could be expected because the OECD includes such nations as Switzerland, Austria, and Sweden who refuse any endorsement of the U.S. defense role because of their neutral status.

However, in previous communiques issued by the consultative economic organization, grouping the non-Communist world's major industrial nations, the United States had won less vague wording from its partners in recognition that chronic and growing American payments deficits were part of the price for the U.S. overseas military presence.

Nonetheless, Rogers, who chaired the two-day meeting, expressed his satisfaction with the "unanimous" support for setting up a "small high-level study group" to investigate the possibility of further international trade negotiations.

STUDY GROUPS MEMBERS

OECD Secretary General Mil Van Lennep was empowered to choose the group's members—generally expected to include the United States, Japan, and several present Common Market nations as well as candidate member Britain.

No date was mentioned for the study group to report back with recommendations, although French Finance Minister Valery Giscard d'Estaing said he expected a preliminary report at next May's ministerial session.

Formation of the study group was seen as primarily designed to help the Nixon administration gain time in its efforts to stop growing protectionist sentiment in Congress.

Indicative of some European thinking was Giscard d'Estaing's remark to newsmen that France and the Common Market feel the trade problem was not a crisis.

"There is a monetary crisis, not a trade crisis," he said in expounding the widely shared European belief that the United States must put its monetary house in order and not rely on trade concessions. "The biggest of our worries is re-establishing monetary order in the world," he added.

Mr. GRAVEL. Mr. President, in connection with this article, I should like to comment briefly on what I think are some interesting facts.

The Organization for Economic Cooperation and Development has just concluded or is in the process of concluding its meetings in Paris. These meetings were chaired by our Secretary of State, Mr. Rogers.

It is interesting to note that an effort was made in behalf of the Americans to secure, from the 22 nations in the free world which have formed this sort of economic tie for mutual economic consultative effort, some understanding of the financial dilemma facing this country.

However, we were totally ineffective—that is, until 4:30 yesterday morning, the negotiators had been unable to win acceptance of the understanding in the communique which would recognize what Secretary of State William P. Rogers called "the costs of the role the United States plays today in the security of the free world. The best wording that could be secured was "position of certain member countries concerning the special factors affecting their balance of payments."

This was the only concession made by our world allies for the economic effort we have chosen to undertake.

It is interesting to note that particularly the nations of Austria, Sweden, and Switzerland have a fundamental position against taking such a complementary role or understanding position toward the United States since they consider themselves neutral nations. I wonder what the world situation would be if the United States took a similar position of neutrality.

The feeling at the meeting, as reported in this article, was that our allies throughout the world are becoming increasingly impatient with the attitude that seems to be growing in the United States. The major concession that we did receive, of course, was the formation of the study group to study the implications of the trade crisis. If of course one exists.

The formation of this study group, in political terms, "was seen as primarily designed to help the Nixon administration gain time in its efforts to stop growing protectionist sentiment in Congress."

The article concludes:

Indicative of some European thinking was Giscard d'Estaing's remarks to newsmen that France and the common market feel the trade problem was not a crisis.

"There is a monetary crisis, not a trade crisis," he said in expounding the widely shared European belief that the United States must put its monetary house in order and not rely on trade concessions.

I quote again:

The biggest of our worries is reestablishing monetary order in the world.

A TERMINATION DATE AND U.S. PRISONERS OF WAR

Mr. MANSFIELD. Mr. President, the Senate will shortly begin debate on the McGovern-Hatfield amendment, of which I am a cosponsor, to set a termination date for the ending of the war not only in Vietnam but all of Southeast Asia. Inherent and implicit in this proposal is a means whereby the American prisoners of war held by North Vietnam and the Vietcong will be released that much sooner rather than held hostage that much longer if a termination date is not set.

The question of the POW's has been receiving significant attention in Paris and, most especially, in Hanoi and in this country. The number of POW's has been estimated at approximately 1,500 to 1,600 but figures which had been given by North Vietnam indicate that they hold approximately somewhere around 350 to 400 U.S. POW's.

The question of the POW's figures significantly and, in some respects, overridingly in the matter of ending the war in Vietnam. The administration has said that we will maintain forces in Vietnam until all POW's are released. Hanoi has said that they will not even begin to discuss the fate of the prisoners until a termination date has been set and then, according to press reports from the North Vietnamese delegation in Paris, they have indicated this matter could be settled promptly.

If a termination date were set and negotiations in earnest begun, there would be no useful reason, in my opinion, for North Vietnam to keep the U.S. POW's there. If a termination date is not set, then we are confronted with the paradoxial situation which results in more and more American casualties, perhaps more and more POW's and more and more of a determination on the part of North Vietnam to hang on to the POW's.

A terminal date for ending the war could lead to the release of the POW's. A continuation of the war with increased casualties and an increase in the number of POW's would make a bad situation worse. As it is now, it appears to me that both sides of the coin are the same as far as the POW's are concerned. The present approach makes hostages of the POW's with the result that the possibility of their release fades into the distance even as the casualties and the cost increase week by week, month by month, year by year. If we agree to a termination date and the prisoners are not released, we still retain all our options, and thereby lose nothing in the attempt.

On April 16, the President gave another reason in addition to the POW issue for not fixing a terminal date on the involvement. That was to give South Vietnam at least a chance to defend itself against North Vietnam. With an army which is larger than North Vietnam's, equipped, trained, supplied, paid and advised by Americans over a period extending from 1955 to the present, I would say that if they are not in a position now to have at least a chance to defend themselves, than they never will be. It is their country. It is their future. It is their decision, not ours.

Over the years, 17 years in fact, I have not deviated from my position that we had no business becoming involved, militarily, in Vietnam. We have no foundation and never have had for the pursuit of our intervention there.

As of May 22, 1971, 354,165 casualties, broken down to 54,731 dead and 299,434 combat wounded, $120 billion wasted, demoralization and divisiveness at home and abroad, drug addiction, graft, corruption, fraggings, the laying waste of a country and the wasting of lives—that is what Vietnam has entailed, that is what Vietnam means—even now. Let us grasp this nettle and bring this tragedy to a terminal ending—and do it now. I realize that this proposal is not in accord with the one that the President espouses and has espoused consistently. He has faced up to his responsibility. He is withdrawing our troops at a faster rate than announced. His policy may be correct, but there are at least two sides to every question, and I would hope that the Senate will face up to its responsibility and approve the McGovern-Hatfield amendment. I would be content to let history decide which course is the right one but, in the meantime, I would waste no time and make every effort to bring about the release of the POW's at the earliest opportunity and, at the same time, bring this tragedy to a final end.

In this connection, I ask unanimous consent to have printed in the RECORD an article published today in the Washington Post.

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

[From the Washington Post, June 9, 1971]

NORTH VIETS DEMAND AID END—THUY OUTLINES REQUISITES FOR POW TALKS

(By Chalmers M. Roberts)

PARIS.—The top North Vietnamese representative at the Paris peace talks said today that the prisoner of war issue, properly coupled with a total American withdrawal, could be settled while the Thieu-Ky regime is still in power in Saigon, but he indicated that Hanoi will not agree if the United States intends to continue to arm and support the South Vietnamese forces.

These points emerged during a 90-minute interview with Xuan Thuy, chief of the North Vietnamese delegation, at his suburban Paris headquarters, Choisy-le-roi. The veteran diplomat answered a series of questions with a minimum of the political polemics so familiar at the weekly meetings in the Paris forum.

The questions and answers went this way:

Q. You have said the United States should fix a "reasonable" date for complete and unconditional withdrawal of "all" American forces. Would you clarify the word "all?"

A. "When I use the word 'all' I mean the totality of U.S. forces in Vietnam. It includes

all kinds of arms—ground, air, naval forces—on the territory, air space, water of Vietnam including U.S. military personnel, American military advisers . . . We don't have any objections if U.S. planes are based in foreign countries provided they are not used against Vietnam. The 7th Fleet may be located on the high seas provided it does not violate Vietnamese territorial waters or is used against Vietnam."

The reference to planes based in foreign countries was in response to a query about the U.S. Air Force in Thailand. When he was reminded that his spokesman Nguyen Thanh Le, who was present at today's interview, had mentioned last week American use of both Japan and Okinawa, Xuan Thuy said that was because they had been used in the war against Vietnam.

His response also included a statement that it is "the scheme of the Nixon administration to seize not only South Vietnam but also to control Laos and Cambodia for the implementation of U.S. policy in these countries and also for encircling the Democratic Republic of (North) Vietnam and also to hold in the American grasp the whole area of Southeast Asia," and some related statements which were not new.

Q. Does the word "all" include both any form of a so-called residual force and a military training and assistance group?

A. "These military personnel are included in the word 'all'."

Q. Does the word also include the forces of South Korea, Thailand, Australia and New Zealand now in South Vietnam?

A. "Yes."

Q. When you say that if a "reasonable" date is set for total withdrawal and then the question of American prisoners could be "rapidly" and "easily" settled, are you speaking of those held only in North Vietnam or also in the South, in Laos and in Cambodia?

Xuan Thuy replied, in short, that he was speaking of those held in both North and South Vietnam since the Provisional Revolutionary Government of South Vietnam (the Vietcong), which he said had first proposed that the U.S. set a withdrawal date, was speaking only of the south. He had added the North. As to Laos, Prince Souphanouvone, leader of the rebel Pathet Lao movement, has said that those captured will be released when all bombing of Laos is stopped. As to Cambodia, that comes under the competence of Prince Sihanouk.

Q. If President Nixon set a withdrawal date to your satisfaction, would the prisoners be immediately released, released only after the end of withdrawal or concurrently at the same pace as withdrawal?

A. Here Xuan Thuy threw up his hands. "I cannot answer for the time being for this is the key to settlement. As long as Nixon does not set a date we cannot go into details of a settlement. The question of prisoners relates to the aftermath.

Q. What would you consider a "reasonable" date for withdrawal, given the logistic problem—six months, nine months, one year from the date of an announcement?

A. "A reasonable date was proposed" by the provisional Revolutionary Government which, he noted, on Sept. 17, 1970, had proposed withdrawal by June 30, 1971. "But Nixon did not agree. Let him propose a date. He should set it." When asked if the Vietcong timetable of just over nine months was reasonable, he replied that "I don't mention any period of time now. Now I'm not willing to mention any time." He recalled that Mr. Nixon had proposed withdrawal in 12 months but Xuan Thuy did not mention that that was a call for North Vietnamese withdrawal from the South as well.

Q. You have repeatedly referred to "two crucial questions" involved in settling the Vietnam problem, the military and the political questions, and have said they are "inseparable." (Xuan Thuy made this statement again at the June 3 Paris meeting.) The political question has been posed as removing the Thieu-Ky regime from office and the formation of a coalition government. Is this political issue also a condition for prisoner release?

A. "The question of the release of prisoners is related only to the military question. This shows our flexibility. It should have been linked to the political question."

Q. But what does "inseparable" mean then?

A. "If we speak of the whole question of Vietnam, of the settlement of the war, of ending U.S. aggression, then the military and political questions should be linked. But if a reasonable date is set the question of prisoners may be settled."

Q. Why do you say "may" and not "will?"

A. "Yes, you can put it down 'will be settled.' From now on it is 'will.'"

Q. You know Mr. Nixon has said you have offered only to discuss prisoner release.

A. "Nixon is unwilling to withdraw. Therefore he tries to use one pretext and another. Nixon's allegation about discussing and not settling is because he is unwilling to settle. He wants to split hairs."

Q. Still, given a satisfactory withdrawal date, the prisoner issue will be settled even if Thieu and Ky are still in power in Saigon and there is no political settlement?

A. "Right. Moreover, this has been laid down in point one of the PRG program of September, 1970."

Q. How automatic would prisoner release be once a satisfactory withdrawal date is set?

A. "Let Nixon set the date and we will discuss that."

Q. Since you have said withdrawal and prisoner release could be accomplished while Thieu and Ky are still in power, what about military and economic aid from the U.S. to their regime afterwards?

A. "That is the point of linking political and military question. . . . It should also settle the question of the Saigon administration because suppose the U.S. withdraws but it maintains the Saigon administration and continues to give it military aid and that administration continues to repress the people of the South. We would return to the period prior to the introduction of the American expeditionary force. It is what we call neocolonialism and the U.S. would remain involved in Vietnam."

Q. Then as a condition for prisoner release there must be no such continuing military and economic aid?

Xuan Thuy avoided a direct answer. After the question had been put three times in various forms, he said that "I think you should read again the PRG's eight points. It is clearer than my explanation." When the interviewer said the eight points were not all that clear, he took another tack.

"Have you ever asked Nixon these questions?" he said. "Nixon has troops there and he wants to control the Saigon administration. So you can get clear answers from him on what are his intentions. I understand he doesn't want a total withdrawal and wants to maintain the Saigon administration."

Q. The impression you have left by your answers is that you are not willing to make a clear differentiation between the military and political questions, though the military one is primary. Is that correct?

A. "Quite right" because "a radical, thorough settlement" of Vietnam is necessary. "If the U.S. withdraws all its forces but maintained an advisory mission and continued to give military equipment aid to the Saigon administration, then the people of the South will continue to oppose the Saigon administration and then the U.S. would have to step up military aid. But Thieu-Ky would not be stable and the U.S. would have to send troops and we would return to the previous situation."

In concluding, Xuan Thuy said that "our desire is a total U.S. withdrawal and a change from the Thieu-Ky regime so the people of South Vietnam can form their own government of their own choice. Then the people of the South will accept American aid on the basis of mutual agreement."

The North, too, he added when asked, would be prepared to establish relations with all countries, including the U.S. and to accept aid on the same basis.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOAN BY THE REA

A letter from the Administrator of the Rural Electrification Administration submitting, pursuant to law, information regarding the approval of a loan for the construction of generation and transmission facilities (with accompanying papers); to the Committee on Appropriations.

REPORT OF DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for July 1970–February 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT BY THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Potential Savings by Replacing Government-Owned Sedans Each Year" (with accompanying report); to the Committee on Government Operations.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the Social Security Administration's activities and experience in the implementation of the black lung benefits program (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED OPTIONAL RETIREMENT ON REDUCED ANNUITY

A letter from the Chairman of the Civil Service Commission submitted proposed legislation permitting the optional retirement on reduced annuity of Federal employees with at least 25 years of service, or, after be-

coming 50 years of age, with at least 20 years of service (with accompanying papers); to the Committee on Post Office and Civil Service.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

The following-named persons to be members of the District of Columbia Council:

Margaret A. Haywood, of the District of Columbia;

Joseph P. Yeldell, of the District of Columbia; and

Henry K. Willard, of the District of Columbia.

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. SCOTT:

S. 2026. A bill for the relief of the Eriez Magnetics Corp. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S. 2027. A bill to insure the separation of Federal powers by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and by providing a procedure under which the Senate and House of Representatives may disapprove the President's action. Referred to the Committee on Government Operations.

By Mr. ALLOTT (for himself, Mr. BIBLE, Mr. BENNETT, Mr. CANNON, Mr. CHURCH, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. McGEE, Mr. MOSS, Mr. STEVENS, and Mr. YOUNG):

S. 2028. A bill relating to the administration of grazing districts. Referred to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE:

S. 2029. A bill to amend the Consolidated Farmers Home Administration Act of 1961 with respect to fees and charges. Referred to the Committee on Agriculture and Forestry.

By Mr. BURDICK (by request):

S. 2030. A bill to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

S. 2031. A bill to amend the Revised Organic Act of the Virgin Islands to permit sessions of the legislature at places other than Charlotte Amalie, St. Thomas. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2032. A bill to provide for the regulation of political activities of public employees, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. BYRD of West Virginia for Mr. JACKSON (by request):

S. 2033. A bill to amend certain laws relating to Indians;

H. 2034. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes;

S. 2035. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia for Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2036. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. BENNETT, Mr. BYRD of Virginia, Mr. EASTLAND, Mr. THURMOND, Mr. TOWER, and Mr. SPONG):

S.J. Res. 112. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN:

S. 2027. A bill to insure the separation of Federal powers by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and by providing a procedure under which the Senate and House of Representatives may disapprove the President's action. Referred to the Committee on Government Operations.

THE IMPOUNDMENT PROCEDURES BILL

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds, and to provide a procedure under which the Senate and House of Representatives may disapprove the President's action.

This bill would establish effective congressional oversight of Executive impoundment, which is yet another in a long line of developments in the operation of our national Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantic choice—is not a new concept, and when undertaken for lawful purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings on expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, unfortunately impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle.

Neither I nor my colleagues in the Congress who are concerned over this problem desires that the executive branch expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem, for impoundment has occurred under Democratic and Republican administrations. It is as objectionable under one as under the other.

Perhaps the most disturbing feature of this Executive practice is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary. The bill I introduce today will in effect give the Congress a chance to override this illegal type of veto.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

The Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March on the constitutional issues raised by the practice of Executive impoundment of funds. The bill which I introduce today is, I believe, the most practical and reasonable solution to the issues raised during the subcommittee's hearings. It requires the President to notify each House of the Congress by special message of every instance in which he impounds funds or authorizes such impoundment by any officer of the United States. Such a special message must specify the amount of impounded funds, the specific projects or governmental functions affected by the impoundment, and the reasons for the impoundment of funds. The bill further provides that the Congress may disapprove the impoundment, by joint resolution of both Houses of the Congress within a period of 60 days from receipt of the special message. Finally, the bill specifies that a disapproving joint resolution shall be privileged business, and it specifies rules of procedures which will provide for ease of consideration and a reasonable period for debate.

I send the bill to the desk, and ask unanimous consent that its text appear in the RECORD following these introductory remarks.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 2027

A bill to insure the separation of Federal powers by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and by providing a procedure under which the Senate and House of Representatives may disapprove the President's action

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within 10 days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by the Congress in appropriating such funds.

SEC. 3. (a) the following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a joint resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of 60 calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) disapproves the impounding of funds as set forth in the special message of the President dated ————, Senate (House) Document No. ——, and hereby directs the President to cease such impounding and to take care that the appropriations law thereby affected be faithfully executed."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 60-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the applications of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

By Mr. ALLOTT (for himself, Mr. BIBLE, Mr. BENNETT, Mr. CANNON, Mr. CHURCH, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MOSS, Mr. STEVENS, and Mr. YOUNG):

S. 2028. A bill relating to the administration of grazing districts. Referred to the Committee on Interior and Insular Affairs.

GRAZING FEE LEGISLATION

Mr. ALLOTT. Mr. President, on behalf of myself, the senior Senator from Nevada (Mr. BIBLE), and others, I send to the desk for appropriate reference a bill to amend the Taylor Grazing Act which, among other things, provides for a revised system of establishing grazing fees on the public domain, that is, lands under the management of the Bureau of Land Management.

The bill is a refinement of suggestions the Senate Interior and Insular Affairs Committee received during the February 27 and 28, 1969, hearings on grazing fees. It also incorporates some of the pertinent principles as enunciated in the report of the Public Land Law Review Commission. The Public Lands Committees of the American National Cattleman's Association and the National Wool Growers Association, and the Executive Committee of the Public Lands Council have thoroughly reviewed the enclosed bill and feel that it represents a reasonable proposal for modifying the grazing fee system, which is fair to the stockman, while protecting the public interest in our public lands.

Mr. President, I ask unanimous consent that a memorandum of explanation on the proposed grazing fee formula be printed in the RECORD at this point.

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

MEMORANDUM: EXPLANATION OF FEE SCHEDULE FORMULA

The proposed legislation provides a formula for determining public land grazing fees from year to year.

1966 is employed as the "base year."

In 1966 a study was conducted by the federal government in cooperation with the livestock industry to determine the value of public land grazing. A substantial amount of time and money were devoted to the study, known generally as the 1966 Western Livestock Grazing Survey.

The principle applied in determining the fee level for Federally owned land in the 1966 survey was "the value of public range used for grazing is equal to the rental value of comparable private pastures leased for grazing after adjusting for differences in costs of services provided on private lands but not on public grazing lands". The public land fee would equal the cost of grazing on private lands (including the lease rate) less the cost of grazing on public lands (excluding the fee).

A technical committee comprised of representatives of the Forest Service, Bureau of Land Management, Economic Research Service and Statistical Reporting Service, both of the Department of Agriculture and the Bureau of the Budget analyzed the survey statistics. After making a number of adjustments in the cost data for both private and federal lands for differences in seasons of use and size of lease or permit, the committee concluded that the adjusted difference, and therefore the fair market value of the public land grazing privilege, was $1.23 per AUM.

It would be highly impractical and unduly expensive to make a new survey such as the one conducted in 1966 each fee year. The survey results, however, can be used as a base for computing the fair market value of the range resource if equitable adjustments are made to reflect variances in economic conditions and in the value of the range resource itself. In addition, an equitable allowance should be made to reflect the value of the permittee's investment in the federal range and the public benefit derived therefrom.

Over the years, federal grazing land permittees have invested substantial sums in range improvements either in cooperation with the government or upon a unilateral, voluntary basis. Under proper management, grazing has resulted in other less tangible benefits such as an increased watershed protection and increased forage for wildlife. In addition, partly through government action at all levels, grazing permits have taken on a dollar and cents value. The 1966 survey did not develop precise information as to all types of rancher investment in federal grazing lands. It did, however, develop sufficient information upon which could be based a determination of the average value of permits for both cattle and sheep on BLM administered lands, and an average value of permits for sheep and an average value for permits for cattle on Forest Service lands. By weighing these figures according to the number of sheep and cattle grazed and again in proportion to the total number of AUMs grazed on BLM lands and the total number grazed on Forest Service lands, a determination of the weighted average value of all livestock grazing permits for lands under the jurisdiction of the two agencies can be made. The result is $18.19 per animal unit month. This, of course, does not afford a complete picture of the permittee's investment because it considers only the average permit cost. However, it does afford a yardstick for measuring permittee investment and for making an adequate allowance therefore. It would, of course, be impractical, if not impossible, to determine the exact amount of rancher in-

vestment and the exact amount of public benefit derived therefrom on a permit by permit basis.

The proposed legislation accepts the computations of the joint technical committee so far as the committee went in determining the difference in the cost of operating on private land and the cost of operating on public land. However,the legislation would make an allowance of 4% of the average public land investment cost of the rancher. The percentage figure is based upon the historic, long-term cost of borrowing money for farm and ranch operations or, conversely, the historic, long-term yield which might be expected were the money available for investment by the rancher in non-ranching investments.

The allowance for rancher investment equals, therefore, 4% of $18.19 or 73¢ per AUM. This amount is deducted as an additional cost of operating on public lands and leaves the sum of 50¢ per AUM as the fair market value of the resource for the base year, 1966.

Under the proposed legislation, the base year market value of 50¢ per AUM would remain constant and would be applicable to all public grazing lands under the jurisdiction of the Secretary of Interior.

The formula must recognize, however, changing economic conditions and variances in the value of the resource itself. Thus, two additional adjustments would be made annually.

Traditionally, the federal management agencies have recognized market price received as a measure of the ability of the livestock operator to pay for federal forage. While not the most precise standard, it is acceptable. However, prices do vary from region to region depending upon local conditions and, to some extent, forage values. Thus, the proposed legislation would require the Secretary to delineate areas to be known as "ranching areas" in which economic conditions, seasons of use and the forage resources are similar. For each such area a determination of the average of prices per pound for stocker feeder cattle and lambs received during 1966, the base year, would be made. Such a determination would be made each year, thereafter, and there would be added to or subtracted from the base year market value of 50c per AUM the difference in cents per pound of the average of prices received in the base year and in the calendar year preceding the fee year.

Actual carrying capacity is a measure of the forage value and differs from area to area depending upon the quality of forage. Since market price alone is insufficient to reflect the variations in forage quality, an additional factor is added in the proposed fee formula to reflect the forage value differences. The Secretary would be required to determine the average number of AUMs actually grazed per section on all public grazing lands during the base year. Each year thereafter, a determination would be made as to each permit of the average number of AUMs grazed per section under the permit during the preceding five year period. In the case of community allotments, a determination of the average number of AUMs grazed per section on the allotment during such period would be made and this computation would apply to each permittee grazing the allotment. The five year average per section for each permit and the national average per section for 1966 would be compared, and, if the average for the permit were more than the 1966 national average, the difference would be multiplied by ¼c and added to the base market value of 50c per AUM. On the other hand, if the permittee's average use for the five year period is computed as below the 1966 national average, the difference times ¼c would be deducted from the base year fee of 50c per AUM. It should be noted that this adjustment is separate and distinct from, and in addition to the adjustment for variations in market price of livestock.

To avoid penalizing the efficient operator, a ceiling is imposed upon the fee while, at the same time a minimum is imposed to assure the government a return for the resource. Conservation is encouraged because the grazing of fewer animals would result in a lower fee.

Mr. ALLOTT. Mr. President, there are more than 755 million acres—one-third of the Nation's total land area—under Federal ownership.

Our national existence and well-being is dependent upon our supply of agricultural products, and the availability of public land forage is essential to the livestock industry and, therefore, to the economy of our agriculture.

For many years, the public lands were free and open to all. Grazing was uncontrolled and, unfortunately, the privilege was frequently abused with resulting damage to the resource.

In recognition of the dangers of continued uncontrolled grazing, regulations were adopted shortly after the turn of the century for the control of grazing in national forests, and in 1934 the Taylor Grazing Act provided the Secretary of the Interior with the authority to regulate grazing on the public lands under his jurisdiction.

The Taylor Grazing Act had two objectives: Conservation of the resource, and the stabilization of the western livestock industry. The first objective has been better served than the second.

Studies and investigations undertaken during the past decade by Congress, by the Federal agencies and livestock industry, and, more recently, by the Public Land Law Review Commission, have exposed deficiencies in the act and its administration, which can and should be corrected.

The proposal will establish a statutory fee formula which is based upon the value of public land grazing as determined by a Government-industry study in 1966, updated each year in relation to the rancher's ability to pay and the comparative value of forage in his area.

It will tend to stabilize the industry by assuring the rancher of a reasonable tenure, subject, however, to the right of the Government to devote the lands to other public purposes.

It provides more flexibility in the allocation of the forage resource and in management practices.

It establishes by statute national and State advisory boards which represent all public land user interests.

It will promote conservation of the forage resource by encouraging greater rancher investment in improvements through the stability of tenure afforded, by awarding lower levels of actual use with lower fees, and by permitting the Secretary to fix minimum standards of range conditions and to vary the range management plan when necessary to maintain such standards.

The legislative history of the Taylor Grazing Act clearly demonstrates that it was not intended to be a revenue producing measure. The language of the act, however, is sufficiently broad to confer upon the Secretary almost unlimited discretion to adjust grazing fees from year to year in whatever amount he desires.

The average return on investment to livestock producers is today one of the lowest of any of the American industries. Many producers have been compelled by economic conditions to abandon the land and seek employment in prban centers.

Continued escalation of public land grazing fees, subject only to an administrator's concept of reasonableness, can only result in the economic failure of many of the remaining livestock operators in our Western States. Those who do survive will ultimately be compelled to pass their increased costs on to the consumer.

No responsible livestock operator expects to use the public lands free of cost. But the charge he pays should bear a reasonable relationship to the value of that use and to his ability to pay.

The amendments proposed in this legislation would remove the determination of public land grazing fees from year to year from the realm of speculation and administrative fiat.

Simply stated, the fee would be the fair market value of the public land forage as determined for a base year, adjusted annually according to the market prices received for livestock and the comparative quality of the forage actually consumed by the permittee or licensee.

In 1966, an extensive study was conducted by the Federal Government, in cooperation with the livestock industry to determine the value of comparable private pastures leased for grazing after adjusting for differences in costs of services provided on private land but not on public grazing lands. The public land fee would equal, therefore, the cost of grazing on private lands—including the lease rate—less the cost of grazing on public lands—excluding the fee.

Because it would be expensive and impractical to conduct a new survey each year, and because the statistics developed would probably show only minor variations at the present time, the proposed amendments to the Taylor Act would use 1966 as the base year.

With one exception fair market value for the base year would be determined in the same manner as it was determined by Government interpretation of the 1966 survey; the exception being that the Government made no allowance for the rancher's public land investment cost, although the survey acknowledged the existence of such a cost and determined the average of such cost.

By excluding any allowance for the rancher's investment cost, the Government determined the fair market value of public land grazing to be $1.23 per animal unit month. The exclusion was based upon legal grounds, tenuous at best, which would no longer be an issue under the amendments proposed in this bill.

The bill accepts the Government computations but makes a reasonable allowance of 4 percent, the historic interest rate on farm and ranch loans, for the rancher's investment cost. Based upon the statistics developed by the 1966 sur-

vey, this would place the fair market value of the forage for that year at 50 cents per animal unit month. Since the survey computations were made on a national basis and have been applied on that basis, the base year market value fixed in the bill would also be applied on a uniform basis to all public grazing lands.

The formula recognizes, however, changing economic conditions and differences in the value of the forage resource as between different areas. To reflect these factors, two adjustments would be made each year to the base year market value.

Traditionally, the Federal agencies have used market prices received as a measure of the ability of the livestock operator to pay for Federal range. While not the most precise standard, it is acceptable. Prices do, however, vary from region to region depending upon economic and other conditions. The proposed amendments would require the Secretary to delineate areas to be known as "ranching areas" in which those conditions which influence prices are similar. For each such area the average of prices per pound received for stocker feeder cattle and lambs during the base year would be determined. In each fee year thereafter, a similar determination of the average of prices per pound received in the ranching area during the preceding calendar year would be made. The difference in cents per pound between this average and that computed for 1966 would be added to the base year fee of 50 cents per AUM if the average of prices received had increased, or would be subtracted therefrom in the event of a decrease.

The actual carrying capacity of the land is a measure of forage value and varies from area to area depending upon the quality of the range. To reflect differences in forage values an additional factor would be added to the fee computation based upon the carrying capacity of each grazing allotment.

The Secretary would determine the average number of animal unit months actually grazed per section of public grazing land during the base year. In each fee year thereafter a determination would be made as to each grazing allotment or lease of the average number of animal unit months actually grazed per section on the allotment or lease during the preceding 5-year period. The difference between the average per section for the 5-year period for each allotment or lease and the national average per section for 1966 would be multiplied by one-fourth cent. If the allotment or lease average is above the national average for the base year, the resulting figure would be added to the base year market value, as adjusted to reflect price differentials, to determine the fee per animal unit month to be paid by the permittee or licensee for the fee year. If the average number of animal unit months grazed during the 5-year period per section is below the 1966 average, the resulting figure would be deducted from the adjusted base year figure.

To avoid penalizing the more efficient operators a ceiling is placed upon the fee while, at the same time to assure the Government of a return for the resource, a minimum fee is imposed.

Those operators who choose to conserve the resource by grazing fewer animals than the maximum number permitted will be rewarded by paying a smaller fee.

Presently there is no term fixed by statute for public land grazing permits and leases. The Government can, at any time, cancel the permit or lease if the lands are to be devoted to some other use. Except in very limited circumstances, the Secretary has absolute discretion to refuse to renew a permit, and also, with the exception of limited situations, no provision is made for the recovery of the losses sustained by the permittee or lessee when the permit or lease is terminated.

Therefore, public land permits and leases differ significantly from private leases. Normally, private leases are negotiated for specific periods of time during which the lessee has complete control of the use of the leased lands free of any interference from the lessor or others. The leases are noncancellable, and if the lessor interferes with or prevents the lessee's use of the land during the period of the lease, he may be required to respond in damages to the lessee for any losses resulting from his action.

Unlike a lessee of private land, Government permittees are required to own or control either land, which is sufficient to support the livestock grazed during the period that they are not on public land, or, in some situations, water supplies when the water supply is more critical to the support of the animals than the land itself.

These distinctions which exist between private leases and public land permits and leases have been consistently ignored by those who demand that public land grazing must bring a price as high as, or higher, than private leases.

If the public land permittees and licensees are to pay the more realistic fees which our amendments require, then their contractural arrangement with the Government should be put on a more realistic basis.

Under this measure a permittee or licensee would have reasonable assurance of the continuancy of his tenancy for so long as the lands are devoted primarily to grazing.

Permits and leases would be issued for a definite time with a right to renewal conditioned upon performance in accordance with the law, the Secretary's rules and regulations, including those related to conservation of the resource.

The proposal recognizes, however, that the Government must always have its property available for whatever purpose serves the greatest public interest and, notwithstanding the existence of any grazing permit or lease, the Government could at any time eliminate or reduce grazing in order to devote the lands in part or in whole to some other public purpose.

On the other hand, in addition to the investments which must be made in properties which qualify the permittee for public land grazing, livestock operators have invested substantially in range improvements on Federal lands with resulting widespread benefits such as improved watershed protection, better wildlife habitat, reduction of noxious weeds, and improved recreation facilities.

Congress has recognized that a substantial investment loss can be occasioned by the reduction or elimination of Federal land grazing rights. By statute, it has provided that grazing permits may be pledged for bona fide loans and that, when so pledged, permits in good standing must be renewed.

In 1942, provision was made for reasonable compensation to be paid for losses to the permittee's grazing operation when the lands subject to permit are withdrawn for national defense purposes and further grazing terminated because of the withdrawal. This proposal would extend this principle to situations in which grazing is eliminated or reduced in order to devote the lands to any other public purpose.

The bill also would give both the Secretary and rancher more flexibility in managing the Federal range. Under certain circumstances, the Secretary would establish minimum range conditions. For so long as these standards were maintained, the permittee or licensee would not be limited in the number of animals grazed. If, however, the range deteriorated below the established standard, the Secretary could alter the management plan for the range in whatever manner might be required to bring it up to standard, including reductions in the number of animals permitted on the land.

Range scientists have found that the quickest and most effective way in which to improve plant coverage on rangeland is through a controlled system or grazing. Unused or inadequately used forage may create disease and fire hazards as well as fostering the spread of noxious weeds and plants. Properly used or grazed grass and shrubs are more vigorous and productive, just as a pruned orchard is more vigorous and productive. Wildlife benefits not only by the improved range conditions but because of the increased water supplies constructed in support of domestic stock grazing. Today, State fish and game authorities use controlled grazing to improve game ranges.

A healthy, viable domestic livestock grazing industry in our Western States is necessary not only to our economic well-being, but to the proper conservation of important resources. This bill would support both conservation and economic goals.

It is my hope that early action will be taken by the Congress on this measure, so that the present uncertainty which exists with respect to such grazing permits and leases will be replaced by a logical and reasonable grazing fee system—one which will protect the public interest without destroying the western livestock industry.

Mr. President, I ask unanimous consent that the full 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. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 28, 1934 (48 Stat. 1269), as amended, is further amended to read as follows:

"SEC. 3. (a) Definitions: When used herein:

"(1) 'animal unit month' means the forage required by the grazing of one cow and calf or its equivalent for a period of one month. One cow shall, for the purpose of this definition, be considered the equivalent of one horse or five sheep or goats: *Provided, however,* That for the purpose of establishing grazing fees hereunder the charge for one horse grazing on public grazing land for one month shall be at twice the rate charged for one cow grazing for the same period: *Provided further,* That the definition of 'animal unit month' in this subsection is for determining the fees to be paid for public grazing land grazing and, when used as a unit of measurement to determine public grazing land carrying capacity or permitted numbers of animals to be grazed, there shall be a reasonable differential applied to the basic unit of one cow and calf or bull, or five sheep or goats, taking into consideration the age and weight of the animals to be grazed;

"(2) a 'ranching area' is a geographic area designated by the Secretary of the Interior in which a single price per unit of grazing prevails and in which the product—range resource—is bought or sold and in which seasons of use, prevailing range conditions and economic factors relevant to the production of livestock are similar;

"(3) the term 'public grazing lands' for the purpose of this Act shall mean those lands under the jurisdiction of the Secretaries of Interior and Agriculture upon which domestic livestock grazing is permitted;

"(4) the 'base year' shall mean the calendar year 1966;

"(5) the 'base year market value' of the range resource shall be the sum of fifty cents per animal unit month;

"(6) the 'fair market value' per animal unit month for each permit or lease issued under this Act shall be the base year market value adjusted annually to reflect the market price of stocker feeder cattle and of sheep in each ranching area and the variations in forage values of public grazing lands as follows:

"(i) by adding to or subtracting from the base year market value the difference, rounded to the nearest cent, between the average of prices per pound to stocker feeder cattle and lambs marketed in each ranching area during the preceding calendar year and the average of prices per pound received for stocker feeder cattle and lambs in the same ranching area during the base year; and

"(ii) by multiplying the sum of one fourth cent by the difference between the average number of animal unit months actually grazed per section on public grazing lands during the base year and the average number of animal unit months actually grazed by the permittee or his predecessor in interest per section on public grazing lands in the five year period immediately preceding the fee year, or if the permittee grazes an allotment in common with other permittees, the average number of animal units months grazed per section on such common allotment during such period: *Provided,* That such sum shall be added to the base year market value per animal unit month if the permittee or lessee's actual average use per section, or the average use per section on the allotment in the case of common allotments, during such five year period exceeds the average number of animal units months grazed per section on public grazing lands during the base year and shall be subtracted therefrom if less than such average number of animal unit months grazed per section on public lands during the base year, and *provided further,* that in no event shall the fair market value per animal unit month exceed a sum equal to four times the base year market value nor be less than one half the base year market value per animal unit month.

"(b) The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to bona fide settlers, residents and other owners as under his rules and regulations are entitled to participate in the use of the range upon the payment annually of a grazing fee which shall be the fair market value per animal unit month of the range resource computed for each permit or lease as provided herein multiplied by the number of animal unit months grazed or to be grazed under each such permit or lease;

"(c) Grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such, as required by the naturalization laws, and to groups, associations or corporations authorized to conduct business under the laws of the State in which such grazing district is located. Permittees who, upon the effective date of this Act, hold valid permits, or preference rights, or having pending an application for renewal of a valid permit or preference right issued under the provisions of Section 3 of the Act of June 28, 1934 (48 Stat. 1269) as amended, shall be entitled to the issuance of a permit for the same grazing rights established in the permit held by them, or in the permit subject to renewal, under the terms and conditions of Section 3 of the Act of June 28, 1934 (48 Stat. 1269) as amended by this Act. In the issuance of new or additional permits for grazing rights not previously allocated to the holders of valid permits under Section 3 of the Act of June 28, 1934 (48 Stat. 1269) as amended, preference shall be given to those within or near a grazing district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of the lands, water or water rights owned, occupied or leased by them, *provided,* That nothing herein shall impair any preference right to grazing established under the Act of June 28, 1934 (48 Stat. 1269) as amended, and in the allocation of any additional grazing rights the Secretary of the Interior shall first give preference to the holder of any right established but not satisfied under the said Act of June 28, 1934 (48 Stat. 1269) as amended.

"(d) During periods of range depletion due to severe drought or other natural causes, or in case of general epidemic of disease, during the life of the permit, the Secretary of the Interior is authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of grazing fees for such depletion period so long as the emergency exists.

"(e) Permits issued under the provisions of this section shall be for a term of twenty years, subject to the preference right of the permittee to renewal: *Provided, however,* That no permittee complying with the rules and regulations laid down by the Secretary of the Interior and who has complied with the terms and conditions of the permit shall be denied the renewal of such permit.

"(f) Each permit issued under the provisions of this section shall specify the terms and conditions under which such permit may be cancelled to permit the lands covered thereby to be devoted to another public purpose and no permit shall be cancelled in whole or in part in order to permit the lands covered thereby to be devoted to another public purpose and no permit shall be cancelled in whole or in part in order to permit the lands covered thereby to be devoted to a public purpose not specifically enumerated or listed in such permit except upon a finding by the Secretary of the Interior of an overriding national need to devote such lands to a public purpose not listed in such permit.

"(g) Whenever a valid permit for livestock grazing on public grazing land is cancelled by the United States in whole or in part, or the right of grazing livestock thereunder is suspended, in order to devote the lands covered by the permit to another public purpose, including disposal, the permittee shall be compensated by the United States for the losses suffered by such permittee as a result of the cancellation in whole or in part of such permit or the suspension of the right of grazing livestock thereunder. The amount of such compensation shall be determined by the Secretary of the Interior and shall be fair and reasonable and in fixing such compensation he shall take into consideration the value of the ranching unit with and without the permit and in the case of a suspension of grazing rights the Secretary shall take into consideration the cost incurred by the permittee during the period of suspension by reason of such suspension: *Provided, however,* That whenever any additional grazing rights are allocated under the provisions of subsection (c) herein within an individual allotment and the permittee holding such allotment fails to exercise any preference right to such additional grazing right such permittee shall be entitled to a reasonable compensation for the use by those to whom such additional rights are allocated of any facilities furnished by such permittee. Such compensation shall be paid by the holder of such additional grazing right to the Secretary of the Interior on an annual basis in addition to any grazing fee and shall be credited to, or paid to the permittee furnishing such facilities by the Secretary.

"(h) The Secretary of the Interior may specify from time to time numbers of stock to be grazed under any permit and seasons of use or may (and upon application of the permittee shall) after consultation with the district advisory board, provide in any permit for the maintenance of minimum standards of range conditions in the area covered by such permit in which event there shall be no limit placed upon the numbers of stock to be grazed under such permit or upon seasons of use: *Provided,* That should the Secretary, after consultation with the district advisory board, determine that range conditions are not equal to the minimum standards required by such permit due to the failure of the permittee to comply with the terms and conditions of such permit, he may revise the grazing management system to cause the range conditions to equal the minimum standards required by such permit.

"(i) Permits issued under the provisions of this section may be assigned or subleased in whole or in part to any person, association or corporation qualified to hold a permit or license under this Act.

"(j) Nothing in this Act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purpose which has heretofore vested or accrued under existing law or which may hereafter be initiated or acquired and maintained in accordance with such law."

SEC. 2. Section 15 of the Act of June 28, 1934 (48 Stat. 1269) as amended is further amended to read as follows:

"SEC. 15. (a) The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to

this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may provide: *Provided, however,* That the rental to be paid by the lessee shall be computed in the same manner and shall be charged at the same rate as are the fees for grazing permits issued under Section 3 of this Act: *Provided further,* That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees or other lawful occupants of lands contiguous thereto or concerning thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary and at the same rental as herein provided: *Provided further,* That when public lands are restored from withdrawal, the Secretary may grant an appropriate preference right for a grazing lease, license, or permit to users of the land for grazing purposes under the authority of the agency which had jurisdiction over the lands immediately prior to the time of their restoration.

"(b) Whenever a valid lease for livestock grazing issued pursuant to this section is canceled by the United States in whole or in part or the right or grazing livestock thereunder is suspended, in order to devote the lands covered to another public purpose, including disposal, the lessee shall be compensated by the United States for the losses suffered by such lessee as the result of the cancellation in whole or in part of such lease or the suspension of the privilege of grazing livestock thereunder. The amount of such compensation shall be determined by the Secretary of the Interior and shall be fair and reasonable and in fixing such compensation he shall take into consideration the value of the ranching unit with and without the lease and in case of a suspension of the grazing rights, the Secretary shall take into consideration the cost incurred by the permittee during the period of suspension by reason of such suspension.

"(c) During periods of range depletion due to severe drought or other natural causes, or in case of general epidemic or disease, during the life of the lease, the Secretary of the Interior is authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of grazing fees for such depletion period so long as the emergency exists.

"(d) For the County of San Bernardino, California and the counties of Esmeralda and Lincoln in the State of Nevada, and the portions of the States of Wyoming and Montana wherein there are substantial areas of public land subject to lease under this section, and for any other areas determined by the Secretary of the Interior to have substantial areas of public grazing land subject to lease under this section, there shall be established in each such area an advisory board of stockmen to be known as Section 15 Advisory Boards. Such advisory boards shall be established in the same manner as the district advisory boards established under the provisions of Section 18(a) of this Act. In respect to the lands subject to lease under this section and leases issued hereunder in the area designated herein and to any other areas determined by the Secretary of the Interior to have substantial areas of public grazing land subject to lease under this section, such advisory boards shall perform the same functions and have the same powers and duties as are provided for district advsory boards under the provisions of Section 18(b) of this Act."

SEC. 3. Section 18 of the Act of June 28, 1934 (48 Stat. 1269), as amended is further amended by adding the following new subsections:

"(c) The livestock members of each grazing district advisory board and of each Section 15 advisory board shall select from their number at the first meeting of the board after each election, two members and two alternates to serve on a State advisory board for the state in which the district is located, or in the case of Section 15 advisory boards for the state in which the area for which the board is established is situated; where the district or Section 15 advisory board has representation for cattle and horses and sheep and goats, then only one representative and one alternate representing each class shall be selected. The wildlife members of the advisory boards within each state will select one of their number and one alternate to serve as a wildlife member on the State advisory board. In addition, the State advisory board will have one or more additional members who will represent other interests such as forestry, minerals, soil conservation, outdoor recreation, urban and suburban development, County government and State government. Such additional members and their alternates will be selected by the Secretary of the Interior or his authorized representative from nominations made by State or local government officers or organizations reflecting non-livestock interests in the management or disposition of public lands. Each State advisory board shall meet at least once a year and the time and place for meeting shall be set by the Secretary of the Interior or his authorized representative. The State advisory boards shall consider and make recommendations on grazing, wildlife, forestry, outdoor recreation, minerals, soil conservation, urban and suburban development, and other source administration policies or problems affecting the State as a whole.

"(d) The livestock members of each State advisory board shall select from their number, at the first meeting of the State advisory board in each year one member and one alternate representing cattle and horses, and one member and one alternate representing sheep and goats, to serve on a National Advisory Board Council. The elected wildlife member or his alternate on each State advisory board will serve on the National Advisory Board Council representing wildlife interests. The Secretary of the Interior shall, in addition, appoint members, to the National Advisory Board Council to represent non-livestock and non-wildlife interests. In addition to the above membership, one member from each of the states of Alaska and Washington will be appointed by the Secretary of the Interior reflecting grazing or other uses of public lands. The members of the National Advisory Board Council shall serve until their successors have been elected or appointed. The Council shall select from its members one member to be chairman of the Council. The Council shall meet at least once during each calendar year at a time and place to be designated by the Secretary of the Interior. The National Advisory Board Council shall consider and make recommendations on policies and problems of a national scope related to all public land resource use and management."

SEC. 4. The Act of July 9, 1942 (56 Stat. 654) as amended by the Act of May 28, 1948 (62 Stat. 277), 43 U.S.C. 315q, is hereby repealed and all other acts or parts of acts in conflict herewith are hereby repealed.

Mr. BIBLE. Mr. President, in 1934 the Taylor Grazing Act was adopted to provide for the conservation and orderly management of the western grazing lands under the jurisdiction of the Secretary of the Interior.

As the preamble of the Taylor Act recites, one of its important objectives was "to stabilize the livestock industry dependent upon the public range."

I have today joined in introducing an amendment to the Taylor Grazing Act, which is designed to achieve this objective.

While a healthy and viable livestock industry is necessary to the welfare of the Nation, it is of particular importance to my own State. More than 80 percent of the farm receipts in Nevada are from livestock.

The dependency of the livestock industry in Nevada upon federally owned grazing lands, and particularly those under the jurisdiction of the Secretary of the Interior, can be easily demonstrated.

With over 70 million acres of land, Nevada is the seventh largest State in the Union. Eighty-six percent of this vast acreage is owned by the Federal Government and more than 43 million acres under the jurisdiction of the Secretary of the Interior are grazed by cattle and sheep.

Few, if any, of Nevada's ranchers could remain in business if they were unable to graze the public lands on a reasonable basis. The average return on investment to western livestock operators is one of the lowest in the Nation—about 2 percent.

Public land grazing fees account for from 3 to 5 percent of the cost of operating for those who are permittees or lessees of public lands. It is obvious from these statistics that a continuation of the escalation in public land grazing fees which has occurred over the past 10 years would further reduce the profit margin of these ranchers to the point where it would no longer be economically feasible to continue operations.

The Taylor Grazing Act provides only for a reasonable fee, to be fixed by the Secretary of the Interior from time to time, taking into account the public benefits which the grazing districts established under the act yield over and above those accruing to the livestock users.

Under the broad standards of the act, by 1969 the grazing fee was nine times the original fee and, in 1971, an additional increase of 45 percent was imposed. Should the fee schedule announced by the Secretary of the Interior in 1968 be fully implemented the fee will be increased more than 90 percent over the next 7 years.

Under present law, the establishment of grazing fees involves a large measure of administrative discretion. Succeeding Secretaries of the Interior and Agriculture are not bound by the actions of their predecessors in office, and the rancher in the West is confronted by an uncertain situation in a matter that is of fundamental economic importance to his operations. The bill being introduced today will eliminate much of this uncertainty by establishing a statutory formula to govern the fixing of grazing fees.

In 1966 the Federal Government, in cooperation with the livestock industry, undertook an extensive survey of the Western range livestock industry. The survey was accomplished at a cost of almost $1 million and many months of work.

The grazing fee schedule announced by the Secretaries of Interior and Agriculture was based on that survey. The theory upon which the schedule was developed was that the public land fee should equal the cost of grazing on private lands, including the lease rate, less the cost of grazing on public lands, excluding the fee. In determining the fee rate, however, the two Secretaries refused to make any allowance for the rancher's public land investment cost.

It would be impractical and unduly expensive to conduct a new survey each year. The formula proposed in this new bill, therefore, employs the statistical results of the 1966 survey with a reasonable allowance for rancher investment. The computation places the base year market value at 50 cents per animal unit month, an amount in excess of the actual fee charged during that year.

The formula, however, does not stop with the base year. Instead, it recognizes changing economic conditions and differences in forage values. The formula differs dramatically from that now used by the Department of the Interior which is unrealistically applied on a uniform basis to all grazing lands under the jurisdiction of the Bureau of Land Management, with no recognition of variances in forage values from area to area.

Under the proposed formula, the difference in the prices per pound actually received by ranchers for beef and lamb in this area in which the land is situated between 1966 and the year preceding the fee year would be determined and would be added to or subtracted from the base year fee. This adjustment would be made annually and would reflect the permittee's ability to pay.

After the base year fee has been adjusted to reflect the permittee's ability to pay, an additional adjustment would be made to reflect, on a comparative basis, the actual value of the forage on his allotment.

The actual carrying capacity of the land is a measure of forage value and differs from area to area depending upon the quality of the forage. The Secretary would, therefore, be required to determine the average number of animal unit months actually grazed per section on public lands during the base year. Each year thereafter a similar determination would be made as to each grazing allotment of the average number of animal unit months grazed per section during the preceding 5-year period. The difference between this figure and the national average for 1966 would be multiplied by one-fourth cent and would be added to or subtracted from the adjusted base year fee to arrive at a determination of the actual fee to be charged the permittee during the next fee year. To avoid penalizing the efficient operator, a ceiling would be placed upon the fee and, to assure the Government a return for the resource, a minimum fee would be imposed.

To sum up: the proposed formula would reflect the market value of the resource as determined by the Government's own survey. It would reflect the permittee's ability to pay and would take into consideration the comparative value of the forage to be consumed.

One other uncertainty is removed by this measure in that it provides more security of tenure to the livestock permittee without, however, depriving the Government of its right to devote the lands to other public purposes should that become necessary.

The provisions of this proposal are generally supported by the recommendations of the Public Land Law Review Commission.

The livestock industry, like other agricultural industry, exists in a world of uncertainty subject not only to changing economic conditions but to vagaries of the weather and diseases. To the extent that it can do so, Congress should eliminate the additional uncertainties with which the public land grazing permittees have been faced. The recommended bill would serve this purpose.

By Mr. BURDICK (by request):

S. 2030. A bill to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

S. 2031. A bill to amend the Revised Organic Act of the Virgin Islands to permit sessions of the legislature at places other than Charlotte Amalie, Saint Thomas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am today introducing two bills that would amend the Organic Act of the Virgin Islands. The first bill would reduce the age requirement of elected representatives serving in the Virgin Islands Legislature. The second measure would permit the Virgin Islands Legislature to meet at appropriate places on the islands of Saint Croix and Saint John as well as at the seat of government, Charlotte Amalie on the island of Saint Thomas.

I ask unanimous consent that resolutions Nos. 523 and 524 of the legislature requesting the introduction of these bills be inserted in the RECORD following my remarks.

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

RESOLUTION NO. 523—BILL NO. 4776—LEGISLATURE OF THE VIRGIN ISLANDS

Resolution to Petition the Ninety-Second Congress of the United States of America to Amend Certain Provisions of the Revised Organic Act of the Virgin Islands, Pertaining to Qualifications of Candidates for Public Office in the Virgin Islands.

Whereas Subsection (b) of Section 6 of the Revised Organic Act of the Virgin Islands now specifies the qualifications of candidates for membership in the Legislature of the Virgin Islands including the requirement that no person shall be eligible for the Legislature who has not attained the age of twenty-five years; and

Whereas the Ninety-First Congress of the United States of America amended the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands, after a referendum, may lower the voting age in the Virgin Islands; and

Whereas Federal Law now provides that persons 18 years of age and older may vote in all Federal elections; and

Whereas it is the determination of the Legislature of the Virgin Islands that the elected representatives of the people of the Virgin Islands should have the requisite power to determine the qualifications of all candidates for public office in the Virgin Islands; and

Whereas it is the further determination of the Legislature of the Virgin Islands that young men and women of the Virgin Islands are capable of and qualified for public office at an age lower than the arbitrary age of 25 which is now a prerequisite for membership in the Legislature of the Virgin Islands; Now, Therefore, be it

Resolved by the Legislature of the Virgin Islands:

That the Legislature respectfully petitions the Congress of the United States to adopt an amendment to the Revised Organic Act of the Virgin Islands granting to the Legislature of the Virgin Islands the authority to set qualifications for all candidates for public office in the Virgin Islands or in lieu of such an amendment that an amendment be adopted to lower the age at which persons shall become eligible for public office to 21 years of age, except for the Offices of the Governor and Lieutenant Governor which shall continue at 30; and be it further

Resolved that copies of this Resoluiton be transmitted to the President of the United States, to the Secretary of the United States Department of the Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairman of the Committee on Interior and Insular Affairs of the Senate of the United States, to each member of said Committee, to the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives of the United States, and to each member of said Committee.

Thus passed by the Legislature of the Virgin Islands on January 26, 1971.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 26th Day of January, A.D., 1971.

JOHN L. MADURO,
President.
PERCIVAL H. REESE,
Legislative Secretary.

RESOLUTION NO. 524—BILL NO. 4778—LEGISLATURE OF THE VIRGIN ISLANDS

Resolution to Petition the 92nd Congress of the United States of America to Amend Certain Provisions of the Revised Organic Act of the Virgin Islands Pertaining to the Place of Holding Sessions of the Legislature of the Virgin Islands

Whereas the Revised Organic Act of the Virgin Islands now provides that sessions of the Legislature shall be held in the Capitol of the Virgin Islands at Charlotte Amalie, St. Thomas; and

Whereas the Territory of the United States Virgin Islands is an island Territory comprising three major Islands; and

Whereas it is necessary for residents of the Islands of St. Croix and St. John to travel by air or by water to attend sessions of the Legislature on the Island of St. Thomas; and

Whereas the people of the Virgin Islands are vitally interested in the operations and the workings of their Legislature; and

Whereas all residents of the Virgin Islands should be afforded the opportunity to attend the sessions of the Legislature of the Virgin Islands from time to time without inconvenience or travel expense; Now, Therefore, be it

Resolved by the Legislature of the Virgin Islands:

That the Legislature, on behalf of the people of the Virgin Islands, respectfully petitions the Congress of the United States to adopt an amendment to the Revised Organic Act of the Virgin Islands which would permit the holding of formal sessions of the

Legislature of the Virgin Islands at any appropriate place on the Islands of St. Croix and St. John as well as in the Capitol of the Virgin Islands at Charlotte Amalie; and be it further

Resolved that copies of this Resolution be transmitted to the President of the United States, to the Secretary of the United States Department of the Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairmen of the Committee on Interior and Insular Affairs of the Senate and of the House of Representatives of the United States, and to each member of said Committees.

Thus passed by the Legislature of the Virgin Islands on January 26, 1971.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 26th Day of January, A.D., 1971.

JOHN L. MADURO,
President.

PERCIVAL H. REESE,
Legislative Secretary.

By Mr. MOSS:

S. 2032. A bill to provide for the regulation of political activities of public employees, and for other purposes. Referred to the Committee on Rules and Administration.

LIBERALIZATION OF THE HATCH ACT

Mr. MOSS. Mr. President, the so-called Hatch Act is easily one of the most controversial Federal employee laws ever enacted. It has proved to be both a shield for the Federal worker and a dagger at his back.

There is no doubt that the Hatch Act has provided a certain degree of protection against political coercion of subordinates by their superiors in the Federal hierarchy and has assured the Federal employee the privacy to think and to vote as he wishes without having to account for his political views.

On the other hand, the act places such rigid restrictions on the speech and activity of the Federal employee that he is prevented from exercising many of the political rights other Americans have—from exercising many of his constitutional rights.

In my opinion, there are three basic provisions which any political activity law for Federal employees must contain:

First, it must assure the right of the employee to an active and vocal role in the political processes of the country;

Second, it must protect the employee from political coercion or retaliation, and

Third, it must guarantee to the country a Federal civil service based on competence and loyalty.

The present law falls far short of these admirable objectives.

No one, of course, wants to return to the spoils system, or any part of it. But, we must find some way to take the Federal employee out of the straitjacket in which we have placed him and allow him to pursue more normally some of his privileges as a citizen.

These are times when everyone wants a voice and a part in their government. Never have so many citizens of all walks of life and all political persuasions had so much to say about what we as a nation are doing—and are not doing. Never have so many sought to influence the course of events, from Washington down to the county courthouse. Government touches the lives of all of our people more directly and more intimately than it ever has. Surely, it is the essence of democracy that all citizens should have the opportunity for a full voice and a full part in what is happening. The sterilization of our Federal civil workers is keeping them from participating fully in events and decisions which affect the fate of all of us.

At the time the Hatch Act became law in 1939 we had a very different organization of our Federal Government. The structure of our Government has been greatly altered in type of programs so has the professionalization of personnel.

Government employees are a cross section of all the people of this country. They form their opinions the same as other men and women. They make their choices on the basis of common concern, not on the basis of their Government employment.

The origins of the Hatch Act go back to the time before the date of its enactment, into a political past which condoned many practices which have been abandoned long since. The implication that the Federal employee of today is more prone to corruption than other people—less able to resist political control—for instance, is one that I find most unacceptable.

In many respects the Hatch Act has been more of a helpful law rather than a hurtful one. But after 32 years, it is no longer relevant in every respect. We need to look at it again.

I am, therefore, today introducing a bill to revise and amend the Hatch Act. It is the measure which grew out of the hearings and deliberations of the Commission on Political Activity of Government Personnel appointed by President Johnson, which reported in 1968.

I do not necessarily feel that this bill is the full answer—or the ultimate answer. I suggest it as a basis for committee hearings and deliberations. I feel very strongly that our present Hatch Act discriminates against the Federal employee of 1971. It needs revision and updating in the light of today's world.

By Mr. BYRD of West Virginia for Mr. JACKSON (by request):

S. 2033. A bill to amend certain laws relating to Indians;

S. 2034. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes;

S. 2035. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia for Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2036. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I send to the desk, at his request, for appropriate reference several bills which are designed to implement the "Self-Determination without Termination" policy enunciated by President Nixon in his message to Congress on July 8, 1970, on the American Indian.

I ask unanimous consent that a statement prepared by the Senator from Washington (Mr. JACKSON) be printed in the RECORD at this point, and that the executive communications from the Department of the Interior accompanying these draft proposals be printed in the RECORD at the close of the statement by the Senator from Washington (Mr. JACKSON).

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

STATEMENT OF SENATOR JACKSON

Similar legislative proposals for the same purpose were transmitted by the Administration to Congress following delivery of the President's Indian message last summer. However, due to the lateness of their arrival and other priority legislative proposals pending before the Committee, we were unable to give consideration to the full package in the last session of Congress.

The Administration has submitted the bills again during this session of Congress on an individual basis. On April 19, 1971, Senator Allott and I introduced S. 1573, to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes, and S. 1574, to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes.

The bills being introduced today are:

1. To amend certain laws relating to Indians.

2. To provide for the creation of the Indian Trust Counsel Authority, and for other purposes.

3. To provide for financing and economic development of Indians and Indian organizations, and for other purposes.

4. To establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes.

The Ranking Minority member of the Interior Committee (Mr. Allott) is joining me in cosponsoring the third of these measures.

These proposals have broad implications for the Indian field and have been the subject of considerable study and discussion by Indians and their organizations for the past several months. We intend to give them careful scrutiny within the Committee and to schedule a hearing on them during this session of Congress that will permit Indians, the Administration and interested private witnesses ample time to express their views and recommendations with respect to the proposals.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 7, 1971.

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

DEAR MR. PRESIDENT: Enclosed is our proposal "To amend certain laws relating to Indians".

We recommend that the proposal be re-

ferred to the appropriate Committee for consideration, and that it be enacted.

Section 1 of the bill provides that any person allowing his livestock to trespass on trust or restricted land without the consent of the Secretary of the Interior shall be liable for a penalty of $5 per day for each head of livestock in trespass, together with the value of forage used by the animal during the period of trespass plus any other cost incurred in connection with the trespass. It also provides that the Secretary of the Interior may impound any livestock trespassing on any trust or restricted land, with notice of such impoundment being given as prescribed by regulations of the Secretary. The owner of any impounded livestock may claim the impounded animal within the time specified in the notice upon the payment of $5 per day for each impounded animal and the reasonable value of forage consumed by the impounded animal. If an animal is not claimed within the time specified in the notice, the animal may be sold and the net proceeds of the sale, after the payment of necessary expenses and the deduction of the $5 per day fee and reasonable forage charges, shall be paid to the owner of the animal upon satisfactory proof of ownership submitted within six months of the date of the sale.

The proposal provides that the $5 per day animal fee and reasonable forage charges, and the net proceeds of the sale of an animal not paid to the owner, shall be deposited in the Treasury to the credit of the tribe or to the individual Indian, depending upon whether tribal or individually owned land is involved. Further, the proposal provides that any unbranded livestock over one year of age found running at large on trust or restricted land will be presumed to be in trespass and shall come under the provisions of the proposal.

Section 2 of the proposal authorizes Indian tribal governments to enact laws and ordinances relating to the issuance of trader licenses on their reservation. It then provides that when such laws and ordinances have been enacted, certain existing statutes relating to trading on Indian reservations will no longer apply. The section makes it clear that the tax status now applicable to traders on Indian reservations shall continue in effect when the trades are controlled by tribal laws and ordinances.

Section 3 of the proposal repeals several statutes or parts of statutes.

Section 1 of the proposal replaces section 2117 of the Revised Statutes (25 U.S.C. 179) which is repealed by paragraph (1) of section 3 of this proposal. Section 2117 of the Revised Statutes provided for a fee of $1 per head for cattle driven on or otherwise conveyed on Indian land. This provision was not adequate in that the fee was too low in most instances to really protect Indian land from trespass by livestock. Section 1 of the proposals sets a fee high enough for livestock trespass so as to penalize those who let their cattle trespass on Indian land. Further, the section provides a clear standard as to what constitutes trespassing livestock and the procedure to be followed in dealing with them. This provision will protect trust and restricted land from trespass by outsiders livestock.

Section 2 of the proposal gives any tribe who wishes to assume it, control of those doing business on its reservation. The Federal statutes concerning licensing of Indian traders originated in the late 1800's and the early 1900's. At that time in history, there was a definite need for governmental control over the business activities, prices, and practices of Indian traders, who generally were the sole business supply source available to reservation Indians. This situation does not exist today on a great majority of Indian reservations.

Today, Indian traders no longer have a monopoly on trade in the Indian country. The mobility of Indians through modern means of transportation, better reservation roads, and other related developments within the reservation removes the need for strict Federal regulation of traders. The great majority of Indian traders now find that they are forced to compete in the matter of prices and quality of goods with other shops and businesses located on the reservation and with those located in communities and cities adjacent to the reservations.

There are still a limited number of reservations, where primarily because of isolation, Indians remain somewhat dependent upon the Indian trader. It is for this reason, and the need to place with tribal governments responsibility for final determination on the continued application of these statutes or their own laws and ordinances to the reservation, that we are recommending amendment of the statutes rather than outright appeal.

There are a number of tribes that have already adopted ordinances establishing tribal regulations concerning the imposition of tribal licenses, fees, taxes, and other facets of business activities located on their land. We believe this is an area of responsibility that should be controlled locally by the tribes rather than by Federal statutes and regulation. Section 2 of our proposal extends that area of responsibility to those tribes that wish to accept it.

All of the paragraphs of section 3 except for paragraph (1) repeal statutes dealing with trading between Indians and employees of the Federal Government, particularly those employed in the Indian Service. These statutes were once needed because of the undue influence that Government employees in the Indian Service could exercise over Indians. We feel that there are other safeguards today and these statutes are no longer needed.

Paragraph (1) of section 3 repeals the old livestock trespass statute.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

S. 2033

A bill to amend certain laws relating to Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person owning or having in his charge or possession any horses, mules, burros, cattle, goats, sheep, or swine and who permits, drives, or otherwise conveys such livestock to range and feed on any trust or restricted Indian land without the consent of the Secretary of the Interior or otherwise trespass thereon, shall be liable to a penalty of $5 per day for each animal in trespass, together with the reasonable value of the forage consumed during the period of trespass and any cost of gathering, handling, and caring for said livestock and the cost of collecting the amount due under the authority of this section. Any livestock trespassing on any trust or restricted land may be impounded by the Secretary of the Interior. Notice of the impoundment shall be given as prescribed by regulation of the Secretary. Any animal impounded may be claimed by the owner within the time specified in the notice, upon payment of $5 per day for each animal impounded and the reasonable value of the forage consumed. An animal not so claimed shall be sold and the net proceeds thereof, after payment of all necessary expenses, and the deduction of the $5 per day and forage charge, shall be paid to the owner if claim and proof of ownership satisfactory to the Secretary are submitted within six months after the date of sale. The $5 per day and forage charge, and the net proceeds of the sale if not paid to the owner of the animal, shall be deposited in the Treasury of the United States to the credit of the tribe, if tribal land is involved, or paid to the individual Indian owners, if individually owned land is involved. Any unbranded livestock over one year of age found running at large on trust or restricted land may be presumed to be in trespass and shall be subject to the provisions of this section.

SEC. 2. Indian tribal governments may enact laws and ordinances relating to the issuance of traders licenses on their particular reservations. When a tribe has enacted such laws and ordinances, if it is so provided therein, the following Federal statutes relating to traders licenses shall be inoperative as to that particular reservation: section 5 of the Act of August 15, 1876 (19 Stat. 200; 25 U.S.C. 261); section 1 of the Act of March 3, 1901, and section 10 of the Act of March 3, 1903 (31 Stat. 1066; 32 Stat. 1009; 25 U.S.C. 262); section 2132 of the Revised Statutes (25 U.S.C. 263, section 3 of the Act of June 30, 1834 (4 Stat. 729)); section 2133 of the Revised Statutes (25 U.S.C. 264, section 4 of the Act of June 30, 1834 (4 Stat. 729)), except that no business transaction, property or use of property shall be subject to taxation by virtue of this provision or by any tribe's laws or ordinances making Federal statutes relating to traders licenses inoperative on its particular reservation.

SEC. 3. The following statutes or parts of statutes are hereby repealed:

(1) Section 2117 of the Revised Statutes, as amended, (25 U.S.C. 179).

(2) Section 2078 of the Revised Statutes (25 U.S.C. 68) and section 14 of the Act of June 30, 1834 (4 Stat. 738).

(3) Section 437 of title 18, United States Code, (62 Stat. 703).

(4) The Act of June 18, 1939 (ch. 210, 53 Stat. 840) (25 U.S.C. 68a, 87a).

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C. April 6, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposal "To establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes".

We recommend that the proposal be referred to the appropriate committee for consideration, and that it be enacted.

This proposal provides for the creation of a new Assistant Secretary in the Department of the Interior who will be appointed by the President with the advice and consent of the Senate. He will have responsibility for those duties assigned to him by the Secretary of the Interior and shall be paid at the same rate as the other Assistant Secretaries of the Department of the Interior. The proposal also amends section 5313 of title 5, United States Code, by increasing the number of Assistant Secretaries provided for the Department of the Interior from 5 to 6. This new Assistant Secretary is needed in the Department of the Interior to help guide the implementation of a new National policy concerning American Indians that President Nixon sent to the 91st Congress in his statement of July 8, 1970.

In keeping with this new policy and the implementation of it, the new Assistant Secretary will be assigned the duties of supervising the Bureau of Indian Affairs and the Office of Territories by the Secretary of the Interior and will be given the title of Assistant Secretary of Indian and Territorial Affairs.

We believe that this new position will raise the areas of Indian and territorial responsibility to their proper role within the Department. The Indians and the people of the territories will no longer have to compete with the land and other natural resource problems for attention as they now

do in the day-to-day operation of the Department. This will allow one man to focus his full time and attention on the unique problems and concerns of these people. He will be able to work with the Indians and the people of the territories to bring them into full enjoyment of the fruits of our Nation as equal partners. He will assist in the development of the full potential of these people, both for their own and the Nation's benefit.

In the area of Indian responsibility, this position will play a key role in carrying out the new, enlightened policy of the President toward our Indian people as it is implemented in the years ahead.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

S. 2034

A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That there shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 28, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposal "To provide for the creation of the Indian Trust Counsel Authority, and for other purposes."

We recommend that the proposal be referred to the appropriate committee for its consideration and that it be enacted.

The purpose of this proposal, as provided in section 1, is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians in order to reaffirm the trust and treaty relationships between the United States and the American Indians and Alaska Natives.

Section 2 of the proposal establishes as an independent agency in the Executive Branch the Indian Trust Counsel Authority. The Authority will be governed by a three-man Board of Directors who will be appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Board must be Indians. The term of members of the Board shall be 4 years except that the initial Board shall be appointed in a staggered manner. The President shall designate one of the members of the Board to serve as chairman. The members of the Board shall receive pay that is the daily equivalent to that of a GS–18 for each day they are engaged in the business of the Authority and shall be allowed necessary travel expenses.

Section 3 provides that the Board of Directors shall convene at the call of the chairman but must meet at least once each quarter to set policy for the Authority and to review its activities. This section requires the Board to report annually to the President and the Congress on the activities of the Authority.

Section 4 authorizes the Board, without regard to the civil service laws, to appoint and prescribe the duties of the chief legal officer for the Authority who shall be called the Indian Trust Counsel at level V of the Executive Schedule and a Deputy Indian Trust Counsel who shall be a grade GS 18.

Section 5 authorizes the Authority to appoint and fix the pay and prescribe the duties of attorneys it employs. It also authorizes the Authority to appoint and fix the compensation of needed special counsel and experts. Finally, it authorizes the attorneys or special counsel appointed by it to appear for and represent the Authority in any case before any court, commission or administrative proceeding pertaining to its responsibilities. Specific authority is given the Board to settle conflicts as to request for assistance by the Authority by hiring experts or special counsel to represent one or all of the parties in the matter.

Section 6 authorizes the Authority to hire such other employees as it deems necessary.

Section 7 provides that the Authority shall be free of control by any Executive Department.

Section 8 authorizes the Authority, with the consent of any aggrieved Indian or Indian tribe, band, or other identifiable group of Indians, to render legal services in regard to right or claims of the Indians in relationship to bear natural resources. The extent of the Indians' rights in their natural resources to be protected by the Authority is set out in this section. This authority shall be exercised in combination with the authority exercised by the Department of the Interior in all of its trust responsibilities to the Indians and in relationship to the Department of Justice in the exercise of its responsibility to the Indians except that the Department of Justice no longer will exercise any responsibility to the Indians in the area of natural resources. This responsibility will be exercised under the provisions of the proposal by the Authority. This section also provides that the Authority may perform services pursuant to this section to include investigation and inventorying of Indians' land and water rights and the preparation, trial and appeal of cases involving the natural resources of the Indians in all courts and before Federal, State and local commissions and administrative bodies.

Section 9 authorizes the Authority, with the consent of any aggrieved Indian, Indian tribe, band or other identifiable group of Indians, acting in the name of the United States as trustee for the Indians, to initiate and prosecute to final judgment in all Federal courts against the United States or any of its officers or employees, or in the Federal or State courts against any of the States, their subdivisions, departments or employees or against any persons or corporations, public or private, all actions in law and equity for the protection of the natural resource interests and rights of the Indians. The United States waives its sovereign immunity to suit in connection with litigation initiated by the Authority under this section. Suits against the United States and its officers and employees shall be before the court without a jury.

Section 10 provides that the powers granted the Authority by this Act shall not extend to the filing or prosecution of or intervention in any action, claim or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed before the Indian Claims Commission or under any special statute authorizing a suit to be brought against the United States, and makes it clear that the prohibition does not include suits that could be brought under the provisions of sections 1346(a)(2) and 1491, title 28, U.S.C. The Authority can assist in cases pending before the Indian Claims Commission if so required.

Section 11 enumerates the authorities of the Authority.

Section 12 authorizes the appropriation of funds necessary to carry out the provisions of the Act.

As the President stated in his message of July 8, 1970:

"The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance *both* the *national* interest in the use of land and water rights *and* the *private* interests of Indians in land which the government holds as trustee.

"Every trustee has a legal obligation to advance the interests of beneficiaries of the trust without reservation and with the highest degree of diligence and skill." Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

"In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resource rights."

This proposal will carry out the policy enunciated in the President's message by establishing the Indian Trust Counsel Authority. The Authority will be, as provided in section 7, free from control of any Executive Department. This independence will free the trust Authority of having to take into consideration any interest other than that directly affecting the Indians and will allow it to independently carry out its function of protecting the natural resource rights and interest of the Indians.

The Authority will be under the direction of a three-man Board of Directors, two of which must be Indians. This majority control of the Board of Directors by the Indians will assure the Indians that they will have a majority voice in the direction of the activities of the Authority. Further, the Board is given the authority in the proposal to hire necessary attorneys including the chief legal officer and his deputy and such other personnel as they deem necessary to carry out the functions given them by the proposal. The majority control will assure the Indians that the people hired by the Authority to carry out the responsibilities of the Authority will be those people that are acceptable to them. This assurance should, from the inception of the Authority, make the Authority a body that has the confidence and trust of the Indians.

The proposal provides that the Indian Trust Counsel, who is the chief legal officer for the Authority, shall be a level V in the Executive Schedule. We feel that this level is necessary in order for the Authority to be able to obtain the kind of person that it needs to direct the legal activities of the Authority and at the same time given him sufficient stature to be able to deal with cabinet and sub-cabinet members of the

Executive Department. The Board of Directors is also authorized, in section 5 of the proposal, to hire, fix the pay and prescribe the duties of such attorneys, including special counsel, as it deems necessary. It is also given the authority to hire experts in connection with its work. These attorneys will be the working group that will carry out the responsibilities and functions of the Authority. It is the Administration's intention that the Authority will build up a cadre of well-trained and devoted attorneys whose energies will be turned to the protection and preservation of the Indians' natural resource rights and interests.

The authority to hire special counsel is needed in those instances when the Authority must go outside of its own attorney staff to hire an individual who is uniquely qualified to assist in the preparation of trial and appeal material regarding a special case. This also applies to its authority to hire outside experts.

Section 8 of the proposal authorizes the Authority to, upon the request of an aggrieved Indian or group of Indians, assist those Indians in protection of their natural resource rights and interests in the courts and before administrative bodies. This authority will be used when a tribe has a justiciable claim and feels that it needs the assistance of the Authority for prosecuting its claim. The Authority is authorized to lend its assistance in the area of natural resource rights and interests to such Indian or Indian group. The section, however, makes it clear that the assistance rendered by the Authority in this section in protecting the rights of the Indians in their justiciable claims to natural resources, and the rights attached thereto, is in addition to the responsibilities that the Department of the Interior has to protect the Indians, not only in their natural resource rights, but in all rights protected by the trust relationship between the United States and the American Indians. The section also provides that the Department of Justice will, after the enactment of the proposal, be relieved of its responsibility to the Indians in the area of natural resources but will continue to fulfill whatever responsibility it may have with regard to Indians generally. This relieving of Justice's responsibility is subject to Justice, in pursuing a litigating position that affects the natural resource rights of the Indians, recognizing the responsibility of the United States arising from its trust responsibilities to the Indians.

Section 9 authorizes the Authority to initiate suits, when requested by an aggrieved Indian or group of Indians, acting in the name of the United States as trustee for the Indians, to protect the rights of the Indians in their natural resources from the United States or any of its departments, agencies, officers or employees as well as against the States, their subdivisions, departments and agencies or against any private or public person or corporation. This section also provides for the waiver of sovereign immunity of the United States in connection with litigation initiated by the Authority pursuant to this section. The Authority will use the power granted it by this section in those cases where the Indians' rights or claims are of such a nature that they are precluded from bringing suit against the United States because of bars that the United States has as a sovereign to suits generally. These bars will be removed by the provision waiving United States' sovereign immunity as it relates to actions brought by the Authority. The proposal clearly limits the waiver of sovereign immunity to the narrow area of litigation initiated by the Authority.

Section 10 of the proposal will bar the Authority from relitigating any claims that have been filed or should have been filed before the Indian Claims Commission. It will bar their reopening any claims settled by the Indian Claims Commission as well as any claims settled by the Court of Claims or any other competent court of the United States pursuant to special legislation authorizing an Indian tribe to bring suit against the United States for settlement of its claims.

Section 11 authorizes the Authority to make rules and regulations, to request assistance from any department, agency, or independent instrumentality of the Federal government to carry out its functions under this proposal and such assistance may be given to the Authority on a reimbursable or non-reimbursable basis. The Authority is authorized to receive and use funds authorized or donated to it by others. It is also authorized to make expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities.

Finally, section 12 of this proposal authorizes the appropriation of funds necessary to carry out the provisions of the proposal.

The Indians of our country have for years felt that the Federal government, because of the inherent conflict of interests that the President discussed in his message, has not given their rights adequate legal protection. We believe that this bill will restore the confidence of the American Indian in the ability of our government to give their natural resource rights legal protection to which they are entitled. This will make it clear to the American Indian that the United States is meeting the legal obligation it has as trustee to advance the interest of the beneficiaries of the trust without reservation and to the highest degree of its ability and skill.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

S. 2035

A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in reaffirming the trust and treaty relationships between the United States of America and the American Indians, and between the United States and the Alaska Natives, which Indians and Natives are hereinafter referred to as "Indians," the purpose of this Act is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians.

SEC. 2. (a) The Indian Trust Counsel Authority, hereinafter referred to as the Authority, is established as an independent agency in the Executive Branch.

(b) The Authority shall be governed by a Board of Directors composed of three members to be appointed by the President by and with the advice and consent of the Senate.

(c) At least two of the members of the Board of Directors shall be Indians.

(d) The terms of office of members of the Board of Directors shall be four years, except that of the first three members appointed, one shall be appointed for a two year term, one shall be appointed for a three year term, and one shall be appointed for a four year term. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member shall serve until his successor has been appointed and qualified. A member of the Board of Directors may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(e) The President shall designate one of the Directors to serve as Chairman at his pleasure.

(f) The members of the Board of Directors shall receive pay at the daily equivalent of the rate provided for grade GS–18 in section 5332 of title 5, United States Code, for each day they are engaged in the business of the Authority, and shall be allowed travel expenses, including a per diem allowance as authorized by section 5703 of title 5, United States Code, in connection with their services for the Authority.

SEC. 3. The Board of Directors shall convene at the call of the Chairman, but must convene at least once each quarter, to set policy for the Authority and review its activities. The Board of Directors shall report to the President and the Congress annually on the activities of the Authority.

SEC. 4. The Board of Directors shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and prescribe the duties of a chief legal officer for the Authority, who shall have the title of Indian Trust Counsel, and who shall be paid at a rate equal to that provided for in level V of the Executive Schedule (5 U.S.C. 5316), and a Deputy Indian Trust Counsel who shall be paid at a rate not in excess of that provided for grade GS–18 in section 5332 of title 5, United States Code.

SEC. 5. (a) The Board of Directors shall appoint, fix the pay of, and prescribe the duties of such attorneys as it deems necessary after consulting with the Indian Trust Counsel.

(b) The Board of Directors shall appoint and fix the compensation of such special counsel and experts as it deems necessary.

(c) Attorneys or special counsel appointed under this section may, at the direction of the Authority, appear for or represent the Authority in any case in any court, before any commission or in any administrative proceeding.

(d) The Board of Directors may, in the event of a conflict between parties requesting the assistance of or the representation of the Authority under the provisions of section 8 or 9 hereof, hire special counsel or experts to assist or represent one or all of the parties.

SEC. 6. The Board of Directors shall, subject to the provisions of title 5, United States Code, appoint such employees as it deems necessary in exercising its powers and duties.

SEC. 7. The Authority, in the exercise of its functions, shall be free from control by any Executive Department.

SEC. 8. The Authority, with the consent of an aggrieved Indian, Indian tribe, band, or other identifiable group of Indians, is authorized to render legal services in regard to rights or claims of the Indians to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, and minerals, and rights to hunt and fish, within the United States' trust responsibility owing to the Indians, which services are now rendered by the Department of the Interior or by the Department of Justice, but nothing in this Act shall absolve the Department of the Interior and the Department of Justice of their responsibilities to the Indians, including those which derive from the trust relationship and any treaties between the United States and any Indian or Indian tribe: *Provided,* That the Department of Justice as of the effective date of this Act or as soon thereafter as practicable, is relieved of its responsibility to represent Indians or Indian tribes with regard to their rights or claims to natural resources, including, but not limited to, rights to land, rights to the use of water, timber, minerals, and rights to hunt and fish. The legal services performed pursuant to this section may include, but shall not be limited to, the investigation and inventorying of Indians' land and water rights, and the preparation and trial and appeal of cases in all courts, before Federal, State, and local

commissions, and in all administrative proceedings.

SEC. 9. The Authority, with the consent of an aggrieved Indian, Indian tribe, band or other identifiable group of Indians, acting in the name of the United States as trustee for the Indians, may initiate and prosecute to judgment in all courts of the United States, suits against the United States, its officers and employees, and in all courts of the United States and of the States, suits against any of the States, their subdivisions, departments and agencies, or against persons and corporations, public or private, all actions in law and equity for the protection, preservation, utilization, conservation, adjudication, or administration of natural resources or interests therein had or claimed by the Indians, including, but not limited to, rights to land, rights to the use of water, timber, and minerals, and rights to fish and hunt. The Authority is authorized to prosecute appeals in all courts of the United States and of the States, and to intervene in any Federal, State or local administrative proceeding in order to protect the rights of the Indians. The United States waives its sovereign immunity from suit in connection with litigation initiated by the Authority under this section. Any such suit against the United States, its officers and employees should be tried to the court without a jury.

SEC. 10. The powers granted to the Authority by this Act shall not extend to the filing or prosecution of or intervention in any action, claim, or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed under the Indian Claims Commission Act of 1946, as amended, or any other special statute authorizing a claims suit to be brought by Indians against the United States but shall not include suits that could be brought under the provisions of section 1346(a)(2) and 1491 of title 28, United States Code: *Provided, however,* That the Authority may assist any Indian tribe requesting such assistance in its claim pending before the Indian Claims Commission.

SEC. 11. The Authority is authorized to:

(1) Make such rules and regulations as it deems necessary to carry out its functions.

(2) Request from any department, agency, or independent instrumentality of the Government any information, personnel, services, or materials it deems necessary to carry out its functions under this Act; and each such department, agency or instrumentality is authorized to cooperate with the Authority and to comply with a request to the extent permitted by law, on a reimbursable or nonreimbursable basis.

(3) Receive and use funds or services donated by others.

(4) Make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act.

SEC. 12. There are authorized to be appropriated to the Authority created herein such sums as may be necessary to carry out the provisions of this Act.

By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. BENNETT, Mr. BYRD of Virginia, Mr. EASTLAND, Mr. THURMOND, Mr. TOWER, and Mr. SPONG):

S.J. Res. 112. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, on behalf of myself and Senators ALLEN, BAKER, BENNETT, BYRD of Virginia, EASTLAND, THURMOND, TOWER, and SPONG, I am introducing a joint resoluiton to provide a constitutional amendment designed to guarantee equal treatment for all schoolchildren.

This amendment reads that—

No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

In addition, the amendment provides for Congress to have the power to enforce this article by appropriate legislation.

It is now obvious that the Congress must act to protect American youth from judicial abuse, as a result of the recent Supreme Court decision authorizing forced busing to achieve a numerical racial balance in the South.

Seventeen years ago, in its landmark decision of 1954, the Court prohibited pupil assignment to schools on the basis of race. Now it has chosen to reverse itself.

The new policy is no less discriminatory and no less wrong than prior attempts to maintain de jure desegregation. The 1971 Court decision simply broadens these inequities to include black and white children alike.

Children are not simply numbers to be manipulated on some sociologist's computer tape. They are individuals, who deserve to be treated as such—not as black or white.

They must be allowed to attend a neighborhood school with familiar faces and in familiar surroundings. To do otherwise is to ignore their emotional as well as their intellectual well-being.

Both Congress and the President have clearly stated their opposition to busing to achieve racial balance, or any similar abuse of freedom.

The Supreme Court has seen fit to ignore the unequivocal expression of those elected by the American people, a privilege which the Court does not share. Therefore, we must act with greater authority and clarity.

Today, I introduce a constitutional amendment, whose sole purpose is to guarantee equal treatment under the law for every child. Its effect will be to preserve their neighborhood schools and their freedom.

I hope both political parties will join together in an effort to insure its success, for the benefit of all.

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

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

S.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this Joint Resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

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

Mr. TOWER. Mr. President, I rise today to join in cosponsoring, with the distinguished Senator from Tennessee (Mr. BROCK), a constitutional amendment that would prevent the assignment of pupils in public education to any particular school on account of his race, creed, or color. This action has become mandatory due to recent Supreme Court rulings on the matter of school desegregation.

There is no one here who argues for segregation or against integration. I have always believed that the separation of students for no more reason than the color of their skin or some other nebulous reason was against the basic tenets that we hold dear in America. However, I find the desire to achieve a racial balance in every school in every district and the imposition of massive cross-town busing with its inherent disruptive effects to be wrong. I have maintained that the schools of our Nation must be color-blind when making plans and assigning students. To now declare otherwise by judicial fiat, cannot serve the best interests of either education or the Nation.

Mr. President, in every debate that we have had in this body since I have been here, and indeed in every law that we have passed on the subject, the Senate has maintained its opposition to achieving racial balance simply for the sake of racial balance. We have likewise passed numerous laws forbidding the use of busing as an instrument to achieve this balance. Nevertheless, the Supreme Court has refused to recognize our action in this area and has proceeded to require that busing be used wherever a lower court judge decided to use it. The Court has, in effect, disregarded all the congressional pronouncements on the subject. This constitutional amendment will go a long way toward reestablishing the policy that public schools are primarily the concern of the local school boards and parents of the community and that courts should confine themselves to actual legal questions, rather than becoming the school board itself.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1241

At the request of Mr. CRANSTON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1241, a bill to amend section 2(3), section 8c(2), section 8(c)(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended.

S. 1528

At the request of Mr. HART, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1528, the Wholesome Fish and Fishery Products Act of 1971.

S. 1741

At the request of Mr. EAGLETON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1741, a bill to provide increased unemployment compensation benefits for Vietnam-era veterans.

S. 1742

At the request of Mr. BROCK, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 1742, a bill to prohibit the use of the name of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman.

SENATE JOINT RESOLUTION 78

At the request of Mr. BUCKLEY, the Senator from Nebraska (Mr. CURTIS) the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Idaho (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as co-sponsors of Senate Joint Resolution 78, a joint resolution to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing, and export of narcotic drugs which are illegally introduced into the United States.

SENATE RESOLUTION 132—SUBMISSION OF A RESOLUTION REFERRING THE BILL (S. 2026) TO THE COURT OF CLAIMS

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

SENATE RESOLUTION 132

Resolution to refer the bill (S. 2026) entitled "A bill for the relief of the Eriez Magnetics Corporation" to the chief commissioner of the United States Court of Claims for a report thereon

Resolved, That the bill (S. 2026) entitled "A bill for the relief of the Eriez Magnetics Corporation," now pending in the Senate, together with all accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the demand as a claim, legal or equitable, against the United States or a gratituity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 133—SUBMISSION OF A RESOLUTION RELATING TO THE BUSING OF CHILDREN

Mr. TOWER. Mr. President, for myself and the Senator from Tennessee (Mr. BROCK), I am submitting today a sense of the Senate resolution affirming that the courts have gone too far in their recent rulings concerning the school desegregation matter and asking it to reconsider the instituting of disruptive policies in our public schools without regard to their educational value. My resolution goes further and reaffirms the fact that it is the sense of the Senate that busing should not be required as a method of balancing different ethnic groups in public educational facilities. As I have previously stated, we have passed several laws against the use of busing for racial balance here in the Senate. This would be a restatement of our feelings on that subject and would put the court on notice that our voice must be listened to.

There is more action that we could take on this matter, such as removing the question of decisions in public education from the jurisdiction of the courts altogether. The Constitution under article III, section 2, paragraph 2, expressly gives the Congress the authority to limit Supreme Court and lower court jurisdiction on nearly every matter. I hesitate to exercise this authority, believing basically that the courts should be given wide latitude in dealing with the myriad problems that confront it. However, if the Court continues to ignore the sentiment of Congress completely and continues to order the implementation of desegregation plans which are, in its own words, both "disruptive" and "bizarre," then I believe that we here in the Congress will have little choice but to take stronger action. By approving this sense of the Senate resolution, we can quickly put the Court on notice that it has gone too far. By later approving the constitutional amendment, our organic law can reflect the sentiment of the Congress and the people on this most vital question. These actions will complement one another and will hopefully obviate any need for further action. The respect of our citizens for the actions of the Court must be restored. Therefore, I call upon all the Federal courts in this Nation to more prudently consider the effects of their actions upon the education of this country's most precious national resource: our children.

The resolution—Senate Resolution 133—which was referred to the Committee on the Judiciary, reads as follows:

S. RES. 133

Resolved, That it is the sense of the Senate (1) that the Supreme Court should more carefully consider the disruptive effects that its rulings have on the educational process in the nation and (2) that busing of children should not be required as a method of balancing different ethnic groups in public educational facilities.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 131

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Resolution 131, a sense-of-the-Senate resolution calling on the President to release all funds appropriated for the improvement of our urban areas.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT NO. 154

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. KENNEDY. Mr. President, I am sending to the desk for myself and on behalf of the senior senator from New York, Mr. JAVITS, an amendment to the Economic Opportunity Act (S. 2007) to continue and enlarge the urban and rural community economic development program.

This program has been carried out by the Office of Economic Opportunity under the authority of title 1–D. The amendment also would continue the rural loan program now authorized under title 111–A of the Economic Opportunity Act. This amendment would consolidate these legislative authorities into a new title VII.

The amendment is straightforward. Part A continues the community development corporation program. Part B sets up a rural community development corporation and cooperative program. Part C establishes an expanded program of technical assistance, including a development loan program that incorporates the existing title III—a rural loan authority.

I ask unanimous consent that the text of the amendment and a section-by-section analysis be printed in the RECORD at the close of my remarks.

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

(See exhibits 1 and 2.)

Mr. KENNEDY. Mr. President, it is fitting that Senator JAVITS and I should offer this amendment, for it is based in large part on the work of Senator Robert Kennedy and Senator JAVITS in the Bedford-Stuyvesant area of Brooklyn. Their joint efforts produced a revolutionary program for the Nation. The title 1–D amendment to the Economic Opportunity Act in 1967 stated boldly that communities have the right to control and to direct the improvement of their housing, health, and educational opportunities.

The community-owned corporation was the key to Robert Kennedy's concept. As he said in December 1966:

> The measure of the success of this or any other program will be the extent to which it helps the ghetto to become a community—a functioning unit, its people acting together on matters of mutual concern, with the power and the resources to affect the conditions of their own lives. Therefore the heart of the program, I believe, should be the creation of community development corporations which would carry out the work of construction, the hiring and training of workers, the provision of services, the encouragement of associated enterprises. . . . The community development corporations . . . would find a fruitful partnership with American industry . . . A . . . critical element in the structure, financial and otherwise, of these corporations should be the full and dominant participation by the residents of the community concerned . . . (through CDC's) residents of the ghettos could at once contribute to the betterment of their immediate conditions, and build a base for full participation in the economy—in the ownership and the savings and the self-sufficiency which the more fortunate in our Nation already take for granted.

Bedford-Stuyvesant is one of the most poverty-stricken neighborhoods in the Nation. There—as in all our inner city poverty neighborhoods—the vicious cycle

of joblessness, poor education, discrimination, poor health, family instability and often violent despair crippled the lives and hopes of countless Americans.

Robert Kennedy, the leaders of the poverty community and many of the most influential leaders of the New York financial community cooperated in developing new strategy that would lead to a community alive with hope and a vision of the future.

The plan was announced in December 1966. It consisted of two corporations. One corporation represented the people of the poverty neighborhood, sponsoring programs for housing, job training, the creation of cultural and recreational facilities and the vehicle for ownership by the community of economic enterprises.

The second corporation, comprised of leaders of industry and finance, offered technical assistance and development and served as a liaison to the resources of the larger, prosperous economy.

This has been the successful pattern in Bedford-Stuyvesant—a partnership between the community controlled corporation and the world of finance and industry. The first results in Bedford-Stuyvesant have been impressive.

First, a $100 million mortgage pool made available by a group of New York banks and federally guaranteed.

Second, a 240-man IBM plant has been attracted to Bedford-Stuyvesant and is now in successful operation—the effectiveness of the ghetto recruited workforce exceeding company expectations.

Third, a $2 million assistance program to some 48 local businesses, 29 of them newly created and owned by area residents. An outside evaluation calls the program "enormously successful."

Fourth, construction of a neighborhood center to be owned by the restoration corporation.

Fifth, planning for a modular housing factory.

Sixth, more than 1,450 homes renovated in a program employing 900 formerly unemployed and unskilled youth.

But when gaged against the magnitude of the problems faced by Bedford-Stuyvesant, the current accomplishments signify only a bare beginning.

Perhaps the most impressive expression of the Bedford-Stuyvesant concept has been the groundswell of support for community development corporations in poverty communities across the Nation.

In Hough, in Rochester, in Watts, in Harlem, in Roxbury—and in rural areas as well—community development corporations have appeared. They provide a sense of ownership and participation in the economic fate of their communities to individuals who have felt helpless and frustrated. Community ownership in rural coops has been a traditional way for Americans to pool meager resources for economic growth. Now city residents are adopting the concept.

The determination of people in inner-city neighborhoods to organize community development corporations and to move forward with the long, frustrating job of developing the economies of their neighborhoods is particularly impressive because the support from Washington has thus far been meager.

In 1969 the Office of Economic Opportunity had applications from 200 community development groups, but funds for less than 20.

The purposes of this legislation are to provide a framework within which support for this program can grow rapidly in the coming years.

Some argue that the way to develop the ghetto is through programs that aid individual businessmen, the so-called black capitalism approach. The comments of a recent study by a Twentieth Century Fund Task Force on economic development within the ghetto are impressive:

> At present the economies of the inner city are not strong enough to rely on conventional approaches for generating new employment and business activity. A successful program for ghetto economic development must be based on organizations able to catalyze the inner-city economy and demonstrate that the ghetto is a safe place to invest. . . . The Task Force believes that community development corporations can serve as the necessary catalyst and that they thus hold the key to the future development of the inner city.

The administration is planning to spend $36 million during this fiscal year 1971 for the title I-D to support 36 community development corporations. Next year, it plans to cut back its support to $25.8 million—according to its March 1971 budget justification—and to exclude any additional CDC's.

This is at a time when literally hundreds of communities are seeking community development corporation programs.

We need adequate funds for urban and rural community development corporations, and we need adequate technical support, both in the Office of Economic Opportunity in Washington and through technical assistance for community development corporations and training programs for young business people and leaders from the poverty communities.

With the technical assistance section of the proposed amendment we have included authority for revolving loan funds for both urban and rural community development corporations.

The rural revolving loan fund already exists—as authorized under Title IIIa of the Economic Opportunity Act.

There are now 34,000 loans in the revolving fund, a total of $67 million in loans outstanding.

The administration has proposed to phase out this program—and, in fact, no new loans are being made.

This policy decision reflects a total disinterest in the condition of the poor farmer and rural resident. I seriously doubt if it is in the national interest—especially during a time of chronic joblessness in the metropolitan areas.

Thousands of rural areas are struggling to survive on the land, many by forming cooperatives and community development corporations.

It is our belief that such efforts must be encouraged and that the small rural loan fund needs to be preserved and expanded. Therefore we include it in the amendment.

We will never master the problems of mass poverty in American until we become serious about regional and community economic development. The problems are not new, but the techniques to solve them must be forged. Much of America is like an underdeveloped country with great untapped resources. We now pay a very stiff price not only in lost production and lost human potential but in enormous welfare costs and the social tragedies of crime and delinquency.

In the past the nation has been generous in subsidizing socially valuable economic development. Canals and highways have always been public. The privately owned railways of the 19th century—and the homesteaders—were granted enormous areas of virgin territory. After the second world war we gave some $21.7 billion—1950 prices—in grants and low interest, long term loans to Western Europe. The AID programs continues—if at a sharply limited level.

The need to develop our rural and poor inner city areas is at least as great in social importance. Realistic investment in community economic development can have long-range national benefits in terms of reduced expenditures for welfare, crime, and the whole apparatus of social support programs.

Community Development Corporations offer the Nation a great opportunity to begin the work of community-based social reconstruction that must be this Nation's chief concern in the coming decade.

EXHIBIT 1

AMENDMENT No. 154

Add the following at the end thereof:

SEC. 7. The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

PART A—SPECIAL IMPACT PROGRAMS

STATEMENT OF PURPOSE

"SEC. 710. The purpose of this part is to establish special programs of assistance to private locally initiated community development corporations which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having especially large concentrations of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities and neighborhoods in arresting tendencies toward dependency, chronic unemployment, community deterioration, and rising community tensions; and (3)

hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 711. The Director is authorized to provide financial assistance to community development corporations and to nonprofit agencies in partnership with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other incentives to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of those areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training employment and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of the Act.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 712. (a) The Director shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is accountable to residents of the area;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122(e) and 124(a) of this Act have been met;

"(7) preference will be given to the residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities or neighborhoods other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 713. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company shall be included as 'private paid-in capital and paid-in surplus," 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the date of enactment of the Community Economic Development Act of 1971, the Administrator of the Small Business Administration, after consultation with the Director, shall issue such written guidelines as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the date of enactment of the Community Economic Development Act of 1971, the Secretary of Commerce, after consultation with the Director, shall issue such written guidelines as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (i) to assure that community development corporations assisted under this part, or their subsidiaries, shall qualify as sponsors under sections 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (ii) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (iii) to assure that funds are available under section 101(b) of the National Housing Act of 1949, to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Community Economic Development Act of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

FEDERAL SHARE

"SEC. 714. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (a) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (b) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval of the Director and the local community development corporation on the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL COOPERATIVES PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 720. It is the purpose of this part to meet the special economic needs rural communities with high proportions of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 721. The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations of low-income people up to 100 per centum of program costs for the purpose of defraying expenses of establishing and operating cooperative farming, purchasing, marketing, and processing programs. Expenses that may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance;

"(4) initial capital where it is determined by the director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 722. No assistance shall be provided unless the Director determines that—

"(1) the cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural people;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such assistance will materially further the purposes of this part;

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 730. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and

to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and rural cooperatives may include, but shall not be limited to planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 731. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate or on immediate or deferred basis) to community development corporations receiving financial assistance under section 711 of this title and to local cooperatives in rural areas eligible for financial assistance under section 721 for business, housing, and community development projects which the Director determines will carry out the purposes of this title. However, no loans, guarantees, or other financial assistance shall be provided unless the Director determines that (1) there is reasonable assurance of repayment of the loan; (2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; (3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made. Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him legal or equitable, and to take such other actions in respect of such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this part.

(c) (1) To carry out the lending and guaranty functions authorized under this part, there are authorized to be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the "Rural Development Loan Fund" and the other of which shall be a revolving fund called the "Urban Development Loan Fund." The capital of each such revolving fund shall remain available until expended.

(2) The Rural Development Loan Fund shall consist of (A) repayments and other receipts from the lending and guarantee operations of this revolving fund and the revolving fund previously established under section 306 of this Act, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

(3) The Urban Development Loan Fund shall consist of (A) repayments and other receipts from the lending and guaranty operations of this revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title for any fiscal year in excess of $60,000,000 which shall be available only for grants to community development corporations.

"ADVISORY COUNCIL

"SEC. 732. An Economic Development Advisory Council is established to provide policy guidance to the Director on all programs and activities concerning community economic development under this Act. The Council shall be appointed by the Director and shall consist of not more than twenty-one nor less than twelve members, of which at least half shall be from low-income communities, and areas served by this title and the remaining members shall be representative of business, financial, and academic communities, and the general public. The Director shall convene the Council at least four times a year.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes under this title. This evaluation shall be conducted by such public or private organizations as the Director may designate, and up to 100 per centum of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations or a summary of them, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such a way as to provide opportunities for employment, ownership and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D

"PROGRAM DURATION AND AUTHORITY

"SEC. 740. (a) The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972 and for the two succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law.

"(b) Notwithstanding section 602(d) of this Act, the Director shall not delegate responsibility for the administration of this title to the head or subordinate of any other Federal agency."

SEC. 3. Part D of title I of the Economic Opportunity Act of 1964 is repealed.

EXHIBIT 2

SECTION BY SECTION ANALYSIS OF THE PROPOSED NEW TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT AMENDMENT TO THE ECONOMIC OPPORTUNITY ACT (SUPERSEDES PRESENT TITLES I-D AND III-A)

Sec. 701. States that purpose of this title is to encourage special self-help urban and rural community and economic development programs.

PART A—SPECIAL IMPACT PROGRAMS

Sec. 710. Language of existing Sec. 150 except that:

(1) deletes out migration as sole criteria for rural programs (because of inadequacy of point-to-point migration data, out migration criteria has not been usable in the I-D program. Rural areas are chosen primarily on the basis of poverty and quality of proposed programs.)

(2) adds "duration" to size and scope as program characteristics (because effective community economic development programs require sufficient time)

(3) adds "community deterioration" to list of problems to which program is addressed.

Sec. 711. Language from existing Sec. 151, except that:

(1) expressly identifies community development corporations and their nonprofit partners as the delivery vehicles for programs. (Reports of both Senate and House Committees on the 1967 and 1969 amendments identified community development corporations as the intended recipient of these funds. Based on an evaluation of the FY 1968 Special Impact Program during which several different models were tested, Bureau of the Budget and OEO agreed to concentrate program on CDCs and have put most of the funds into CDCs since FY 1969. "Non-profit partners" would include businessmen's groups formed to help CDCs such as the D & S Corporation in Bedford-Stuyvesant)

(2) adds housing to list of supportable programs (experience clearly shows that housing and economic development programs are closely linked and that the most effective community development corporations are those which include housing projects in their overall programs) (Note: Manpower training programs authorized are only those linked to community and economic development efforts, e.g., training workers for factories developed by CDCs).

Sec. 712. Language of existing Sec. 152 except for "(a)" which assures that community development corporations be accountable to residents of area.

Deletes existing 152(d) which sets appropriation earmark for Part D within existing Title I.

APPLICATION OF OTHER FEDERAL RESOURCES

Sec. 713. (a) Permits CDCs to use grant funds under this Title as "private paid-in" capital for Small Business Investment Company and Local Development Corporation programs of the Small Business Administration. (Presently foundation grants to CDCs are used in Small Business Investment Companies supported by SBA. This would permit use of Special Impact grants in the same way. Precedent already exists for using SIP funds as local share of SBA's Local Development Corporation Program.)

Also requires SBA to issue guidelines for using its programs to assist CDCs. (SBA's performance has been erratic in this area. Some regional offices have coordinated with Title I–D Programs, some have not. This would require a standardized approach.)

(b) Amends existing 153(b) by making areas selected for assistance under this Title eligible for public works grants authorized by Title I of the Public Works and Economic Development Act. (Important for rural areas) and permits EDA assistance to CDCs upon approval by OEO of CDC program. (This is necessary to encourage EDA which has resisted carrying out its responsibility under the Title I–D.)

Also requires Secretary of Commerce to issue guidelines (c) Expands existing Sec. 153(a) by making CDCs qualify as sponsors for the following housing programs:

(1) Section 106 of the Housing and Urban Development Act of 1968 which provides technical and financial assistance to nonprofit sponsors of FHA housing programs

(2) Sections 221 and 236 of the National Housing Act which provides financial assistance to construction of rental housing for low and moderate income families

(3) Section 235 of the National Housing

Act which provides financial assistance for low and moderate income homeownership programs.

(As indicated, housing is a critical element in community economic development. Experience with HUD has been spotty. In some regions HUD has worked closely with CDCs, in others not. This would encourage all HUD regions to cooperate.

(d) Requires Director to report back to Congress in six months on his efforts to have other Federal resources applied to programs under this Title. (Necessary because of lack of follow-through by OEO on almost all phases of present section 153.)

Sec. 714. Language of present Section 155 except:

(1) prohibition against Director waiving the requirement for ten percent non-Federal share is deleted and (2) unresolved ambiguity over status of investments made with title I–D grant funds is resolved by declaring such assets to be non-federal. Banks, insurance companies, and private businessmen must have assurances that OEO will not attempt, at some later date, to claim ownership of assets in which they are investing with the CDC.

PART B—RURAL COOPERATIVE PROGRAMS

Sec. 720. States that purpose is to support cooperative economic self-help programs in rural areas.

Sec. 721. Authorizes grants to rural cooperatives engaged in farming, purchasing, marketing and processing. Grants can be used for administration, planning, technical assistance and seed capital. (Original version of the Economic Opportunity Act reported out of both House and Senate Committees in 1964 provided for both grants and loans to rural families and cooperatives. The grants were deleted on the Senate floor at the insistance of former Senator Laushe. Testimony on original bill and in hearings in Spring 1971 indicated that grants were essential if the poor are to be able to engage in viable economic activities. This Part, therefore, restores original intentions of the committee.

Sec. 722. Sets minimum requirements for assistance. Cooperatives must have minimum of fifteen members, a majority of whom are low income people. (There is no agreement as to what constitutes a minimum number of producers necessary for a viable cooperative. Fifteen, the current average size of cooperatives being aided by Title III–A is a minimum.)

Also requires technical assistance to be available and requires assurance that assisted cooperatives are fulfilling a need not otherwise met.

PART C—SUPPORT PROGRAMS

Training and technical assistance

Sec. 730. Authorizes grants and contrasts for technical assistance to both Part A and Part B grantees and training for their staffs. Also provides opportunity for grantees to review technical assistance and training. (Present I–D does not authorize technical assistance or training. According to testimony and submitted materials, U.S. Dept. of Agriculture's administration of the Title III–A program has been wholly inadequate. Poor farmers continue to get far less technical aid than wealthier farmers and there has been no training offered poor farmers despite the authorization in existing Section 314. This section fills a widely recognized deficiency in both programs.)

Development loan fund

Sec. 731. Authorizes Director to make and guarantee loans to Part A grantees and to rural cooperatives eligible for assistance in Part B. (The purpose of this fund is to provide grantees with a source of financing which will enable them to capitalize their projects on a business-like basis. The purpose of the grants in Parts A and B is to defray planning and development costs of projects and to defray the extraordinary costs associated with projects in poverty-ridden areas. The purpose of loans is to finance that part of a project which is viable. The combining of grants and loans in this manner is a standard approach to development financing in less developed countries and, as noted, was the Committee's original intent in Title III–A.

At present, the Administration is phasing out Title III–A. Testimony strongly supported saving the existing revolving fund supported by Title III–A and turning it into a rural development fund concentrating on cooperative loans which, according to Dept. of Agriculture's studies, have proven more viable and promising than small single family loans.

The fund established by this section would incorporate the existing Title III–A revolving fund. It is also designed to forestall taking present appropriations for Special Impact grants and shifting them to the loan fund.

Section 731(c) establishes two separate development loan revolving funds one for urban and one for rural areas. The rural development loan fund would consist of the present III–A rural loan fund. The urban development loan fund would not be activated until grants for community development corporations reached the annual level of $60 million, to assure an adequate flow of venture capital to community development corporations as the first priority for the program.

Loan terms are those of existing Title III–A with interest set at a rate not less than those for comparable Treasury obligations, except that the Director may adjust interest rates and terms. Prohibitions against loans to finance manufacturing processes now existing in III–A have been deleted.

Sec. 732. Establishes an Advisory Council of between 12 and 21 members, half from the low-income communities served by the programs of the Title and the remaining from business, financial and academic communities and the general public.

Sec. 733. Authorizes evaluation and research. Evaluation is from existing Sec. 154. Research is authorized to suggest new programs and policies for community economic development programs. The Director is required to do research into the feasibility of development banks and report back to Congress by June 30, 1973. (OEO has made little or no effort to research the problems of community and economic development. In particular, no effort has been made to research the issues involved in the many proposals made for domestic development banks in recent years. If OEO is to be the social laboratory for the Federal Government, the Congress has a right and a responsibility to designate its own priorities for research and experimentation.)

PART D: PROGRAM DURATION AND AUTHORITY

Sec. 740. Authorizes programs for the fiscal year, and prohibits delegation by Director of responsibility to any other Federal Agency.

COMMUNITY DEVELOPMENT CORPORATIONS

Mr. JAVITS. Mr. President, I am pleased to join with Senator KENNEDY in this proposal just as I worked with his brother, the late Senator Robert Kennedy—whose commitment prompted the establishment of the first extensive program in the Bedford-Stuyvesant area of Brooklyn, N.Y. and which resulted in the enactment of title ID—the special impact title—of the Economic Opportunity Act.

We propose today that the Community Development Corporation of the kind established under title ID and a related indiginous effort, the rural cooperative be given key places in a new community based on economic development strategy to deal with the problems of poverty.

Three years have passed since the National Advisory Commission on Civil Disorders—the Kerner Commission—called for a comprehensive economic development strategy as a part of a four-pronged antipoverty effort.

We stand at dead center on the matter of economic development while we appear to be moving on three of those fronts—income maintennace, welfare reform, and public service employment.

We have tried "gilding the ghetto" with attempts to lure business into poverty pockets with various forms of subsidies, but these too often have resulted in bankruptcy for the business firm and increased antagonism between poverty communities and the local "establishment."

We have made much of "black capitalism," or "minority enterprise" as "the" solution, but have failed fully to realize the inherent limitations of that approach or even to provide funds sufficient to have any significant impact.

We have viewed the inner city as a problem, but seldom as a community and have sought solutions "from the top down" with piecemeal and paternalistic efforts.

We have been quick to adopt the free enterprise doctrine of self-help in respect to individuals—usually in the context of getting "them" off the welfare rolls—but slow to recognize the great potential of applying that principle to communities of the poor.

In the meantime—while we have been searching for a strategy—community development corporations throughout the country have been showing us that way to effective economic development.

These corporations—now 75 in number and funded through private sources as well as under the special impact provisions—have been arresting the deterioration of inner cities through programs ranging from the development of literally blocks of housing, the establishment of shopping centers, and the creation of industrial concerns, providing jobs for the community.

The method of attack has varied—with the problems—from community to community, but the community development corporations have had in common their essentially indiginous nature, their emphasis on tangible development, and their commitment to the particular social ends of the community.

And everywhere they exist they have acted as an effective catalyst, putting together an equal and productive partnership between the poverty community on the one hand and the private sector and the so-called "establishment" on the other.

They have shown that the ghetto will "gild" itself if it is given decisionmaking power backed by Federal assistance, and that business will involve itself when asked to by the community, not merely urged to do so by a remote Federal Government.

This key catalytic element has been particularly evident in the two major projects in my State of New York.

In Bedford-Stuyvesant, the two cor-

porations—the D and S Corp. and the Restoration Corp. representing financial interests and members of the community, have worked together to attract a total of $6.2 million in private capital since 1967, supplementing the $20.4 million received in Federal support.

Programs have included the establishment of a 240 man IBM plant, and a concentrated redevelopment of the area.

Similarly, the FIGHT organization—Freedom, Independence, God, Honor, Today—in Rochester, N.Y.—formed in 1964 on the model of community organizations conceived by Saul Alinsky—has demonstrated the benefits of community based actions in partnership with the private sector. With the assistance of Xerox Corp. and beginning in 1968, FIGHT established an electronics subcontracting plant to assemble electronic transformers. From a first year deficit of $32,000 the corporation is now a profitmaking operation, with $46,000 in profits on sales of $678,635 in the second year.

Mr. President, the time has come to extend "de facto" if not "de jure" recognition to these efforts and to give them the priority and assistance that their maturity entitles them to.

This is essentially the major conclusion of an extensive report issued by the 20th Century Fund of New York and released only last month.

The report, entitled "CDC's New Hope for the Inner-City" concludes that—

> Locally controled economic development programs have demonstrated their potential for assisting the poor and disadvantaged to integrate into the nation's social and economic mainstream.

And that—

> Community development corporations have a unique capacity for pooling a community's talents and resources; for increasing ownership of businesses, homes and other property among the urban poor; for developing entrepreneurial and managerial talent; for linking together a variety of businesses and projects for mutual reinforcement and support; and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

The task force—made up of a number of distinguished members of the financial and poverty communities—recommends that the Federal Government take immediate steps to create a national system of support for Community Development Corporations and that a national commitment be made—

> To achieve a substantial increase over the next two to five years in the capacity of community development corporations in urban areas to plan, design, finance, implement and operate economic development programs in their neighborhoods.

Mr. President, the proposal which we introduce today would implement that objective by providing a legislative framework in which Community Development Corporations—and their rural counterpart, rural cooperatives—can grow and further demonstrate their potential in meeting the crises of our inner-cities and rural poverty areas.

As Senator KENNEDY has outlined, the bill would establish a new Community Economic Development title, consisting of three basic parts.

Part A would authorize a special impact program along the lines of current legislation with the following basic changes:

First, like title ID, our bill would authorize planning grants for programs in special impact areas, but we specifically identify Community Development Corporations and their nonprofit partners as the principal delivery vehicles for programs. As noted in the 20th Century Fund report, previous efforts to channel funds into special impact areas through other than community based development organizations have not been successful and have constituted a departure from the original intent of title ID.

Of course, this authority will be of little significance without substantial resources well beyond current commitments. At the present time, grant money under special impact programs is at the level of $36.0 million—less than 1 percent of the amount spent on welfare assistance—and the administration has actually requested only $25.8 million—or $10.2 million less than available during this current fiscal year.

We have not indicated a specific authorization "ceiling" in our proposal—as we wish to have the benefit of the views of the administration and of those now conducting the program as to an appropriate rate of increase over current funding—but it is clear that our goal for even the near future must be in the magnitude of four to five times the amount requested for fiscal year 1972. In fact, the 20th Century Fund task force has recommended that appropriations reach a total of $120 million over the next 2 years.

Second, the bill deals with one of the greatest obstacles to the success of efforts of Community Development Corporations—the failure of a number of agencies of the Federal Government to let them have the advantage of assistance provided to their business entities. To that end, our proposal would:

Require the Administrator of the Small Business Administration to take all steps necessary under present law to insure that Community Development Corporations will have access to SBA financing programs, including programs for loans and loan guarantees. Unfortunately, the record on such access has varied from region to region.

The bill would also make it possible for Community Development Corporations to use special impact funds as "private paid-in" capital for Small Business Investment Administration. This would permit the establishment of MESBICS—small business investment companies. Full use of the MESBIC vehicle by CDC's has been severely hampered in the past by two requirements which this legislation would remove. The first requirement is that private capital in the minimum amount of $150,000 be invested in a MESBIC before a license will be issued; this is a legislative requirement and it serves a useful purpose in many situations; however, I do not believe that it should apply to the establishment of MESBICS by CDC's with OEO funds, for it is important that those funds be used to maximum effect to spur the economic development of distressed areas; a CDC, working in conjunction with the OEO, should be permitted to form a MESBIC when that is an appropriate tool of economic development, and this is accomplished by the bill introduced today.

The second requirement is not in any legislation we can find and has been imposed by the Small Business Administration, this is a condition that only private funds and not granted funds will be matched on a 2-to-1 basis; our bill, by explicitly removing this administrative condition as to CDC's, will enormously increase the effectiveness of MESBIC'S in the distressed urban and rural areas of our Nation.

Require the Economic Development Administration of the Department of Commerce, which administers the Public Works and Economic Development Act of 1965, to issue written guidelines to insure the availability to Community Development Corporations of public works and other assistance under titles I and II of the act.

Require the Secretary of Housing and Urban Development to insure greater availability to Community Development Corporations of subsidies to acquire land through urban renewal "write-downs" and through greater accessibility to housing loans and related programs.

Part B would authorize grants to rural cooperative programs in poverty areas engaged in farming, producing, marketing and processing. Grants could be used for administration, planning, technical assistance and seed capital.

There are hundreds of rural cooperatives throughout the country but only a handful are in poverty areas. Testimony before the Subcommittee on Employment, Manpower, and Poverty on extension of the Economic Opportunity Act has underscored the need for grants to rural cooperatives to put the rural antipoverty efforts on the basis of urban efforts.

Part C would establish a Development Loan Fund to be administered by the Office of Economic Opportunity to make loans to Community Development Corporations under part A and rural cooperatives under part B.

Mr. President, for some time now it has been evident that our economic development efforts will never get off the ground without an independent source of easily available credit for Community Development Corporations and rural cooperatives. To that end, in 1967, I proposed on a broader scale, the establishment of a Domestic Development Bank, a profitmaking corporation authorized to make and participate in long-term low interest loans and guarantees. This proposal, which was included in a modified form in the Community Self-Determination Act of 1968 which I proposed along with 32 other Senators combined this institution with a system of federally funded Community Development Corporations.

I will soon reintroduce Domestic Development Bank legislation to mount the kind of national effort necessary. At the same time, I believe that the more limited loan program proposed in the proposed bill—providing a "soft" loan window for CDC's and rural cooperatives—is a step

in the right direction. CDC's, due to their mixed social and economic objectives, their location in high-risk areas, and many other factors, pose unusual credit problems for conventional lenders; establishment of a special loan program for CDC's will provide a cheaper and more dependable source of credit for these organizations. In respect to rural cooperatives, funds would replace the Rural Loan Fund currently established under title IIIA of the Economic Opportunity Act, which the administration currently plans to eliminate. Testimony before the Subcommittee on Employment, Manpower, and Poverty on the extension of the Economic Opportunity Act has strongly underscored the need for the continuation of some kind of rural development fund with emphasis on cooperative loans.

Mr. President, the question will be raised whether an operational program of the kind now conducted under existing authorities should be continued and expanded under the administration of the Office of Economic Opportunity which has been increasingly seen as a research arm. While I hope that we will have the views of the administration and others on this matter—both generally and in relationship to the proposed executive reorganization—I think that there should be a strong presumption of continuance in OEO: First, even at the levels of funding and assistance that we project, these efforts will remain demonstration programs in terms of the total potential, and, second, because only with the involvement of OEO can we insure during the developmental period that the essentially indigenous nature will be respected.

In his state of the Union address, President Nixon cited the increasing frustration of the American people with their governmental institutions. In response he stated:

> We hear you and will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

The special impact and rural cooperative programs have been founded on this very element of decisionmaking at the community level and the sense of community which develops.

If we are really serious about "putting the power where the people are" then we must provide assistance in a framework which will let those who struggle in the ghettos, barrios, and rural and other poverty pockets and a concerned private sector work together. I believe that the gap between these areas and the so-called "establishment" can be bridged most effectively through self-determination, for only in that way will we arrest the deterioration of the spirit as well as the physical decay in our inner cities.

I hope very much that the administration will give favorable consideration to this proposal, which as I have noted, reflects so much its own analysis of the situation in the country as a whole.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 155

Mr. PACKWOOD submitted an amendment, 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 was ordered to be printed and to lie on the table.

AMENDMENT NO. 156

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (H.R. 6531), supra, which was ordered to be printed and to lie on the table.

OFFICE OF EDUCATION APPROPRIATIONS, 1972—AMENDMENT—NOTICE OF MOTION TO SUSPEND THE RULE

AMEDMENT NO. 157

Mr. MAGNUSON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 7016) making appropriations for the Office of Education and Related Agencies, the following amendment, namely:

On page 4, line 10: "*Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971."

On page 8, line 8: "of which $3,500,000 shall be for construction and shall remain available until expended."

Mr. MAGNUSON submitted the amendment (No. 157) intended to be proposed by him to the bill (H.R. 7016), which was ordered to be printed and to lie on the table.

ANNOUNCEMENT OF HEARINGS ON CERTAIN BILLS

Mr. STEVENSON. Mr. President, as chairman of the Senate District of Columbia Subcommittee on Business, Commerce, and Judiciary I announce hearings on Friday, June 11, 1971, at 10 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. 1363. (H.R. 3121)—modernizing procedures relating to licensing of occupations, trades, businesses, etc.

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.

ADDITIONAL STATEMENTS

THE ANTIDEFENSE LOBBY

Mr. GOLDWATER. Mr. President, during the 3 years of ranting by American liberals about a so-called military-industrial complex there has almost never been any mention of the most powerful lobbying group ever seen in this country—the "antidefense lobby." Thus, I was not only surprised but encouraged this morning when I read in the Washington Post a definitive article by Columnists Roland Evans and Robert Novak which not only identified the makeup of the antidefense lobby but did a good job of showing that it is dangerous to the United States.

Messrs. Evans and Novak described the antidefense lobby as a well-organized, broad-based group which is trading on "anti-Vietnam emotion and an inward looking national mood" to try and impose a drastic $68 billion ceiling on annual defense spending. They pointed out that the effort was being made "at a time when good arguments can be made for increasing arms spending." And let me explain, Mr. President, that the emphasis on the word "increasing" was placed there by the writers not by myself.

The article described the lobby's $68 billion ceiling as a "blunderbuss budget cut on the Pentagon," which is being taken seriously in Washington.

Mr. President, this argument is of enormous importance to the Congress and to the American people. I ask unanimous consent 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 ANTI-DEFENSE LOBBY

(By Rowland Evans and Robert Novak)

The well-organized, broad-based lobby working to impose a drastic $68 billion ceiling on annual defense spending, spurred along by anti-Vietnam emotions and an inward-looking national mood, is now giving the White House genuine concern.

That worry has reached a point where clandestine reports on closed-door meetings earlier this year of a formidable umbrella organization called the Coalition on National Priorities and Military Policy received priority attention inside the White House.

In fact, the coalition has only a slim chance to pass the $68 billion ceiling for the fiscal year beginning July 1, an $8 billion reduction from President Nixon's recommendation. But some substantial cut of a lesser amount might well be passed, at a time when good arguments can be made for *increasing* arms spending.

The $68 billion ceiling has no substantive meaning. It was arrived at by the coalition as the lowest possible figure that could attract a majority of the Senate and was reached only after heated debate within the coalition. At a coalition meeting May 11, former Sen. Joseph S. Clark of Pennsylvania proposed that Sen. George McGovern of South Dakota, the only announced Democratic presidential candidate, first offer a $60 billion ceiling. Defeat of the McGovern amendment, he said, would make the $68 billion ceiling look "moderate."

Last Friday, months of Coalition strategy sessions came to a climax when the $68 billion ceiling, in the form of an amendment to the defense procurement bill, was formally introduced by two senators: Democrat William Proxmire of Wisconsin and Republican Charles McC. Mathias of Maryland.

What worries the White House and Pentagon is the unusual broad spectrum of political pressure groups ready to lobby senators on the amendment. The Coalition, headed by Clark, is a loose federation of some 40 national organizations, including the American Baptist Convention, the northern wing of the church; SANE, an antiwar pressure group; the National Farmers Organization; Business Executives Move for Peace in Vietnam, and the United Auto Workers.

In addition to these unsurprising organizations long in the frontlines of the peace movement, the Coalition also includes the Steelworkers Union, the Teamsters, the National Education Association and environmental pressure groups, including the Sierra Club and the National Wildlife Federation.

The lobbying against uncommitted senators now being plotted shows skillful use of pressure tactics. Thus, a Coalition strategy session six weeks ago assigned the UAW to lobby Democratic Sens. Vance Hartke and Birch Bayh of Indiana, a state where the UAW exerts substantial political power.

Behind the Coalition's short-range goal of a $68-billion spending ceiling is a long-range effort to whittle the Pentagon down to ever lower spending limits—apparently without regard to national security dangers.

That strategy was spelled out in a Coalition meeting in late April. "Once we can accomplish this objective (the $68 billion ceiling)," one participant said at that meeting, "we can expand into many different areas in the military budget. In other words, take a little now to gain the Senate's support, and once the Senate is committed it will be obligated to support further proposals."

In fact, however, an imposed $8 billion reduction would not have drastic impact where the Coalition wants it—on new weapons procurement and Vietnam spending. Rather, it would hit the economy where it hurts most—adding tens of thousands of military personnel to swelling unemployment rolls.

The reason: 52 per cent of the entire defense budget now goes to payroll and such related costs as retirement pay, housing and food, a percentage that has steadily risen from 43 per cent only nine years ago.

Simply put, not all that much money is going into hardware. Complete elimination of the anti-ballistic missile program, a cherished objective of the Coalition, would cut spending next year by only $1.3 billion. Likewise, ending all development of the widely opposed B–1 bomber would save less than $100 million.

These facts, however, are beyond the interest of the Coalition. Trading heavily on the rising frustrations of the Vietnam war and the growing demands of the cities, it seeks a blunderbuss budget cut on the Pentagon and is being taken most seriously here for the first time.

JOHN A. LANG'S COMMENCEMENT ADDRESS CROSSES THE GENERATION GAP

Mr. ERVIN. Mr. President, John A. Lang, Jr., a distinguished North Carolinian who has served his country well for the last 7 years as the Administrative Assistant to the Secretary of the Air Force, recently delivered the commencement address at Appalachian State University at Boone, N.C., in which he effectively bridged the so-called generation gap.

Mr. Lang urged the graduates of Appalachian, which is nestled in the beautiful mountains of western North Carolina to—

Retain the ideals and values you have acquired at this great institution of learning, and not to let them wither away or be corrupted by the passage of time. The country needs you for your idealism, your search for truth and meaning, your resourcefulness, your energy and your ingenuity.

Speaking to a large and responsible group of young Americans, their parents and relatives, faculty members, educators, and friends of the university, Mr. Lang surveyed some of the great advances this Nation has made and encouraged his listeners to use their skills and resources to meet and accept the challenges of the future.

Mr. President, there are few men in national or private life who could serve as spokesman before today's college graduates as well as John A. Lang. A native North Carolinian, Mr. Lang has served for 35 years in the Federal Government. He began his public career in 1935 as assistant to the Director of CCC Camp Education in the U.S. Office of Education. He has been administrative assistant to Congressmen C. B. Deane and ROBERT E. JONES, and served as staff consultant to the Subcommittee on Water Resources of the House Public Works Committee.

Also, Mr. Lang has attained the rank of major general in the U.S. Air Force Reserves, and presently holds the assignment as Assistant to the Superintendent, U.S. Air Force Academy, Colo.

In addition to his present duties as the Administrative Assistant to the Secretary of the Air Force, he is a professional lecturer in business administration at the George Washington University.

Mr. Lang plans to retire from Federal service next month and return to his native and beloved North Carolina as the vice president for external affairs at East Carolina University at Greenville. The Air Force will lose its top-ranking civilian official, and the Federal Government will lose one of its most valuable career servants, but his departure will be North Carolina's gain.

Mr. President, I should like to wish John A. Lang and his family every success in his challenging second career, and I congratulate him upon returning to North Carolina.

In closing Mr. President, to my mind, the rule and guide of my friend John A. Lang's brilliant career has been the principle that freedom is the most precious possession of any civilized society, and he has performed a yeomans' task in seeing that this principle is protected from the forces of tyranny from whatever source.

Mr. President, Mr. Lang's remarks at the commencement exercises at Appalachian State University are worthy of being read by everyone interested in the youth of America, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the text of the remarks by Mr. John A. Lang, Jr., were ordered to be printed, as follows:

REMARKS BY JOHN A. LANG, JR.

President Wey, members of the faculty, members of the graduating class of 1971 and my friends, it is a special privilege to be asked to participate in your commencement ceremonies. I am particularly happy to be back in North Carolina, where I was born and raised, and in these magnificent surroundings which make Appalachian State University not only a center of education and culture but a center of natural beauty as well.

No one can be on this campus without recalling that it was the dedication and service of those two great mountain men, the Dougherty brothers, who launched this great institution, the efforts of Dr. Plemmons who gave it new growth and the hard work and imaginative leadership of my friend, Dr. Herbert Wey, who is making of Appalachian one of our great state and regional institutions of brighter learning.

Commencement addresses, traditionally, should provide inspiration for parents, encouragement for trustees and aspirin for the faculty. Most important, they should be short enough to be tolerated by the graduating class. I shall try to fulfill all these obligations.

In doing so, I am aware that countless middle-aged moralists like myself will be using similar platforms all over the country during this Commencement season to tell thousands of young captives the score. Nevertheless, I am grateful for the opportunity to tell you, the graduating class of Appalachian, how important you are as individuals in our free society. I admire you, and I applaud you as skeptics who decline to accept traditions passively without thinking them through for yourselves.

A GENERATION OF GALILEOS

It is precisely your demand for freedom to evaluate all aspects of traditional dogma that distinguishes your generation from others.

Recall for a moment the work of one distinguished innovator born over 300 years ago—that "Jack of all sciences"; Galileo. In a dramatic demonstration, Galileo climbed to the top of the leaning Tower of Pisa and dropped objects of varying weights to the ground to prove that the mass of an object had no effect on its velocity under free-fall conditions. Yet, for two thousand years, man had believed the reverse because Aristotle, the great Greek philosopher, had said so! Before Galileo, no one had asked for proof or sought to disprove Aristotle's theory.

You are a generation of Galileos, poking holes in the Aristotles of the older generation. The difference is that you face difficulties Galileo did not encounter, for after all, no one's life then depended upon the relative velocities of falling objects. Today it often does, and we cannot afford to wait 2,000 or 500 or even 10 years for answers to problems facing our society.

NO TIME FOR PLATITUDES

These are troubled times. In more tranquil days—and I doubt there was such a time—this was the season to reaffirm the American ideals that everyone took for granted. A graduation ceremony in those days was normally a festival of congratulations. But today is no time for platitudes in praise of the status quo. Our nation is confronted by a host of problems which defy quick or easy solutions, and our people are beset by a host of fears and grievances which try their patience and stamina. Radical changes are at work everywhere, profoundly affecting attitudes toward self, family, goals, the very structure of society.

This is a far from perfect world you are inheriting and no one should be shocked that you have perceived it, that you want to change a great many things for the better, that you scorn sham and condemn hypocrisy, or that you want to see peace in the world. But those who complain because we have not yet attained all our social goals, those who can find little or nothing of value in our way of life, are wearing blinders on

their eyes. I submit that their assessments of our national condition are wrong.

MONUMENTAL ADVANCES

They have lost sight of the steady progress our society has made and of some of the great advances, any one of which would have been monumental in past societies. Life expectancy for example, has gone up more than 50 per cent in the last two generations, and most of the dreaded maladies that once were unavoidable have been conquered or alleviated. The proportion of families at the poverty level has been reduced over 40 per cent in the last 10 years, and the scope of what the individual can span in his life has been broadened immeasurably.

Of course, we have problems, a great many serious and difficult ones to overcome. Some of them will never be entirely solved, and undoubtedly new ones will come along even as others are resolved. But we must put them into proper perspective; we must balance our crises against our accomplishments. If a great deal remains to be done to improve our society, it should not be forgotten that America still represents the world's foremost example of human accomplishment. And if some of our expectations are still unattained, we must not decry the American system as the source of our frustrations.

Just suppose, for example, that by some miraculous act of God, all immigration quotas and all passports and visas were abolished tomorrow morning throughout the world. Where do you think the great mass of humanity would pour in search of wider options and a better life? Right here!

The truth is, those who want to shut down our American society are rebelling against the human condition. The American system, in reality, offers the best hope of correcting that human condition. For despite its shortcomings, our society provides more individual freedom and opportunity for involvement to its citizens than man has ever known before, and we are still working to enlarge those freedoms and opportunities.

But few governments in the world tolerate the degree of individual freedom that we enjoy. Freedom is hard to get and hard to keep, and the job of keeping it must be assumed by each succeeding generation because, always and inevitably, someone is going to try to take it away from you.

EVERY GENERATION HAS PROBLEMS

Those who complain that they have inherited a world they never made can join the family of man; none of us, not since Adam and Eve, could preselect his environment. Your parents—my generation—inherited a great depression and a world war which we had no hand in starting.

In looking at today's problems, it is relevant to remember that in 1941 a nation torn by strikes, troubled with poverty and unemployment, preyed upon by mobsters and racketeers, agitated by communists on the left and fascists on the right, and confronted with the most destructive war ever waged, survived and emerged—not with bitterness but with honor and dignity.

No one would argue that the generation of that day did not make mistakes or that some of its work might have been better done. But it cannot be denied, either, that it tackled its problems with a nobility of purpose and a generosity never before seen in the history of the world. In the aftermath of war, that generation rebuilt a shattered Europe, with hand outstretched to friend and enemy alike, designed the United Nations as a forum in which man's aspirations for peace could best be realized, made foreign aid to less fortunate countries a cornerstone of our national policies, and provided dozens of outlets for practical idealism at home and abroad through such social programs as Head Start, VISTA, and the Peace Corps.

THE CHALLENGE CONFRONTING YOU

But I did not come here to extoll the virtues of the last generation or to assure the class of '71 that they have been guaranteed a perfect, Utopian world by the efforts of their elders. Nobody can guarantee that. Nobody can promise you anything but turmoil, tension and pressure to test your ingenuity and resolve. Freedom must still compete with the lust for power, and individual human dignity is still reserved for a favored few.

The challenge confronting you is to take this imperfect world you have inherited and to improve it, to better it, not just for yourselves, but for the generation that follows yours. You should go about this challenge with the same spirit as the great opera composer who could see great possibilities in every situation and who once said: "Give me a laundry list and I will set it to music."

THE HERITAGE IS "CHANGE"

In creating this country 195 years ago, our forefathers drew upon the long-held dreams of many men in many lands over many ages for the inspiration to make the individual sovereign rather than subject. The idea itself was not revolutionary, but its application was what the American Revolution was all about.

Thomas Jefferson's fundamental convictions are remarkably relevant today. Jefferson was a man for all ages. He expected "each generation to confront its own problems and to seek their solution in the light of reason and justice, not of ancient dogma." He knew that our society would have to seek and embrace change, not for its own sake, but in order to keep our institutions responsive to the needs and aspirations of our people. But regardless of the changes which would come about, whatever laws, institutions and customs might be discarded by succeeding generations, Jefferson knew that one factor alone would continue to remain unchangeable—"the inherent and unalienable rights of man." In this context, all the changes which have transpired in the past 195 years reflect that basic continuity. And the Revolution which our forebears started is still going on, reflected today in our constant quest to improve the quality of life and to reach out towards a better future.

So, where some would diminish freedom, let us enlarge it. Where some would turn the various segments of our society against each other, let us go out and work together to create a better understanding of what must be done. Then let us all join together in constructive change—to build the better America to which we all aspire.

ACADEMIC FREEDOM VS. EXTREMISM

In the pursuit of constructive change, the questioning of facts, ideas and theories is an integral part of the process. It is of fundamental importance that we be free to reject and dissent as well as to agree. If no one had ever questioned or criticized or protested, we might all still be living in caves.

I don't think I would like to live in a society in which no questions were asked, no values reassessed. If you don't believe that there must be a better way to do almost anything that's being done, then you have no challenge, no future. I only reject the theory that you should throw the baby out with the bathwater.

So academic freedom, the right to question and criticize, is important not just to scholars but to society itself. It includes the right of all to question and to criticize politics and politicians, policies and programs, principles and propaganda, wars and repressions.

But academic freedom is freedom to express opinions, not to impose them. It is freedom to work for change, not freedom to commit institutional homicide. It is freedom to carry on a dialogue, not to insist on a monologue. It is freedom to present a viewpoint, not to prevent others from presenting theirs or to prevent still others from listening. No one's rights include the right to deny the rights of others!

The Governor of North Carolina, Bob Scott, speaking at an awards convocation at Davidson College a few weeks ago, warned about those who would deny the rights of others. He cited this "extremism" as one of the greatest dangers threatening our nation's birthright, and said the time has come "for the good will of thoughtful men and women to prevail." To that end, he pointed out: "Education is irrelevant when its aim is for anything less than to fulfill the wish of all men for a better, richer life in a more peaceful, more tolerant society."

ROTC AND MEMORIAL DAY

I understand that this is the first year in which some ROTC students are included in your graduating class, and I should like to say a special word about you—and to you. It is particularly appropriate that this Commencement is being held today—Memorial Day—a day which our nation has set aside to honor all those, throughout our history, who have given "the last full measure of devotion" to the service of their country. But it is more than that; it is a day of tribute to the living as well as to the dead, to those in each generation who continue to insure the continuation of our heritage of freedom.

Thomas Paine, that firebrand of the American Revolution, said something in 1776 which still inspires us today because his words are appropriate for every age. He said:

"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now deserves the love and thanks of man and woman."

He also said:

"Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

You ROTC cadets who are graduating here today, together with those who are graduating on more than 350 other campuses around the country, will be carrying on the great tradition of service in the defense of freedom which your predecessors have set. You deserve the admiration and gratitude, not only of Americans whose freedom you will help to insure, but of those who still only dream of freedom in less fortunate lands. Yours is a commitment, a total commitment, to America's long-ranged dream of enlisting all of mankind in pledging allegiance to human dignity and of devising ways in which men and nations can live in peace. In a short while you may be commanding troops in far off lands, or operating multimillion dollar weaponry or sophisticated electronics systems, or managing extensive logistical operations, or monitoring through a grid the land, sea and air approaches to the western hemisphere. In becoming officers in our modern security forces, you must be prepared for more than military expertise. You will also be serving as counselors, managers, personnel and racial relations specialists, public speakers and community relations experts.

WE ARE ALL IN THIS TOGETHER

The fulfillment of the American dream binds all of us together, whether we be wearing the uniform or mufti. The day is long gone when men in civilian life and men in the military listened to different drummers. We are all in this country together, military and civilian alike, totally interdependent. We are not engaged in separate pursuits. We are seeking the same goals—to insure our survival as a free society and to preserve and improve our democratic institutions. So what we must ask of each other is that, through it all, as we go down our various roads to make our nation better, we cherish this country, that we have a feeling of pride

and confidence in her—an enduring feeling, not a fleeting one.

THE BURDENS OF LEADERSHIP

The burdens of leadership toward our national goals will eventually fall upon you, the seventh generation of Americans. The preceding six generations have achieved a state of material progress which is the envy of the world. Now you, the magic, fateful seventh generation, are not content to simply add to the *quantity* in our lives, but seek rather to improve the *quality* of our lives. In this you are right.

As Robert Maynard Hutchins said to a graduating class not long ago, as you grow older your values will change, your principles will change, everything about you including your way of thinking will change. He referred to this gradual erosion of ideals as a kind of corruption which comes about by virtue of the aging process and the immediate personal goals we set for ourselves, and it saddened him as it does me. "Believe me," he said to those students, "you are closer to the truth now than you will ever be again . . . Take your stand now, before time has corrupted you."

I, too, urge you to retain the ideals and values you have acquired at this great institution of learning, and not to let them wither away or be corrupted by the passage of time. The country needs you for your idealism, your search for truth and meaning, your resourcefulness, your energy and your ingenuity.

If there is any central message or charge that I would like to leave with you, it is this:

I wish you the opportunity of leadership through a period of change and growth . . . the challenge, the responsibility, the long days and nights of doubt and concern . . . the hard work ahead as you do your best to handle a lifetime of demands and duties. I hope you can accept the opportunities and challenges and reap the happiness and personal fulfillment that will come from your successes or even from making a real try.

I would commend to you the words of a great humanitarian, Dr. Albert Schweitzer, who said:

"I don't know what your destiny will be, but one thing I know; the only ones among you who will be really happy are those who have sought and found how to serve."

At the outset of these remarks, I mentioned that North Carolina mountain men began this institution and gave it hope. In closing, I commend to you the words of promise of another great North Carolina mountain man. Thomas Wolfe, when he wrote in *You Can't Go Home Again:* "So, then, to every man his chance—to every man regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America."

FOREIGN SERVICE COMPLAINT BOARD

Mr. SCOTT. Mr. President, I join with the able Senator from Indiana (Mr. BAYH) as a cosponsor of his bill to establish a Foreign Service Employees Complaint Board. I do so out of a strong sense of justice and a firm belief that every Federal employee deserves access to a fair grievance appeal procedure whenever his rights of promotion or retention may be unfairly jeopardized. Despite State Department regulations which have been on the books for some time, there is compelling evidence to indicate that our career Foreign Service officers do not actually enjoy the rights of appeal available to every other Federal employee. It is the purpose of this legislation to restore equity by correcting this situation, and I subscribe fully to the expressed objectives of this bill.

Having recognized the seriousness of this problem, however, let me recognize also that there is presently underway within the State Department itself a significant effort to revise employee grievance procedures affecting career Foreign Service officers. This is in line with President Nixon's own pledge. I am watching these developments closely and it is my deepest hope that they will succeed. In fact, Mr. President, I am hopeful that it may not be necessary to resolve by means of this legislation a problem which I believe the State Department has the ability to solve for itself.

In my opinion, the introduction of this legislation serves a useful purpose in bringing the focus of public attention to a situation long in need of correction, and I am prepared to pursue enactment if this course proves desirable.

THE URGENT NEED FOR A NATIONAL GROWTH POLICY

Mr. HUMPHREY. Mr. President, Winsted, and the town of Winchester Conn., passed an important milestone recently. It marked its 200th anniversary on the note that it was still surviving.

Winsted has lost much of the industry that kept it alive for so many years, and the Main Street was destroyed in 1955 in a disastrous flood. At present, the town has an unemployment rate of more than 12 percent.

There are many Winsteds in this country—towns that are just hanging on and too proud to die.

Mayor William Riiska has only modest hopes for his town. He says:

I am not looking for it to be a mighty metropolis. What I want to see is enough industry to take some of the tax load off the property owners and enough tax money so we could provide a few other services for the people.

Certainly what we have done for our big cities is not enough, but it should become increasingly clear to everyone, that if we let the Winsteds of this Nation die, we will only compound the troubles of our big cities, adding to their problems the immigration of the breadwinners of our Winsteds, who must work to feed their families.

We must make our Winsteds viable so that those who prefer not to live in the major metropolitan areas will have a freedom of residence.

It is time we did something about formulating a national growth policy.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of June 1, 1971, relative to the bicentennial celebration of Winsted, Conn.

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

[From the New York Times, June 1, 1971]

AILING BUT HOPEFUL WINSTED, CONN., MARKS ITS SURVIVAL

(By Joseph B. Treaster)

WINSTED, CONN.—As this little mill town in the foothills of the Berkshires eased into a round of bicentennial celebration events, some residents wondered just what there was to celebrate.

For many, the answer was simply survival.

In the last several years, Winsted, which is 30 miles west of Hartford, has been struggling under grinding economic pressure as several of the major industries that made it hum at the turn of the century either collapsed or moved.

The most traumatic single blow, however, was the flood of 1955 that raged through the heart of town killing several persons and changing the face of Winsted forever.

MAIN STREET DEVASTATED

The boiling waters of the Mad River left buildings twisted and broken apart and turned Main Street into a sea of mud and broken slabs of paving.

"It was like a bomb hit the place," said a woman who recalls hitching a ride into Winsted on an emergency food truck to get to stranded relatives.

Officials decided that the best way to clean up the splintered downtown section was with a bulldozer. They leveled the side of Main Street that had been built along the Mad River and turned what had been a bottleneck into a four-lane highway.

Despite the arrival in recent years of a handful of small new industries in Winsted, times are still hard. The unemployment rate is 12.1 per cent—compared with 8.4 per cent for the state as a whole—and three months ago the Federal Government declared this an economically depressed area.

The national recession and the cutback in defense manufacturing have hit hard, and youngsters at Gilbert High School talk of moving out of town when they graduate.

HIGHLIGHT OF CELEBRATION

Nevertheless, on June 13 more than 120 units are scheduled to move down Main Street for the "biggest parade Winsted has ever seen" as the highlight of the 200th anniversary.

Winsted itself is not yet 200 years old. It is, however, the only municipality in the town of Winchester, which was founded in 1771 and, in effect, functions as a county government. Thus, the focus of the celebration is in Winsted.

This morning, hundreds of residents turned out on Main Street for the annual Memorial Day parade, which was listed among the events of the bicentennial and served as a sort of warm-up for the grand march.

Dr. Francis M. Gallo, the town health officer, stepped smartly near the head of a column as parade marshal. Dr. Gallo, who escaped from a prisoner of war camp in Italy during World War II, was wearing his old Army captain's uniform.

Then came the band from Gilbert High School in blue and gold uniforms; Mrs. Maud Ball, one of the state's two Civil War widows, riding in a maroon hardtop; John Brown's Ancients fife and drum corps from nearby Torrington and the 125-man Winsted Volunteer Fire Department.

Some residents could visualize the parade moving through the ghosts of stores that had been wrecked by the flood: Rocky's Package Store, Pelkey & Simpson Hardware, Lascher's Shoe Store, Jimmy's Restaurant.

Standing at Elm and Main, a small American flag in her hand, Mrs. Leslie Byrne talked proudly of returning home to Winsted after living for 13 years in Dayton, Ohio.

"It's close-knit here. You know everybody," she said. The town's population is 8,500, a figure that has not changed for nearly 50 years. At her elbow, Mrs. Byrne's sister, Mrs. Charles Fixer, recalled being a classmate at Gilbert with Winsted's most famous son—Ralph Nader, the consumer advocate.

"He was very quiet and reserved in school," Mrs. Fixer said.

On Thursday, Stanley G. Steel, the Mayor

of Winchester, England, is coming here as a guest of the bicentennial committee.

This month there was some embarrassed concern among the committee members because the only restaurant in town that serves complete dinners and cocktails was closing as a result of financial difficulties. But the owner has since assured the committee that his doors will be open for Mr. Steel's visit.

Over coffee this morning, James J. Casey, a former Mayor of Winsted who is still active in Democratic politics, recalled the westward migration from Hartford 200 years ago and said he could see suburbanites beginning to take the same course today.

Not long ago, work began on a new shopping center just east of here and on a 120-unit apartment complex in the north side of town, the first housing construction for general use in the town in years.

In an effort to bring new life to Winsted, the Mayor and the Board of Selectmen are attempting to get Federal funds for redevelopment of part of the downtown section and to construct industrial parks.

Mayor William Ruska has modest hopes for his town. "I'm not looking for it to be a mighty metropolis," he said this morning, adding:

"What I want to see is enough industry to take some of the tax load off the property owners and enough tax money so we could provide a few other services for the people."

ON TO ATHENS

Mr. SCHWEIKER. Mr. President, Virginia H. Knauer, a Pennsylvanian and special assistant to the President for Consumer Affairs, recently delivered a speech at graduation ceremonies at Allentown College of St. Francis DeSales, Center Valley, Pa.

The speech which is entitled "On to Athens," is excellent and deserves recognition and distribution far beyond the relatively small number of graduates, parents and friends who were privileged to hear it delivered.

Thus, I ask unanimous consent to have the entire text of her remarks printed in the RECORD.

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

ON TO ATHENS

Ladies and gentlemen, graduates from the class of 1971, first, I want to congratulate you for what you have accomplished. The diploma you receive today represents many hours of work, many exams, much toil, and perhaps too many finals.

But by passing these series of trials, you have proven your ability to learn, your desire to understand, your willingness to take a leadership role in our society. You can take rightful pride in your accomplishment, but you must not overestimate it. For as you leave this campus another trial for your generation begins, a trial which will have vast consequences for our society. Your trial is the future—how you cope with its vast complexities, how you react to epic changes, how you evaluate the clash of conflicts will affect our destiny as individuals, as communities, as a nation.

To understand the nature of that trial, let us look back a decade ago to another commencement.

The graduating class of 1961 believed they lived in a world of tranquility, a golden age of stability. Few students had ever heard of a country called Vietnam. The March of Selma, the civil rights march on Washington were to come years later. Our national leaders did not have to fear the assassin's bullet. Any President, if he wanted to, could emulate Harry Truman's morning walks around Washington. The nightmares of the Kennedy brothers and Martin Luther King were to come later.

In 1961, university professors criticized the apathy of students, while sociologists and economists predicted increasing erosion of class conflicts—the vast growth of the middle income group promised a better economic future for more Americans.

Political scientists marveled at the stability of the two-party system—how well the system worked, how it responded to the challenges of the day. No one envisioned a Chicago.

The universities of our nation echoed Spinoza's creed: "I have labored carefully not to mock, lament and exacerbate the actions of men; I have labored to understand them." Berkeley slept in the peaceful arms of San Francisco. The big event of the year was the Michigan State-Notre Dame game. Kent State was unthinkable.

But there were these few who saw through the tranquil scene. Teilhard De Chardin in the *Future of Man* saw society breaking into two ever-widening groups—one becoming more cultured, more educated, more spiritual, more loving, closer to God. The other, more violent, more animalistic—hating.

Huxley saw dope, soma, being used by man so he could cope with a complex society in *Brave New World*. Orwell warned about the use of Double-Think by man's institutions in *1984*.

Eisenhower warned about the adverse effects of a growing military-industrial complex.

But these voices were few in number, small in impact, and so the graduating class of 1961 ventured into a world they were not prepared for, a society burdened by war, torn by political and social upheavals, beset by complex technological and scientific changes so vast and swift as to defy rational understanding of their total ramifications—a nation anxiously searching for its soul.

And so here sits the Class of 1971, a witness of vast turbulence, of conflict, war, death, life, hope, joy, and despair. You must wonder what greets you tomorrow? What will the next ten years bring? Will you experience the same throes as the class of 1961—one social shock after another?

The answer to this depends upon how we as a nation, how we as a society answer the more fundamental basic question of the purpose of man and his institutions.

Is the main function of our universities to provide settings where one can learn, or are they to be political agents for change? Will man be able to speak his mind, no matter how unpopular his cause, without fear of intimidation, harassment, or the assassin's bullet? Or will man be able to speak only when his views coincide with the current popular belief?

Is the purpose of man to serve institutions or is it the purpose of institutions to serve man?

Over 150 years ago, Thomas Jefferson said that ". . . laws and institutions must go hand in hand with the progress of the human mind . . . As new discoveries are made, new truths disclosed, and manners and opinions change with the change in circumstances, institutions must advance also, and keep pace with the times."

Will our institutions, the Executive, the Congress, our business and educational systems change in time so they can become more responsive, more flexible, more adaptable to our rapidly changing world? Or will they become outdated relics?

Over a century ago, Alexis de Tocqueville said that, "Though Americans are constantly modifying or abrogating some of their laws, they by no means display revolutionary passions. It may be easily seen, from the promptitude with which they check and calm themselves when public excitement begins to grow alarming, and at the very moment when passions seem most roused, that they dread a revolution as the worst of misfortunes, and that everyone of them is inwardly resolved to make great sacrifices to avoid such a catastrophe."

But revolutionary passions do exist in our land today and so is de Tocqueville relevant? Will issues be resolved through reasoned deliberation or through battles on the streets? Will the thoughts of man or the slogans of man be the criteria by which we as a society resolve our great problems? Will the mind of man or the fist of man be the instrument for social change?

Finally, what happens to man himself? Will tolerance and patience be replaced by prejudice and cries for instant solutions? Will love or hate be the passion by which we are motivated? What will happen to our families? Today's divorce rate for young couples in their first marriage is almost 50 percent, and experts say it will go higher. Will we become a nation of singles, a nation of orphans? Will our children have two fathers or mothers?

And so there are many questions about your future, disturbing to ask and disturbing to answer.

Your patron Saint, St. Francis de Sales, gave us one human answer for tomorrow's world. In his time, the church was the center of upheaval. There were those who said the church needed to be reformed; St. Francis listened to the critics, others did not. There were those who said women should have more responsibility in the church; many said no; St. Francis endorsed a movement to give women more authority. At all times, St. Francis kept an open mind, and addressed others, no matter what their religious viewpoints, in a spirit of compassion and love.

His example was followed by many, and when the Church changed during the Reformation, the crumbling of the forces of orthodoxy came about through the voices of reason.

And, we have received other answers, also. Our country was founded by a politically alert people led by men who were both pragmatic and idealistic revolutionaries. Their purpose was to establish a government which held out as its goal—life, liberty, and the pursuit of happiness for all its citizens. We have always been reaching for that goal, and in doing so, we have often failed to match ideals with our action. But what other country has stated such a high goal and then set about to obtain it? Dozens of nations have obtained independence since World War II, but how many have liberty?

When our Constitution was drafted, Thomas Jefferson, our nearest approach to a philosopher-statesman, placed the ultimate reliance for the perpetuation of a free society upon the good sense and virtue of the people.

Jefferson understood that greatness could come from the uniqueness of individuals. Intellectuals could philosophize, but they could not govern; writers could have great sensitivity to people, but they were poor accountants; engineers could design wonderful bridges, but they were not always the best farmers, opponents often brought out the best in each other.

To the revolutionaries of 1776, liberty meant first, freedom under laws of their own making, and second the right to do anything that did not harm another. John Locke said, "Where law ends, tyranny begins."

Jefferson's first inaugural address was a tribute to tolerance and reason. He did not denounce his opponents as villains or heretics. Instead, he invited them to join the true republican church. He said, and I quote, "We are all republicans—we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its Repub-

lican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

Then as now, our nation was the world's best hope. Who can deny the sweep inherent in principles of our country? Who can deny the stimulus of freedom, the competition of ideas, the power of initiative, or the majesty of our ideals for humanity?

But the system that Jefferson, Locke, Adams, Franklin, and others gave us was not a perfect one. As our society becomes more and more complex, we are going to have more and more reform. We have no choice but to reorganize and change to meet the pressing problems of the day—social unrest, the weakening of family ties, the pollution of our environment, racial conflict, overcrowded cities, and yes, the manifold problems of the consumer.

As we do so, as we change, we must keep the principles of Jefferson and St. Francis de Sales uppermost in mind:

We must listen to others, we must show tolerance for viewpoints completely opposite ours—the only way we can learn is to listen.

We must understand that before we can bring peace to others we must have peace in ourselves; that love is the only human passion which can bring joy, but before we can give love to others we must have love of ourselves; that true happiness can only be found in the acts of giving and learning.

We must trust the people. We who are responsible for change must do our best to see that legitimate needs are met. Those who are impatient for change must recognize that change cannot come overnight—that there are no such things as instant solutions to complex problems; that it is as important to seek goals as it is to obtain them; that failure sometimes leads to success, that man is never defeated until he stops trying.

We must seek to understand the perspective of others if we are to fully comprehend the matter at hand: it is one thing to be a spectator, another to be a coach, and still another to be the player. We must realize that each individual has his own unique potential and cherish him for that quality. We must not expect the engineer and the artist to have the same sensitivities.

We must act within the law. Man's inalienable rights should not be violated so that other rights may be defended. The end does not justify the means.

We must be constructive. If we criticize, we must propose other solutions. True statesmen do not embrace a spirit of negativism.

We must set our goals high.

There are those today who believe we are entering a period of a drug-centered hedonism, a spurning of past idealism for self-gratification.

Others believe we are on the verge of a new world of quality—where culture, humanistic compassion, and education will be the standards by which we live.

We must set our goal on that world of quality.

The ancient Greeks taught us that when a nation is dedicated to idealism, when its people and its institutions seek perfection, that that nation, its institutions and its people flourish.

But the ancient Romans taught us another lesson. They showed us that when a nation is dedicated to opulence, to self-gratification, to the glorification of idols, then the nation, its people, and its institutions perish.

Let us hope that the Class of 1971 marches not towards Rome, but onward to Athens.

Thank you.

IN SUPPORT OF THE HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, Richard N. Gardner, professor of law and international organization at Columbia University, appeared before the ad hoc subcommittee on human rights conventions March 8, 1967. In his testimony in support of the Convention on the Political Rights of Women and the Convention Concerning the Abolition of Forced Labor he touched upon many of the points I have spoken on.

I urge the Senate to heed the words of this learned professor and ratify the human rights conventions. I ask unanimous consent to have an excerpt of his testimony printed at this point in the RECORD.

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

HUMAN RIGHTS CONVENTION

Nobody, of course, believes that words on paper are enough in themselves. Nobody thinks that signing a human rights convention brings automatic improvement in the condition of people around the world. The positive consequences of U.S. adherence are hard to measure and long term. Nevertheless, I believe they are very real:

First, our ratification will encourage other nations to adhere to these conventions and implement their provisions in their own territories. This is particularly true of newly independent countries that frequently take U.N. conventions as a model. Ambassador Goldberg, in his testimony before the Subcommittee last month, put this point sharply: "Without the support of the United States, these agreements may appear insignificant to many other countries. If we do not consider it important to sign the conventions, why should they? Or, more importantly, why should they implement the conventions?"

Second, ratification will put the United States in a better legal and moral position to protest infringement of these human rights in countries that have ratified the conventions but failed to implement them in practice.

Third, ratification will increase United States influence in the continuing U.N. process of drafting legal norms in the field of human rights. As long as the United States fails to ratify any human rights conventions, its views will carry less weight than they deserve.

Fourth, ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

The predicament in which our failure to ratify these conventions has placed U.S. representatives in the U.N. is obvious. Consider, as an example, the following summary record of the attack launched by the Soviet Delegate last year upon Morris Abram, our distinguished representative in the Human Rights Commission:

"An objective analysis of the political orientation of the proposal so ardently supported by the United States and its allies soon revealed that the proposal was designed to give world public opinion the impression of active participation in the cause of human rights by States which in practice obstinately refused to fulfill their obligations under the multilateral international conventions in the field of human rights drawn up under the auspices of the U.N. and its Specialized Agencies. The U.S. representative had admitted that the U.S. had lagged behind in that sphere. That was an understatement; he would mention some of the conventions which the U.S. had not ratified."

The Soviet delegate proceeded to cite examples, emphasizing the conventions which are the subject of these hearings. The Soviet statement, of course, was hypocritical in the extreme. Mr. Abram quickly pointed out, for example, that while the United States had not, like the Soviet Union, ratified the Genocide Convention, no one had accused our country of the Katyn Forest Massacres. Mr. Abram's answer was effective, yet the question persisted in the minds of many friendly delegates: If the U.S. is really against such practices, why is it not prepared to commit itself to U.N. treaties outlawing them?

THE B–1 AND AMERICA'S FUTURE

Mr. GOLDWATER. Mr. President, the group that refers to itself as the "Members of Congress for Peace Through Law" has begun its annual attack on the defense budget. The opening salvo was fired on Tuesday, May 4, when a report on the B–1 bomber was released for publication by Senator GEORGE MCGOVERN, of South Dakota, and Representative JOHN SEIBERLING, of Ohio. The "Peace Through Law" group recommends cancellation of the B–1 program. Their report explains in detail how they arrived at the conclusion that the B–1 program should be terminated. The report gives the exact rationale that leads to the MCPL's recommendation that the B–1 should be stopped.

Because of the vital nature of the B–1 to the future security of the United States, I took the time to make a careful analysis of this MCPL report. I will comment at length on specific details of the report and point out a sampling of the errors of fact which it contains.

Before going into an item by item assessment of the report, however, I think it would be useful to look at the broad rationale—the logical bases of the argument—that the MCPL uses to arrive at the conclusion that the B–1 bomber should be stopped this year. In a general way, this rationale goes as follows:

Point A. It is conceded that the Russian ICBM and SLBM arsenal contains enormous destructive power.

Point B. Question: Should the United States, therefore, maintain its own triple deterrent of ICBM's, SLBM's, and manned bombers?

Point C. The ability of manned bombers to penetrate enemy defenses is questioned. The cost of modernizing the manned bomber portion of the deterrent triad is stated to be enormously expensive.

Point D. B–1 cost estimates given by the Air Force are challenged. More credible cost estimates of the MCPL are presented.

Point E. The cost of, and the usefulness of, the B–1 supersonic capability are questioned, and the conclusion is reached that this supersonic capability is not worth while.

Point F. Since the supersonic capability is found not worth its cost, the conclusion is drawn that the present design of the B–1 should be scrapped.

Point G. No specific alternative is presented, but allusions are made to the possibilities of continuing the present B–52/FB–111 bomber fleet indefinitely or starting a new subsonic airplane not designed to penetrate enemy territory but armed instead with standoff missiles. The costs of these alternatives are not given.

I believe that any unbiased reviewer of the report would agree that the above points represent a fair minded assessment of its major arguments. The report does not follow that exact outline or order, of course. It is replete with vague innuendoes and nonsequitors, and in order to disguise these as facts it was necessary for the authors to jumble up the presentation. In that way fiction could be amalgamated in with true facts. Let us turn now to an examination of fiction that is in the MCPL's B–1 study.

First, let us start with the out-and-out technical errors in the report. I have counted 35, and I could have expanded this list except that I generally gave the MCPL the benefit of the doubt where imprecise wording of the report obscured the exact meaning of the statements that were made. Following is a listing of those errors. I have included page number references that identify the page in the body of the MCPL report itself on which each error was made.

First. Page 3. The supersonic cruise speed at high altitude stated for the B–1 is wrong, and it is overstated. In order to achieve the Mach 2.5 cruise speed listed requires building the airframe with very expensive heat-resistant metals such as titanium. The B–1 is not an all-titanium airplane, although it does contain a small amount of titanium in appropriate parts of its structure. If it were to cruise at Mach 2.5 it would have to be nearly all titanium.

Second. Page 3. The speed restriction at low altitude is stated as Mach .85. This is in error and is too low.

Third. Page 3. The number of static test airframes was not reduced from 2 to 1 as stated. One static test airframe was originally planned, and this was eliminated from the pre-production R. & D. phase. Static testing will be performed on major subassemblies and on a flight test airplane after it has finished its R. & D. flight tasks.

Fourth. Page 5. The B–1 is stated to be a marginal improvement over the B–52, in being able to avoid destruction from enemy ballistic missiles prior to takeoff. In fact, the B–1 represents over a 50-percent reduction in reaction time, or takeoff time, alone. In addition, the B–1 can use significantly shorter runways which allows much greater dispersal to alternate airfields. Most important, the B–1 has a faster acceleration and faster fly-out speed. These factors combine to give the B–1 a substantial improvement over the B–52 in prelaunch survivability. The Air Force estimates this margin as much as 4 to 1 over the B–52 in terms of the actions required to threaten its prelaunch survivability.

Fifth. Page 5. The MCPL claims that prelaunch survivability will not be a major problem anyhow, ignoring the fact that SAC is preparing to redeploy its B–52 bases toward the center of the continental United States just because of this threat.

Sixth. Page 5. The number of B–52 G's and H's is erroneously stated as 225. The correct number is 255.

Seventh. Page 5. The report says that the B–52 G and H have been built to penetrate at low altitude. The fact is that they were built for high-altitude subsonic cruise and they are very poorly suited for low-altitude penetration. On the other hand, the B–1 is being designed and built specifically for low-altitude penetration.

Eighth. Page 6. It is stated that the B–1 might be detected at low altitudes by the Soviets by tracing the air turbulence which follows in its wake. This is in error, as wake turbulence detection, which in the first place is only an R. & D. concept at present, would only be applicable for high-altitude aircraft even if it ever is perfected.

Ninth. Page 6. Reference is made in the report to the fact that "Soviet planners, if they elect to defend against bombers at all—." The error is that the Soviets already have elected to defend against manned bombers, and in fact they expend as high as 15 percent of their entire defense budget on this defense against our bombers.

Tenth. Page 6. The report claims that the B–1 has little to recommend it over the B–52 for low-altitude penetration. In actual fact, the B–1 has a significant speed advantage over the B–52. This speed advantage gives the B–1 a fighter-type cruise speed at low altitude, thus vastly reducing its vulnerability to interceptor attack. Also the B–1 radar cross section is many times smaller which reduces the detectability of the B–1 and enhances the effectiveness of B–1 electronic countermeasures.

Eleventh and twelfth. Page 6. It is stated that "radar sensitivity varies inversely as the fourth power of distance (so) the B–1 could only get 16 percent closer than the B–52 before (detection)." This is a double error, in that the fourth power rule only applies at high altitude whereas for low-altitude penetrations look-down radar detection is directly proportional to radar size. Also, the 16-percent figure assumes the B–1 radar cross section is half that of the B–52, while in fact it is many times smaller.

Thirteenth. Page 6. The claim is made that the B–52 could penetrate the Soviet Union if the Soviets do not deploy advanced bomber defenses. This ignores the higher attrition which the B–52 would suffer relative to the B–1 due to its slower speed, lower maneuverability, and lesser payload of countermeasures.

Fourteenth. Page 7. The inference is drawn that no manned bomber could penetrate the Soviet Union and deliver gravity-dropped weapons if the Soviets do deploy AWACS and other advanced bomber defenses. Here again an all-or-nothing assumption is made and the use of SRAM is completely ignored. The facts are that all penetration studies show that the more sophisticated the Soviet Union makes it bomber defenses, the better the probability of B–1 survival become relative to that of the B–52.

Fifteenth. Page 7. The report claims that with advanced bomber defenses the Soviets would not target missiles against our bomber bases, but they would launch against our ICBM's and depend on their air defenses to counter our bombers. This cannot be stated categorically as an error in the report, of course, because I have no more insight into Soviet military target planning than does the MCPL. I can state with assurance, however, that no U.S. military planner would ever give the Soviet Union bombers a free ride into our country, with launch times of their own choosing, and I believe it is naive to think that a Russian strategist ever would do such a thing.

Sixteenth. Page 7. The supersonic design features of the B–1 are claimed to hurt its low altitude penetration capability, with particular reference to the wing design detracting from its stability on the deck. Here again the MCPL report writers have shown their overwhelming ignorance of airplane design factors. One of the most important advantages of the B–1 over the B–52 is the greatly enhanced riding qualities that the crew will have in the turbulent air at low altitudes. A major source of the improvement comes from the ability to vary the wing sweep angle, a feature required for the supersonic mission and also for the high subsonic low altitude profile. It also is necessary to sweep the wing at this speed to add longitudinal stability to the airplane. Thus the variable sweep design of the B–1 vastly improves the low altitude characteristics of the B–1, and indeed the variable sweep wing is required for this mission. I shall elaborate more on this point later when I discuss the real facts about the B–1 supersonic capability, but suffice it to say now that the MCPL is completely in error in their claim on this one point.

Seventeenth. Page 7. Air Force testimony in 1969 to the effect that 50 percent of B–52's on any given conventional bombing raid over North Vietnam would be shot down is quoted. An error of omission is made in that the MCPL does not tell us that this figure would apply only without the use of electronic countermeasures gear. Also they do not point out that this figure is not applicable to a nuclear war scenario since there is no defense suppression assumed in the Vietnam case.

Eighteenth and nineteenth. Page 8. The report criticizes the outstanding potential of the B–1 for its alternate mission of saturation bombing in a tactical role. The report makes two errors comparing the B–52 in Southeast Asia with the B–1. It states:

> Aircraft losses and airframe wear incurred while using the strategic bomber fleet in a tactical role is not only extremely costly on a per sortie basis but permanently subtracts from the nation's overall strategic capability.

This statement acknowledges implicitly the contribution of the B–52 to the Nation's strategic posture, for which I am grateful to the MCPL. It errs in two other points. First, no B–52 has been lost in combat in Southeast Asia. A total of 10 have been lost due to operational accidents, but these 10 losses occurred over approximately 70,000 sorties. The loss rate is infinitesimal and is only one-seventh the loss rate in Southeast Asia with tactical fighter bombers. On a cost basis, it has been far cheaper to use the B–52 for the saturation bombing mission than it would have been to use tactical fighters. The second error is about airframe wear. Since the B–52 has a limited bomb bay, it has to carry bombs under the wings on external racks. These do

add wear to the B–52 wing, but the B–1 will not have this problem. It can carry its conventional bomb load in the bomb bay and will not suffer the fatigue damage associated with the external carriage on the B–52.

Twentieth. Page 9:

Enormous cost overruns have, in fact, already occurred.

The report then quotes the Air Force's 1968 preliminary estimates of $25 million to $30 million per airplane, but omits to say that that was in 1968 dollars without inflation factors. The report says that early last year the figure was set at $29.2 million and by June 30th was up to $30.8 million. It errs by omitting to tell us that this whole increase was simply due to including an estimate for inflation in the ultimate price of the airplane and was not associated with actual cost changes in the airplanes.

Twenty-first. Page 9. The report claims that the cost estimates "followed several design modifications which should have brought substantial cost reductions." The design modifications which were referred to took place in the AMSA study stage that preceded the start of the B–1 design competition. The $29.2 million cost figure came after the present specifications were let out for the contractors to bid on. The report is in error because there have been no 25 percent changes in payload; in fact there have been no changes in payload nor any other substantive design changes since the B–1 itself was started.

Twenty-second. Page 9. The report claims that Senator McIntyre estimated a $5 million to $6 million potential cost reduction should have materialized in the avionics area alone. Senator McIntyre did not say that, and the report erroneously concluded that the B–1 cost estimate should have been reduced to $19 million to $25 million. In actual fact, all B–1 cost estimates to date, including Senator McIntyre's, include roughly a $5 million avionics cost estimate.

Twenty-third. Page 9:

The Air Force's own calculations show the cost of the system planned now mounting by between $1 billion and $1.2 billion in a single year.

The report has an error of omission here in that they fail to tell the reader that these figures come directly out of the B–1 SAR, or Selected Acquisition report, and include two changes to the previous estimates. They added the prior costs of the AMSA studies, money long since spent, to the cost of the B–1 program, and they changed the cost estimates to include inflation factors. There has been no change at all to the B–1 in the Air Force cost estimates which could be called an overrun. The authors of the report must have known this when they made their statement.

Twenty-fourth. Page 10. The MCPL report brings up their old shibboleth that the B–1 requires a new tanker fleet. It states:

The Air Force maintains the B–1 will be fully compatible with the KC–135, which now refuels the B–52's, and that only minor modifications in the tanker fleet will be required.

The facts of the matter are that no KC–135 modifications are required to make it compatible with B–1, and the Air Force is firmly on record to this effect.

Twenty-fifth. Page 10. The report refers to the long takeoff distance of the KC–135, comparable to that of the B–52, and says the KC–135 cannot be dispersed any more widely than the B–52/KC–135 force. It concludes that the Z–1/KC–135 combination will be just as vulnerable to an SLBM strike as the present B–52/KC–135 force. This conclusion is wrong.

The present B–52 and KC–135 fleet are necessarily based together because of their need for long runways. The B–52 takes off first when warning of an attack is received, leaving the KC–135's as the last planes off the field. When B–1 comes into the force, it can be dispersed onto outlying fields which the B–52 and KC–135 cannot use. When this comes to pass, the KC–135's will be the first planes scrambled upon warning of attack, and in fact, their effective reaction time will be cut in half. This will be a direct fallout from the B–1's dispersal capabilities.

Twenty-sixth. Page 10. Referring to KC–135 modifications "to achieve reaction time which more closely approximates that of the B–1," the MCPL report states: "The nature of such modifications has not been revealed." This statement is incorrect, as the modification, called quick start, simply involves fixing the KC–135 engines so they can be started simultaneously rather than one at a time. The Air Force has been on record regarding this modification since June of 1970.

Twenty-seventh. Page 10. The report contends that the KC–135 should wear out when the B–52's wear out since they both were built in the early 1960's. This contention is in error, since the B–52 fatigue problem is caused by their low altitude penetration flying, while the KC–135's never fly low and only accumulate flying hours at high altitude cruising conditions where the air is generally nonturbulent.

Twenty-eighth. Page 11. The report claims that the Air Force is considering a modified C–5 for a follow-on tanker to the KC–135 and that this would cost $8.25 billion. This is a factual error in that the Air Force told the McIntyre subcommittee, which I happen to be a member of, that the C–5 was the most expensive and least attractive candidate for any possible future tanker. The MCPL report is guilty of outright intellectual dishonesty when it says the Air Force wants this tanker and adds this cost to the B–1 costs.

Twenty-ninth. Page 11. The report refers to:

The foregoing examples of cost growth to date . . . indicate how hazardous it is to place any faith in Air Force (cost) projections.

Included in those "cost growths to date" are the $8.25 billion for the C–5 tankers that the Air Force has stated it will not buy.

Thirtieth. Page 12. The MCPL report says, referring to the B–1's high altitude supersonic capability:

The supersonic capability of the B–1, which will almost certainly be used only in conventional warfare roles. . . .

That must be categorized as the most amateurish and naive statement in the whole report. No airplane has ever dropped a conventional bomb at supersonic speed in the history of warfare to date, and I am sure that no one in the Air Force has any intention of ever dropping conventional bombs supersonically in the B–1. To claim that this would be the case is patently absurd.

Thirty-first. Page 12:

The supersonic capability, which will almost certainly be used only in conventional warfare roles, will, according to Air Force sources, increase its ten-year system costs between twenty and thirty percent.

The supersonic capability should be useful in nuclear and conventional roles—it makes the B–1 more versatile and flexible. The Air Force and the B–1 contractor examined how much this feature will cost in great detail during the B–1 design refinement process and found that the extra cost of the supersonic capability is only about 15 percent. The Air Force is on record with this finding to the McIntyre R. & D. subcommittee this year.

Thirty-second. Page 12:

If the aircraft were entirely subsonic it could be made fixed wing instead of swing wing, . . .

This statement is in error. It would not be possible to meet the combined B–1 requirements for takeoff distance, high subsonic low-level cruise speed, and low-level riding qualities with a fixed wing design. If the wing was fixed at the sweep angle used for lowlevel penetrations, approximately 65 degrees, then the takeoff distance would be longer than that of the present B–52. Alternatively, if the wing was fixed at a sweep angle suitable to meet the takeoff distance requirement of the B–1, approximately 15 degrees, then the riding qualities at high subsonic speeds on-the-deck would be intolerable for the crew over long distances and the airplane would have longitudinal stability problems at that speed. It is only by using a variable sweep wing that the combined B–1 design requirements can be met.

Thirty-third. Page 12:

The supersonic capability requires much thinner wings to lessen drag, another cost escalating factor.

Here again the MCPL authors have displayed their ignorance of the niceties of variable sweep technology. One of the major benefits, aerodynamically, of the swept wing design is that the effective thickness of the wing is decreased as sweep angle is increased. Thus the B–1 gets an aerodynamically thin wing in supersonic flight merely by sweeping the wing back to about a 65-degree angle. Thus the supersonic capability of the wing is a fallout from the variable sweep feature required to meet the combined takeoff distance and low level penetration speed.

Thirty-fourth. Page 13:

Since the FB–111 does have a supersonic capability at low altitude, and since it can reach significant numbers of SAC targets in the Soviet Union.

The statement erroneously implies that the FB–111 has both capabilities at the same time. It is, however, a well-known fact that the F–111 series only can fly 30 miles supersonically on an 800-mile radius mission. Even with aerial refueling, the FB–111 could not reach many

SAC targets in the Soviet Union if it tries to penetrate at supersonic speeds.

Thirty-fifth. Page 15. The MCPL report makes an estimate of the cost of a C–5 tanker fleet, the tanker which the Air Force has said it would not buy. In analyzing the number of tankers to be procured, the report states:

Using a three-to-two tanker-to-bomber ratio for a 255 aircraft B–1 fleet.

This works out to a 380 tanker fleet. The 3-to-2 ratio is well-known as the number of KC–135 tankers required to refuel the B–52 fleet. What the MCPL report authors failed to comprehend was the most fundamental factor about a follow-on tanker; that it would carry roughly four times the offload fuel of a single KC–135. On this basis alone, the number of advanced tankers required would be reduced to about 100 rather than the 380 assumed by the Peace Through Law report. What is more, the B–1 does not carry anywhere near the volume of fuel that the B–52 does and it does not require as much tanker refueling in order to carry out its mission. Thus the MCPL projections of the costs associated with a follow-on tanker are grossly in error.

These 35 errors in the B–1 report that I have mentioned give a pretty fair sampling of the quality of the content to be found in it. As I said at the beginning of the list, I did not mention every point that could be argued with, but I preferred to keep the list confined to the most glaring mistakes in the report.

There is another broad area where in the MCPL errs significantly, and that is in their accounting methodology. There are numerous instances of double accounting, that is, of including the same cost twice, in arriving at their total 10-year system cost estimates. As one example of this type of error, the authors have added in O. & M.—Operations and Maintenance—costs and then added a percentage increase for procurement overruns to the total cost. Also they have attributed the total R.D.T. & E. cost of the SRAM missile to the B–1 program—despite the fact that this R. & D. money largely was spent before the B–1 was even started and despite the fact that the missile was developed originally for the B–52 and FB–111 fleet already in SAC.

These are but two examples of how the authors inflated the cost of the B–1 system. Rather than argue the accounting on a point-by-point basis at this time. I would suggest that we look at a fundamental concession of the MCPL. They state that going ahead with the B–1 program will have equal cost with continuing the combined FB–111/B–52 fleet in 17 years, or by 1988. If their costing is correct, then we will actually be saving money in the post-1988 time period and, in addition, we will have a much more effective strategic bomber force to boot. This alone is a highly persuasive argument in favor of pursing the B–1 program.

Having exposed the many errors contained in the MCPL's rationale that leads them to conclude the B–1 should be terminated, let me conclude by again following through the logical sequence that they followed in their report and see what kind of a conclusion would be reached if true and correct facts are used. The reasoning would follow this order:

Point A. The Russian ICBM and SLBM arsenal contains enormous destructive power—indeed, it is much greater than our own.

Point B. Question: Should the United States keep its triple deterrent of ICBM's, SLBM's, and manned bombers, or should we scrap the manned bomber part of the triad and become completely outgunned by the Soviet arsenal?

Point C. The ability of the B–52 fleet to penetrate Soviet bomber defenses will degrade as the Soviets modernize these defenses. The B–1 will have significantly better penetration capability and will be able to penetrate future defenses.

Point D. B–1 cost estimates have stabilized now that a firm design is under contract. The cost estimates are not greatly different from earlier projections while B–1 was still in the AMSA study phase.

Point E. The supersonic capability of the B–1 costs only 15 percent more than a subsonic-only B–1. This capability forces the Soviets to plan to defend against both supersonic high altitude penetration and high subsonic low altitude penetration. This is the equivalent problem to the Soviets as if we built a dual bomber force.

Point F. The present B–1, with its supersonic design features, is optimum for high-subsonic, low-altitude penetration. The B–1 is the ideal strategic bomber to replace the B–52 fleet.

Point G. The FB–111/B–52 will not last indefinitely, and the B–52 replacement must go forward now. The optional replacement of a standoff bomber with long-range cruise missiles would make the enemy defensive task too easy and would greatly reduce the credibility of the bomber portion of our triple deterrent. Such a standoff alternate definitely should not be considered without firm cost estimates.

The conclusion that necessarily follows from these points is that the B–1 bomber program is necessary and vital to required modernization of our strategic posture; it is a critical part of our deterrent force, and it should be pursued vigorously. I will support this position in the Armed Services Committee and on the Senate floor this year.

LAND-GRANT COLLEGES AND THE FARM LABOR PROBLEM

Mr. STEVENSON. Mr. President, I invite the attention of Senators to an article which appears in the May 1971, newsletter of the Public Information Center entitled: "Keeping Them Down on the Cornell Farm:

The article is important in several respects. First, it describes the difficulties and nasty realities encountered by a land-grant college in coping with the working and living conditions of its migrant farmworkers.

Second, the article alludes to the fundamental issue that while our Nation's land-grant colleges have devoted considerable resources to the development of an abundance of fruit and vegetables on the one hand these same land-grant colleges may be ignoring their responsibility to the development of a total rural community and the crying needs of human beings in rural America.

As chairman of the Migratory Labor Subcommittee, I will soon be announcing detailed plans for our subcommittee's hearings on investigations. A priority item on our agenda will be a look at the dimensions of the involvement and responsibility of local, State, and Federal Government for the plight of both small farmers and migrant and seasonal farmworkers who live amidst poverty in rural areas.

One focus of our activity will be on benefits available to at least some in rural areas from land-grant colleges and the Department of Agriculture. Both have aided agriculture technology, production, and marketing through subsidies, land retirement, soil conservation and income support programs, water and irrigation programs and subsidies, research subsidies for mechanization studies and the use of agricultural chemicals, and market surveys and services, to name only a few.

The entire complex of land-grant colleges, agriculture experiment and research offices, and the extension service must be accountable to the entire rural constituency.

I fear that one reason that rural poverty persists is that while assistance to date has aided some agricultural interests, increased efficiency for some farmers and brought wealth to some in rural areas, others are programmatically, almost systematically, excluded from those benefits. Over half the farmers in the Nation have sales of under $5,000 a year, and there are over 2.5 million farmworkers who lead a bare existence, and many others suffer under minimally acceptable living and working conditions. The result of our rural policies has been to force farmers out of markets, to change rural communities into ghost towns, and to force farmer and farmworker residents into big cities that do not want them and cannot accommodate them. The Subcommittee on Migratory Labor will study these issues. An understanding of them appears essential to attempts to legislate in the interest of all rural America, including the rural poor—the farmworker and the small farmer.

Mr. President, I ask unanimous consent that the article entitled "Keeping Them Down on the Cornell Farm" be printed in full at this point in the RECORD.

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

KEEPING THEM DOWN ON THE CORNELL FARM

(By Jim Hightower and Sarel Kandell)

(NOTE.—Mr. Hightower is co-director of the Agribusiness Accountability Project and Miss Kandell is deputy director of the Migrant Legal Action Program, Inc.)

Farm workers in this country have come to expect nothing more than misery and repression that is their daily lot. Edward R. Murrow documented all this back in 1960 with his classic television presentation, "Harvest of Shame." As one Florida grower put

it then, "We used to own our slaves, now we just rent them."

Somebody at Cornell University must have thought that sounded like a reasonable scheme, for in the next year the University rented a bunch for itself. In the 10 years since, Cornell has done a pretty good job of keeping its farm workers down and out of sight.

To uncover this arrangement, one has to travel north out of Ithaca to Sodus, New York, and look hard into the gentle, orchard-covered countryside that extends from U.S. 104 to the shores of Lake Ontario. There, set discreetly behind well-kept trees, is a 200-acre farm owned by Cornell University and operated by its College of Agriculture as a combination research facility and commercial farm. On this acreage, Cornell has produced apples, cherries, pears, prunes and human misery.

During the growing season (early June through November) the Cornell farm hires migrant farm workers. Over the years, about 50 workers—mostly black and Puerto Rican—have been coming up from their homes in the west-central area of Florida. They come up as a crew, recruited by Cornell through Charlie Talten, a crew boss who has been coming to this area for 32 years. Federal law requires that a crew boss who recruits or transports workers interstate must be registered with the U.S. Department of Labor. Talten is not. Once he delivers his crew to Cornell's farm, they are put in a migrant camp owned by Cornell and located on the farm. Dr. James Tobin, Medical Director of Wayne County health clinic, observed that "it is ironic that a humanitarian institution (he means Cornell) should run one of the worst camps in New York."

The Wayne County People's Coalition, which has compiled a survey of migrant conditions in Wayne County, found that there were two families in the Cornell camp who lived "in the worst conditions." The Coalition reported that "a family of 8 lived all seasons in 1½ rooms." Eleven persons lived in two rooms with only three beds—two of them single.

Last season, about 45 farm workers were housed in the Cornell hovels. Their walls were cracked and leaking, and they had only outdoor toilets, without heat or light. Nor was there a heating system in any of the main shelters, so the workers were forced to keep the gas burners on their cooking stoves going most of the day. This is a blatant fire hazard, made worse by the fact that the stoves are set between the bedroom and the only door in the shacks.

This is not innocent oversight. For years, Cornell officials have known what was going on, but they have yet to face up to it—in fact, Cornell deliberately has avoided its responsibilities.

Cornell acquired its farm in 1961, when Herman M. Cohn deeded the property to the University. Even before then, the College of Agriculture had been using the farm for agricultural experiments. Along with the land, the orchards, the farm buildings, and the migrant camp, Cornell also obtained title to the management services of Arthur Boller, who had managed the farm for Cohn. Until his death this year. Boller was retained by Cornell and paid a small salary for his services.

Even though its produce has been marketed, the Cornell farm has not been much of a money-maker. The real profit to Cornell has been the research and development made possible by the farm. In the Dean's 1969 annual report, the College of Agriculture notes this achievement: "Apple growers, faced with a diminishing supply of seasonal labor, were assisted in exploring various ways to mechanize operations to eliminate labor." Perhaps the Dean was too busy taking care of the labor needs of New York apple growers that he just could not take the time to care for the needs of his own laborers.

New York State Public Health Law requires the State Health Department to inspect and license migrant labor camps. Since 1961, the health officials have been coming around to the Cornell camp, citing violations, warning that their license was in danger, but always renewing. Throughout it all, Cornell did not make improvements in the camp—there still were no emergency exits; open flames still burned all day on the stove tops; and families still were packed together.

These miserable conditions first surfaced as an issue outside of the University in 1968. Late in the summer of that year, Paul Sanchez, who then was an organizer in Wayne County for the United Farm Workers Organizing Committee (UFWOC, AFL–CIO) determined that the only way conditions would be made better would be for the workers there to unionize. He telegrammed the president of Cornell, requesting recognition of UFWOC as the bargaining representative of the 52 workers then living in the camp. Diedrich Willers, Personnel Director of Cornell, responded for the University on September 19:

"Although Cornell University is the owner of the Cohn property, the University neither controls, manages, nor supervises the farm operation. Mr. Arthur Boller is solely responsible for the entire operation of the farm. Cornell University has no employees, I repeat, no employees of any kind at the Cohn farm."

What we have here is a classic example of agri-business wriggling on the hook. Of course Cornell has employees on the farm—there is Boller on their payroll, there is Charlie Talten bringing up workers every year, and there are the workers themselves. Who do all these people work for if not the institution that owns and profits from the farm? Nonetheless, Sanchez played the game and went to Boller, who said he would have to confer with his superiors at Cornell. Sanchez came back two weeks later, only to hear Boller firmly refuse UFWOC's request. Apparently buttressed by his conference with his superiors, Boller added that if "any of my workers start talking about that union, I'll put them on a bus and send them back home."

After the Sanchez telegram, Cornell officials feared public exposure and sought ways to alleviate any possible embarrassment. William F. Friedland, a professor in Cornell's School of Industrial and Labor Relations, who had been involved in a migrant labor project, was requested by the University to help it deal with their migrant camp problems. In the first discussions Friedland had with officials of Cornell and of the College of Agriculture, the officials wanted to talk only about "what Cornell might do to relieve itself of any onus attaching to being an employer of migrant workers."

The sessions continued into 1969, and Friedland finally was allowed to submit a research proposal to study the conditions of migrant workers in New York and to demonstrate means of self-help, using the Cornell farm as one of the demonstration sites. Friedland was given the go-ahead to implement his proposal, to begin in the summer of 1969. In June, he learned that his plan—costing a mere $10,432—had been scuttled. In a letter to Arthur Peterson, comptroller of Cornell, Friedland wrote: "I can only conclude that the decision to abort the project stems from the traditional concerns that the College of Agriculture has with its traditional clientele, the growers of New York State."

The people of New York have laid out a lot of tax money to allow Cornell to serve this clientele. In fiscal year 1969, the State made available $25.5 million for the College of Agriculture. The federal government and private contributors chipped in to make the College a $41 million operation. In this same fiscal year, the College dedicated an $8.3 million departmental building and a $4.5 million research, greenhouse and teaching facility. Yet, from this ample budget, the College was unwilling to shell out a meager $10,432 that might have made the difference for their farm workers up at Sodus.

In their 82nd annual report to the governor and the legislature, submitted January 1, 1970, the College of Agriculture notes among its accomplishments the chartering of an airplane to give New York legislators a two-day tour of their agricultural installations on the Geneva and Ithaca campuses. It is no surprise that the legislators were not treated to a glimpse of the Sodus installation.

One potential official of New York State almost got a look at the Cornell camp, but officials took very special care to keep it out of sight. This happened in August of 1970, when Adam Walinsky was conducting a highly-publicized tour of Wayne County camps as a part of his campaign to be attorney-general. On Lake Road, just off U.S. 104, there had been a sign at the farm, designating the property as a "Demonstration Orchard for Cornell University." According to Rev. Alex Brown, a Wayne County field representative for the AFL–CIO, the sign had been in good repair and, in fact, had been freshly painted. Just before Walinsky made his rounds—perhaps the very day before—the sign was taken down. Walinsky thus was not burdened with sight of the Cornell camp, and Cornell thus was not burdened with the sting of Walinsky's subsequent report on miserable migrant conditions in Wayne County labor camps. The sign has not been re-erected.

Since then, Cornell has had difficulty keeping its migrant labor camp from the public eye. Throughout 1970, Dr. James Tobin and his co-workers at the Wayne County Rural Comprehensive Health Clinic served workers in the Cornell camp and reported to state health authorities about conditions there.

"The trees are extremely well cared for, carefully pruned and tagged, it is deplorable that they have not shown half as much concern for people," Dr. Tobin later observed.

Late in the summer of 1970, the People's Coalition reported the findings of their survey. News of conditions began to get out of state. Nancy Mills of the Project on Corporate Responsibility, Jerry J. Berman of the Center for Community Change, and Larry Sherman of the Migrant Legal Action Program, received inquiries in Washington about Cornell, and they began to look into the story.

Things were moving on the Ithaca campus too. The University Senate, through its committee on Minority and Disadvantaged Interests, began to investigate rumors about the camp late in 1970. Also, the *Cornell Daily Sun* sent its reporters around. Ironically, the farm worker issue was raised to a new level of awareness at Cornell on January 7, when the Senate voted 60–21 to support Cesar Chavez and UFWOC's lettuce boycott by requiring Cornell to purchase only UFWOC-label lettuce.

All of these developments gave Cornell officials the opportunity to make a break with the past and to take steps to meet their responsibilities at Sodus. They did not. In February of this year, a *Daily Sun* reporter raised the issue of the camp with Cornell's vice-president for public affairs, Stephen Muller. "I don't know a thing about it," Muller stated. On February 11, the *Daily Sun* broke the story.

With their secret out, it could have been hoped that Cornell officials might finally respond positively to the needs of their migrant workers. Again, they did not. Instead, they

have decided simply to close the camp. "We're going to be the hell out of the thing," blurted Dean Charles Palm, of the College of Agriculture. And they were. On March 18, Cornell President Dale Corson met with two students, who had come to ask him to intervene in behalf of the farm workers. Not only did Corson turn down their plea for support, but he announced that the University already had acted—only hours before this session with the students, Cornell quietly had called in the bulldozers and leveled the camp. Out of sight, if not out of mind.

Talten's crew—most of whom have been coming up to Sodus for between 10 and 30 years, and all of whom need the work—no longer will be a Cornell problem. The University will try to recruit local workers, or they will mechanize the farm. Ironically, the latter scheme will cost a good deal more than Professor Friedland's original proposal. In any event, Cornell has dumped about 50 people and has refused any responsibility for where they might land. It is reported that, in a gush of conscience, the College of Agriculture momentarily considered sending a lump sum of money down to the Florida workers; sort of a token of the college's appreciation for their going away.

A 1906 Act by the New York legislature provides that "The object of said College of Agriculture shall be to . . . elevate the standards of living in the rural districts." For whom? The New York State College of Agriculture at Cornell University certainly is interested in elevating growers, but they are just as interested in keeping the farm workers down. From planting seed to marketing his produce, the New York grower can demand and expect assistance from the College of Agriculture. The farm worker, on the other hand, cannot expect that kind of assistance If he demands improvement in his housing, he can expect to have no housing at all. And no job, either.

THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA

Mr. TOWER. Mr. President, the Texas Association of the Vocational Industrial Clubs of America, Inc., held their 23d annual State meeting on April 30 and May 1 in San Antonio.

VICA is a national organization which seeks to coordinate and establish training programs for students in the various fields in the vocational and technical educational trades. This organization symbolizes the continuing desire of America's youth to achieve the goals of the American dream—success and opportunity through honest labor and productivity. Furthermore, VICA is an example that the private sector, rather than Government, can best act as a catalyst in providing job training and job opportunities for our people.

Mr. President, I ask unanimous consent that some material relating to the achievements and goals of the Vocational Industrial Clubs of America in both the State of Texas and throughout the Nation be printed in the RECORD.

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

HISTORY OF THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA

An organization for youth enrolled in vocational trade and industrial education is not a new idea but dates back to the late 1920's and early '30's when vocational education was in its infancy and the nation was deep in economic depression. Because of the limited opportunities during this time, the industrial educators felt a serious need to develop a youth organization that would fill a void and serve the needs of their students in pursuit of training in the industrial occupations. Out of this sincere interest grew the Future Craftsmen of America, established in the early '30's. Although the organization grew and thrived for a time and held two National conventions, it was destined for failure. Its founders had worked hard to organize a good program, but they failed to lay the type of foundation the times demanded. The organization attempted to depend only upon educators for support and did not involve industry and labor. The years of the Depression and labor-management conflict put obstacles in the path of their cooperation. In its second year of operation the Future Craftsmen of America disappeared from the National Scene.

At a National conference of Head State Supervisors of Trade and Industrial Education in Kansas City, Missouri, May, 1960, Harry Meinert, of Illinois, related his interest in the development of a National youth organization and reported on a survey which he had conducted. Replies from 47 States and Puerto Rico indicated a total of 799 Clubs or chapters with 29,836 members in 18 States.

After further discussion at the AVA Convention in Los Angeles that December, a committee was appointed to study the question and make recommendations. This committee, made up of representatives of the U.S. Office of Education (USOE) and the National Association of State Supervisors of Trade and Industrial Education (NASSTIE), an affiliate of AVA, met during 1961 and 1962 for discussion and planning. Members of this committee were Sam W. King, USOE, chairman; Ernest Kramer, California; W. Lyle Roeseler, Montana; C. M. Allen, Texas; J. F. Ingram, Alabama; Byrl Shoemaker, Ohio; Harry Meinert, Illinois; Anna Moore, Connecticut; and Frank Johnson, New York. Others who served as members or consultants included Jack Walsh, Merle E. Strong, Theodore J. Cote, Earl M. Bowler, USOE; Eric Williams, Ohio, representing NASSTIE; Carl Schaefer, Pennsylvania; B. M. Hackney, Texas, and Joe Reed, Tennessee, representing the National Association of Industrial Teacher Educators; and Tom G. Bell, representing the National Council of Local Administrators.

In April, 1964, at a meeting in Chicago, NASSTIE President-elect Don Pound reactivated the question of a National group and appointed a new committee. This committee consisted of Philip Baird, Illinois, chairman; Jesse Carrell, Texas; Larry W. Johnson, North Carolina; Gip Massey, Alabama; Ralph C. Neal, Ohio; J. C. Ruppert, Arkansas; and Harry Meinert, Illinois. All of these men worked with vocational industrial clubs in their respective states.

This committee convened in May, 1964, at Nashville, Tennessee, where more specific plans were developed. Arrangements were made for a meeting at the 1964 AVA Convention in Minneapolis where interested groups could present points of view in regard to a National organization. Otto Pragan, AFL–CIO; John Harmon, Chamber of Commerce of the U.S.; and Albert Willis, Secondary School Principals Association, addressed the group. As a result of this meeting, it was decided to proceed with plans for a National organization.

At a meeting in Washington, D.C., in February, 1965, arrangements were made for financing an initial organizational venture through existing vocational youth groups. Rallying to the National cause were the vocational groups from Alabama, Arkansas, Georgia, Illinois, Indiana, Ohio, Oklahoma, North Carolina, Missouri, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The National Future Farmers of America was the first to come to the aid of its fledgling sister organization with a financial contribution; next was the American Vocational Association which offered rent-free office space and a grant from its Trade and Industrial Division.

Philip Baird was named Acting Executive Secretary with headquarters at the AVA offices, 1025–15th St. N.W., Washington, D.C. 20005. Work began early in March for the First Annual Trade and Industrial Youth Conference, which was held in Nashville, Tennessee, May 6, 7, & 8, at the Hotel Andrew Jackson.

At the Conference, which was attended by some 200 students, advisors and representatives of labor and business, the constitution establishing the Vocational Industrial Clubs of America was adopted and its first National officers were elected. Tommy Snider of Griffin, Georgia, was the first elected president of VICA. Larry W. Johnson, of North Carolina, assisting State supervisor of T&I education and State advisor for the Vocational Industrial Clubs, assumed the duties of executive secretary of VICA on July 1, 1965.

The Youth Development Foundation of the Vocational Industrial Clubs of America, Inc., was incorporated April 21, 1967. The Foundation sponsors the major youth development activities such as leadership development conferences, national competitive activities, leadership awards and leadership development publications. The members of the Foundation's Board of Directors are those persons elected to serve as members of the Administrative Board of VICA, Inc. The Foundation Board forms a Foundation Sponsoring Committee composed of representatives of business organizations and labor organizations, to encourage and secure financial support for the Foundation. The first men to serve as co-chairmen of the Foundation were Laurence R. Howard, Educational Consultant, American Gage and Machine Foundation and Lee Chapman, Grand Lodge Representative, International Association of Machinists.

PURPOSES

To unite in a common bond all students enrolled in trade, industrial, technical and health education.

To develop leadership abilities through participation in educational, vocational, civic, recreational, and social activities.

To foster a deep respect for the Dignity of Work.

To assist students in establishing realistic vocational goals.

To help students attain a purposeful life.

To create enthusiasm for learning.

To promote high standards in trade ethics, workmanship, scholarship and safety.

To develop the ability of students to plan together, organize and carry out worthy activities and projects through use of the democratic process.

To foster a wholesome understanding of the functions of labor and management organizations and a recognition of their mutual interdependence.

To create among students, faculty members, patrons of the school and persons in business and labor a sincere interest in and esteem for trade, industrial, technical and health education.

To develop patriotism through a knowledge of our Nation's heritage and the practice of Democracy.

THE SYMBOLISM OF THE VICA EMBLEM

The shield represents patriotism

The Shield denotes belief in democracy, liberty and the American way of life.

The torch represents knowledge

The flaming torch reflects the light of knowledge which dispels the darkness of ignorance. In the light of the torch progress will be made toward the vocational goals of the individual.

The orbital circles represent technology

The circles present the challenge of modern technology, and the training needed to accept and master the challenge of new technical frontiers and the need for continuous education.

The gear represents the industrial society

The gear, symbolic of the industrial society, denotes the interdependence and cooperation of the individual working together with labor and management for the betterment of mankind.

The hands represent youth

The Hands portray a search for knowledge and the desire to acquire a skill. In the process to attain knowledge and skill the individual will develop a respect for the dignity of work and become a productive and responsible citizen.

MOTTO

Preparing for Leadership in the World of Work.

THE CREED

I believe in the dignity of work

I hold that mankind has advanced to his present culture through the intelligent use of his hands and mind. I shall maintain a feeling of humbleness for the knowledge and skills that I receive from craftsmen, and I shall conduct myself with dignity in the work I do.

I believe in the American way of life

I know our culture of today is the result of freedom of action and opportunities won by our American forefathers, and I will uphold their ideals.

I believe in education

I shall endeavor to make the best use of knowledge, skills, and experience that I learn in school in order that I may become a better workman in my chosen occupation and a better citizen in my community. To this end I will continue my learning both in and out of school.

I believe in fair play

I shall through honesty and fair play respect the rights of my fellowman. I shall always conduct myself in the manner of the best craftsmen in my occupation, and treat those with whom I work as I would like to be treated.

I believe satisfaction is achieved by good work

I feel that compensation and personal satisfaction received for my work and services will be in proportion to my creative and productive ability.

I believe in high moral and spiritual standards

I shall endeavor to conduct myself in such a manner as to set an example for my fellowman by living a wholesome life and by fulfilling my responsibilities as a citizen of my community.

CLARK CLIFFORD'S STATEMENT ON PRISONERS OF WAR

Mr. MOSS. Mr. President, there was a heartening report in the news last night that the distinguished former Defense Secretary Clark Clifford has received through private sources assurances that the announcement of a firm date for American withdrawal from Vietnam would bring about release of our prisoners within 30 days of such an announcement.

I realize that similar statements have been made before, and some people, mainly the administration, tend to give little credence to such statements. But I personally have great respect for Mr. Clifford, and admire the position he has taken, especially following his service as Secretary of Defense. He has great personal knowledge about our involvement in Indochina.

What I want to comment on specifically today is the response Mr. Clifford's statement evoked from the White House. Commenting on Mr. Clifford's statement that prisoners could be released within 30 days of the announcement of a U.S. withdrawal date, Mr. Zeigler, White House press secretary, told newsmen that the prisoners were just one of Mr. Nixon's concerns in ending the war and that he must be concerned with Vietnam's ability to carry on the war which means that we must sustain the present government.

Mr. President, I have long thought that Mr. Nixon's handling of the prisoners of war question has been one of the most callous aspects of this dirty war. Recently, a group of wives of POW's testified before a congressional hearing and said that they felt they were being "used as part of some political maneuvering." There is little wonder why they should feel this way.

Mr. Nixon has made many long impassioned statements about the responsibility he feels toward the prisoners and their families. He has said repeatedly that we must continue to fight in Vietnam to assure that the prisoners will be released.

But when faced with Mr. Clifford's statement that the prisoners could be home in 30 days, Mr. Nixon's White House spokesman admits that the prisoners are really only one of the President's concerns. Our military forces must also make sure that the Thieu regime, where those who dare to voice opposition to the government line are thrown in jail, is maintained in power.

Mr. President, is the perpetuity of the Thieu government really so vital to the well-being of the United States that we must allow our prisoners to remain in captivity—that we must continue to bomb villages in Laos and Thailand—that hundreds of civilians and other citizens of Indochina die each week?

As Mr. Clifford said yesterday, we have nothing to lose by setting a date for withdrawal. Even if the North Vietnamese do not live up to their side of the bargain, we have suffered no harm. And the President continues to insist that we are getting out anyway.

The prospect that we could have the prisoners home in 30 days is so appealing to me, and I believe to the American people that we should be willing to set a date for withdrawal. The American people deserve to know why Mr. Nixon is not willing to set the date. Sustaining of Mr. Thieu in power in Vietnam is not a good enough negative reason.

ALASKAN PIPELINE

Mr. BELLMON. Mr. President, the continued delay in construction of a pipeline to deliver petroleum from the North Slope of Alaska to Valdez is of increasing concern to me and the citizens of my State of Oklahoma. Only last week the Oklahoma Independent Petroleum Association in a communication to the Honorable Rogers C. B. Morton, Secretary of the Interior, called for early favorable action on the Alaskan pipeline. I ask unanimous consent that a copy of the communication be printed in full at this point in the RECORD.

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

TULSA, OKLA.,
June 2, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.:

The Oklahoma Independent Petroleum Association (OIPA) represents 882 independent businesses, the vast majority of whom are not now or ever intend to be involved directly in Alaska. We are, however, well aware of the critical shortage of petroleum and other sources of energy available in the United States.

Although OIPA seldom speaks out on issues outside Oklahoma, we have repeatedly expressed our opposition to the delays, uncertainties and inappropriateness of the Federal Power Commission regulations of natural gas prices and to the increasing import of foreign oil. Such policies have resulted in progressively greater reliance upon the uncertain supply of petroleum controlled by foreign powers. This is threatening our national security. Particularly, as we view the serious problem of foreign monetary exchange, we find it undesirable to delay the availability of Alaskan crude oil and natural gas. Reasons given for such continued delay seem to be ill-founded and based on emotional reaction and, in any event, less than compelling in the circumstances.

As leaders of the independent segment of the petroleum industry, we are aware of the need to improve the quality of the environment. We are doing much in this regard. We suggest, however, that any real or imagined adverse effect on the ecological balance by the construction and operation of the proposed pipeline may be less important to the citizens of the United States than the national requirement for a reliable supply of clean fuel within our control.

We urge that early favorable action on the Alaska Pipeline is in the best interests of the citizens of the United States.

WAYNE E. SWEARINGEN,
President, Oklahoma Independent Petroleum Association.

Mr. BELLMON. Mr. President, our country is presently facing an energy crisis which it has never before had to experience. The petroleum from Alaska which a pipeline could deliver to the lower 48 States would help ease that crisis situation. It is my hope that a decision on this matter will be made in the near future.

BALANCING RESOURCE USE AND ENVIRONMENTAL QUALITY

Mr. METCALF. Mr. President, one of the outstanding meetings of American conservationists is the annual Fontana Conservation Roundup, held each year in Fontana Village, N.C.

Some years ago it was my privilege to address this group and to take part in the discussions which followed. One of the privileges of participating in the Roundup is that of meeting and talking with Mr. Garth Cate, nationally recognized conservationist and a delightful conversationalist.

Last month, the distinguished junior

Senator from Washington (Mr. JACKSON) also had that privilege. In an address presented at the 12th Roundup, the chairman of the Committee on Interior and Insular Affairs pointed out the necessity for a balance between environmental quality and scientific and technological advance.

As Mr. JACKSON stated, science and technology can, and if given the stimulus will, provide for the improvement of environmental quality while at the same time allowing for economic growth.

Since this balance is of mutual concern, I ask unanimous consent that Mr. JACKSON's address on "Balancing Resource Use and Environmental Quality" be printed at this point in the RECORD.

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

BALANCING RESOURCE USE AND ENVIRONMENTAL QUALITY

(Address of Senator HENRY M. JACKSON to the 12th Annual Fontana Conservation Roundup)

It is a great privilege and a great honor to address this, the 12th annual banquet of the Fontana Conservation Roundup.

The theme you have chosen for your 12th annual session is most appropriate. Balancing the nation's resource requirements with our national environmental goals is, in my view, the most challenging task any generation of Americans has ever faced.

The challenge comes on a number of fronts:

It is a challenge to our institutions of government and our laws.

It is a challenge to long-standing and widely-shared values, traditions and ways of thinking of the American people.

It is a challenge to our national economy and to the manner in which we share national wealth.

Finally, it is a challenge to our capacity to make rational decisions about controlling change. At stake is bringing into being the kind of future we want for our children and for their children.

Our generation is being called upon to decide what is to be saved and what is to be lost in the tides of social, technological, and environmental change.

These are the challenges we face. These are the questions we as a nation and as a people must answer. These are the fundamental issues we must deal with as we try to balance resource use and environmental quality.

In recent years and months the level of debate on balancing resource demands with environmental quality has, in my judgment, not been very distinguished. The temptation to indulge in simplistic answers has been too great for many to resist.

Many people—in private and public life—have rejected inquiry and analysis and have chosen to engage in a "demon" theory of environmental concern. The basic assumption of the "demon" theory, of course, is that there are evil forces and evil men in society who are engaged in a conspiracy to pollute, to plunder and destroy our environment. The cast of demons changes weekly and monthly, but among those identified are economic growth, engineers in general, science and technology, most major resource industries, some public agencies, and many more.

I am concerned that the dogmatists and extremists on both sides of the question are obscuring and confusing the real issues which are at stake. Instead of an honest and analytical balancing process, a weighing of alternatives to attain the greatest public good, we too often have "either-or", "black and white" answers which are followed by confrontation strategies.

We are all, for example, familiar with the incantations of extremists who attribute all of the nation's environmental ills to economic growth. These prophets of doom would have us believe that a policy of "no growth" must be adopted—and right now—if environmental problems are to be resolved.

One cannot deny that our affluence and technology have given the American people an awesome capacity to destroy their environment. One cannot deny that our Gross National Product includes an intolerable amount of environmental degradation. But it does not follow that the "no growth" approach is the answer to our environmental problems.

Many of those who advocate a "no growth" policy have already attained affluence. Thus they seldom appreciate the consequences that adoption of such a policy would bring for those who have not.

One need only to review the state of the nation today—lost productivity, declining tax revenues, growing unemployment (up to 6.1% last Friday), and the high social costs of regional depression—to gain an appreciation of the terrible price which this nation has paid over the past two years for conscious policies that stifle economic growth.

To characterize the choices we face as being between growth and no growth, between preservation and development, between technological advance and environmental degradation is a false characterization. It has the danger of alienating support that the movement for a quality environment cannot afford to lose.

By ignoring the interests of millions of Americans for whom job security and the prospect of the good life are decent aspirations, the fight for environmental quality is being turned into a confrontation between the "haves" and the "have nots." The 25½ million poor people of this country—a group whose size grew by 5% (1.2 million) in 1970 after a constant 10-year decline—want good jobs and decent housing. They aspire to the material goods, the recreational opportunity, the second home, and the comforts enjoyed as a matter of course by more affluent Americans. Understandably, they don't want to be volunteered as the first victims of state-backed programs of environmental spartanism or economic suppression.

The emotional backlash against resource consumption and economic growth also includes a disturbing tendency to blame our ills on science and technology. Of course they constitute an appealing scapegoat. With a minimum of effort, one can trace almost any environmental problem to some scientific or technological advance. It is convenient to forget, however, that it is not science and technology as such—but the way we use them—that constitutes the real threat to our environment.

It is ironic that this growing interest in downgrading science and technology should come at a time when we need our best scientific and engineering talent as never before. We must rely heavily on this talent to solve major environmental problems—to generate clean energy, to devise pollution-free manufacturing processes and develop new techniques for recycling and reusing resources. Without the expertise and the know-how that sparked our economic development, we cannot hope to balance and to reconcile the twin goals of environmental quality and quality economic growth.

The challenge to science and technology is all the more evident if one considers the explosive growth that lies ahead. Looking back, the extent of growth since the end of World War II is difficult to comprehend. It took just twelve years for the GNP to double between 1948 and 1960. The steady rise in productivity—boosting the output of men and machines—has today pushed the GNP past the trillion dollar mark.

Looking ahead, the pace of growth is accelerating. It took the nation almost two centuries to record a trillion dollar GNP. Economic forecasts now indicate that we will achieve the second trillion in the next decade.

The prospect of this fantastic future growth offers an unprecedented challenge. It is pointless to pretend that growth will not occur. The real question is: What kind of growth will it be? Will the GNP of the 1970s mean more fouling of our air and polluting of our waters? Will we continue to spend great sums on luxuries that deplete our resources and diminish the quality of our lives?

The point is that we can decide—both individually and collectively—what kind of growth we want.

The growing popularity of the "no growth" answer, together with the indictment of science and technology, makes clear that there is an appalling lack of policy analysis in dealing with environmental problems. There is a tendency to compete for public attention; to offer simple-minded "thou shalt nots", and to ignore the contemplative consideration of general directions, the anticipation of emerging problems, and the design of new public decision criteria.

Fulfilling these latter functions will not capture public attention the way the latest pronouncement on mercury poisoning, a major oil spill, the debate on the SST, or the Alaska pipeline will. But, in the final analysis, man's ability to survive, to enjoy quality social, cultural, and aesthetic conditions and experiences will not turn upon our handling of a single contaminant or our decision on a particular oil spill. It will turn upon our ability to develop policies, laws, institutions and decision-making models which integrate environmental concern along with the full range of other legitimate and important human values.

In recent years we have made important progress toward introducing environmental values into governmental decisions. We have also initiated a number of action programs to deal with the problems which have been identified. We have not, however, developed institutional machinery and the specific laws and policies which are needed to do a comprehensive, coherent job of environmental management rather than merely reacting to problems which already exist.

Adoption of the National Environmental Policy Act on January 1, 1970, constituted a Congressional response to the need for a comprehensive policy and a new organizing concept for dealing with environmental problems. As the Act's author, I felt a national policy for the environment was necessary to provide both a conceptual basis and legal sanction for applying to environmental management the high level policy concern we apply to other areas of critical national importance.

The Act had three major purposes:

First—It established, for the first time, that there *is* a governmental mandate and responsibility to preserve environmental values, to make better choices and to avoid adverse environmental impacts resulting from governmental action.

Second—The Act established the Council on Environmental Quality in the Executive Office of the President. The Council was intended to have the time, the expertise, and the predilection—as well as the duty—to give introspective thought to the future consequences of current activity and to insure that environmental factors were appreciated by the nation's chief decision-makers.

Third—The Act established a set of administrative procedures centering about the requirement that a statement of the environmental impact of any proposed Federal action must be made and must accompany the proposal through its review process.

The strength of the National Environmental Policy Act is well established. The President has strongly endorsed the concept

and has appointed a vigorous council. The administrative provisions of the Act have proven to be very influential in bringing environmental values to Federal decisions at all levels.

To further enlarge the Federal government's capacity to sort out environmental conflicts, to weigh alternatives, and to assess their costs and benefits, I have introduced a bill to establish a National Environmental Policy Institute. The Institute would consist of a highly skilled and competently staffed organization capable of providing a continuing interdisciplinary, professional service in environmental policy analysis.

The Institute would perform many of the important long-range needs which were recognized in the National Environmental Policy Act, but which have not received adequate attention because of the pressing, more immediate demands being placed upon the Council's resources and personnel.

Some of these long-range needs include: designing a uniform and comprehensive system of national and worldwide environmental monitoring;

Subjecting available data on environmental problems and on resource consumption to analysis;

Developing methods for anticipating emerging environmental problems before they reach crisis proportions; and

Providing in-depth policy analyses, using systems analysis techniques, of alternative solutions for balancing resource uses with environmental quality.

Development of a framework within which the spectrum of proposals to utilize environmental resources can be balanced against one another and measured against the demands they collectively impose upon the environment is essential. We need a common structure within which we can compare alternative proposals to achieve our goals. The common structure, I submit, is the use of land.

Adoption of a balanced national land use policy would make it possible to compare a great many competing social purposes through their demands upon our most universal and basic resource.

To a very great extent, all environmental management decisions are ultimately related to land use decisions. All environmental problems are outgrowths of land use patterns. The collective land use decisions which we make will dictate our success in environmental management.

Considering the significance of land use planning and management to the achievement of a wide variety of our national goals, our past efforts to make rational land use decisions which are in the overall public interest have been inadequate. Today, many land use decisions remain almost totally private decisions, even though they may result in public costs far beyond the proprietary interest of the decision-maker. At the other extreme, public decisions on major facilities such as highways, water resource projects and airports predetermine the development of land use patterns on a regional scale for decades to come and are often made with scant appreciation of their impact on State and local interests, on the environment, or on the long-range public good.

The nation can no longer permit public or private decisions to go forward in disregard of the general public demand for environmental quality. We must impose upon both public and private proposals criteria which will prevent unthinking, unnecessary environmental impairment and which will prohibit the loss of important values in the name of short-term gain or profit.

Many planning and management decisions are today being made on the basis of totally inadequate information about the land as a resource. For example, how many sites suitable in terms of climate, topography and soil conditions for the construction of major regional airports are still available? Are we preempting these sites for other uses which have far less demanding criteria? By the same token, are we engaging in single purpose planning which fails to relate highways, pipelines and transmission lines to recreational and housing needs in a manner which will enable us to achieve a balanced range of national goals? What thought is being given at the national levels to determining where the next 100 million Americans will live, work and play? What amenities will be available to them and will they enjoy a balanced and healthy environment?

These are questions which we cannot answer today. Yet, we are committing our finite land resource base day by day with decisions which may not be in our national interest.

The basic authority and responsibility for regulating private land use actions rests with State government. States have traditionally applied public standards to private lands through property taxes and by delegating zoning, police power, and land use regulatory authority to units of local government. In recent years, some States have begun, on a selective basis, to exercise statewide land use planning. In virtually every State, however, funds to collect data and to build and train the necessary technical staff are lacking. In every state, the tremendous influence of Federal activities such as highways, water resource projects, airports, military establishments is largely beyond the control of the State government.

For these reasons, a national land use policy is needed.

At the present time there are two major proposals before the Congress either of which could result in a major step toward more enlightened and comprehensive land use planning. One of these is a measure I authored in the last Congress. This measure was reported favorably to the Senate late last year but no further action was taken. It has been reintroduced as S. 632 in the current Congress.

The other principal proposal, S. 992, was recently recommended by the Administration and, in concept, is closely patterned after the bill I have introduced. Both proposals have the general objective of achieving more comprehensive and intelligent land use planning, with the initiative for specific planning placed at the level of State government. There are significant differences between the provisions of the bills, however, and there are also a number of other pending measures which relate to specific land use problems such as powerplant siting, transportation planning and coastal zone management. The legislative situation is further complicated by the extensive reorganization of the Executive Departments which the President has recommended.

The two major legislative proposals for a national land use policy have compatible major objectives. In general:

They encourage the States, which have the police power and the basic Constitutional authority for planning and management of non-Federal lands, to take the initiative in comprehensive planning;

They provide Federal assistance for the staffing, planning and data gathering which are necessary prerequisites for coherent decisions;

They encourage or require State land use control to implement planning decisions in practice;

They contemplate a higher measure of coordination and compliance of Federal actions with approved State plans; and

They introduce Federal review of the State planning effort as a condition to further planning grants.

The Senate Interior Committee has scheduled hearings for May 18, to hear the views of Secretary Morton of the Department of the Interior, Secretary Romney of HUD, and Chairman Train of the Council on Environmental Quality. Further hearings will be scheduled to hear State and local officials, conservation organizations, and members of the public.

The National Land Use Policy Act I have proposed would require the States in conjunction with local government and interstate bodies to:

1. Inventory their land resource base;
2. Identify areas for development and preservation;
3. Relate transportation plans and utility corridors to an overall design for the future; and most important, to
4. Implement land use controls to protect our lakes and ocean beaches, our rivers and streams, our parks and forests.

The purpose of the bill is to assist the States and the Federal Government to prepare for the challenges which will be imposed by future growth; to have an institutional capability for balancing resource use with environmental quality.

Listen to these statistics which are thrown at us by government prognosticators:

By 1975 our park and recreation areas, many of which are already overcrowded, will receive twice as many visitors as today, perhaps 10 times as many by the year 2000.

We must construct 26 million new housing units by 1978;

Each decade, new Urban growth will absorb 5 million acres, an area equivalent in size to the State of New Jersey;

Demands for electrical energy double every 10 years; by 1990 demands will increase by 284%. This will require land for power sites and for utility corridors.

In simple, tangible, physical terms, between now and the year 2000, we must build again all that we have built before across this continent—homes, schools, public facilities, private plants, office buildings, hospitals and much more.

Meeting the challenge of the land and the needs and aspirations of the public promises to be a difficult task. It will not be resolved in one legislative session. It will require experimentation and refinement of programs over a long period of time. Meeting the challenge of the land will cost money. It will require hard decisions about what is to be conserved and what is to be lost in the tides of social and technological change.

I am confident that our system of government can meet the challenge.

We have the money, for what is required is an investment in the future. Making this investment now will pay dividends for present and future generations.

The responsibility for the policies which determine whether we have a better tomorrow rests, in important measure, with each of you as concerned individuals. Your response to the challenge will determine whether we can build a better America; whether the generations that follow us will enjoy quality lives in a quality environment.

Thank you.

THE RESUMPTION OF CONGRESSIONAL RESPONSIBILITY IN FOREIGN AFFAIRS

Mr. JAVITS. Mr. President, the essential separation of powers and the checks and balances which are at the foundation of the American constitutional system have been placed in grave danger by the distortion of power in favor of the Presidency in undeclared war. The controversy over Laos right now is heavily attributable to the fact that many consider the bombing in northern Laos to be a new war.

During the first 20 years following World War II, our Nation witnessed an

unprecedented expansion of Presidential power in the foreign affairs and war powers fields. The process of enhancing Presidential power—essentially at the expense of congressional authority—went too far.

The perhaps inevitable result of this unilateral expansion of Presidential power has been the archetypal "Presidential war"—Vietnam—which is now seen as the gravest and most costly mistake of this century.

A countermovement is now gathering momentum to reassert the foreign policy and war powers roles of the Congress—in order to restore the balance so clearly specified in the Constitution and so urgently needed to establish a credible order of priorities in our national endeavors at home and in the world.

The movement in Congress—primarily in the Senate—to get the Nation out of its present crisis through a reassertion of congressional authority and responsibility in international security affairs has followed a zig-zag, two-steps-forward, one-step-backward course. The outcome remains in doubt. Supporters of the Presidency have mounted a counterattack. New assertions regarding the exclusive authority of the President to act unilaterally and without reference to Congress continue to be made. Indeed, apologists of the "Presidential school" in foreign affairs often seem in their pronouncements to place a higher legal premium on current practice and expediency than on the letter and spirit of the Constitution—or on a commonsense understanding of the crisis we are facing as a Nation.

The situation we face today is a dynamic one: The Congress seeking to reassert its constitutional powers and the presidency resisting any diminution of the power position built-up over the past three decades of hot and cold war. I believe that Congress will prevail in the great test now underway, because there is a compelling and historic logic and necessity for redressing the dangerous imbalance which now exists.

To help meet this challenge, I have introduced legislation which deals with the crux of the problem we face today—undeclared war.

It specifies four broad categories, derived from historical experience, wherein the President, as Commander in Chief, may initiate military action in the absence of a declaration of war. It requires the President to report fully and immediately to the Congress the circumstances and details of the military action he has initiated. His authority to sustain such military actions terminates within 30 days unless affirmative legislative action is taken by Congress to sustain for a longer period the action initiated by the President.

The four categories in which the President may act are:

First, to repel a sudden attack against the United States, its territories and possessions;

Second, to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives of U.S. nationals abroad;

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress. The bill also contains provisions assuring that action can take place in Congress within 30 days and thereby avoid the danger of overly extended debate or filibuster.

If the Congress does act to determine by statute how the division of the war powers specified in the Constitution is to be applied in contemporary circumstances, it will have a decisive effect in stabilizing U.S. relations with the world. In my judgment, it would raise materially our people's sense of confidence at home in dealing with foreign policy and create a climate for healing the deep division among Americans over the Vietnam war.

In a very important sense, through the passage of a war powers bill, our democracy will have shown itself again capable of self-correction of its governing processes—by the use of those very same processes of law—and will have answered the charge that our democratic system is incapable of creative change and that revolution is required to effectuate needed change.

I do not feel there is any room for complacency, however. For, if the Congress were now to desist, or ease off in its efforts to reassert its role—and thus reestablish a constitutional balance—the momentum of expanding Presidential power could push forward, unchecked, to a point which endangered our liberties and destroyed the functioning of our constitutional form of government.

The President on many recent occasions has expressed his fear of what he calls "neoisolationist" trends. The best way for him to arrest any such trend would be to join in legislation to establish a role for Congress and the people in controlling undeclared wars. For, undeclared wars have been Presidential wars. Such wars—while seeming to have so vastly expanded Presidential power—have in fact done more to undermine the Presidency than any development in modern history.

I know of no significant "neoisolationist" sentiment in the Congress. There is a great sentiment for prudence, for a reordering of priorities and for a new style and updated foreign policy goals. But this is not isolationism. The responsibilities, the difficulties, and the dangers ahead are known and accepted.

I regard the bill I have introduced as giving ample play to the need of the Commander in Chief to have discretionary as well as emergency authority. At the same time, the bill immediately establishes a role for Congress right from the beginning: First, by requiring the President to report fully and promptly to the Congress as to the circumstances of and the authority for the action he has initiated; second, by requiring the President to terminate in 30 days whatever actions he has initiated under one of the four specified categories, in the absence of a declaration of war, "except as provided in legislation enacted by the Congress to sustain such hostilities beyond 30 days."

The bill further provides that hostilities initiated by the President can be terminated by joint resolution of the Congress in less than 30 days otherwise allowed. In addition, there is a detailed section which would prevent a filibuster from blocking congressional action.

The period of 30 days is, of course, essentially an arbitrary one. But I think it is just about the right period of time—and it can be shortened or lengthened in particular instances as the Congress might decide. On balance, I feel that a period of 30 days strikes a fair balance between the desirability of full deliberative action by Congress—without impairing the capacity for sudden, or emergency, action by the Commander in Chief—and the requirement of brevity to prevent the Nation from being involved beyond the point of recall before the Congress might otherwise act. I am confirmed in this view by the fact that Senators STENNIS and EAGLETON, in authoring their own war powers bills, have adopted the structure and 30-day time interval of my bill.

I also wish to make it clear that my bill anticipates full prior consultations between the President and the Congress with respect to developing or deepening crises which might be leading toward the outbreak of armed hostilities.

In developing situations which are not of a sudden nature, I believe that it would be good practice for the administration to consult with the Congress and seek a joint resolution outlining the policy which the United States intends to pursue. I would like to see this become a normal practice. I am referring here to serious situations which might involve the use or threat of the use of armed force. I am not suggesting that the President should be obliged to seek a resolution from Congress to endorse all of the policies or actions he initiates—only those which move toward the exercise of the war powers.

There are many drawbacks in the contemporary world to a declaration of war—because of the far-reaching domestic and international implications of a declaration of war, whether enacted before or after the initiation of combat hostilities.

The charge often has been made that Congress lacks the knowledge, the sophistication, and the statesmanship to play a leading role in our Nation's foreign affairs. Yet it showed a high order of statesmanship on all sides in the handling of the recent Mansfield amendment to pull one-half our troops out of Europe. There is, indeed, room for improvement in all these respects but I think that a reconsideration of the record of the postwar years will demonstrate that Congress has been no more mistake prone than the presidency—and perhaps a lot less so.

In a democratic system there is no substitute for national consensus. Policies, and especially wars, which do not enjoy public understanding and public support are just not viable. Vietnam has certainly demonstrated this. And it is precisely in this regard that Congress can make its greatest contribution. Over the past 5 years it has been the Congress—and not the presidency—which

has demonstrated an awareness and a responsiveness to the national will and the national mood respecting Vietnam and the unpostponable need to reorder national priorities at home and in the world.

I think that Congress will rise to the historic challenge facing it and the Nation. There will be a struggle and we may reach the brink of a grave constitutional crisis, but I think that President Nixon and his successors will reach an accommodation with Congress in terms of sharing the war powers and foreign-policy decisions of our Nation. At this point, there can be a new synthesis and a new era of close harmony—with the two branches working in tandem for the good of our Nation and for the peace and prosperity of the world.

The United States is a world power. It must and will remain one. I certainly do not advocate any American retreat from its legitimate world responsibility. It must continue to utilize its vast power for the maintenance of world peace and the establishment of the rule of law in place of the rule of force.

JEFFERSON DAVIS

Mr. EASTLAND. Mr. President, all Mississippians are justly proud of the record of achievement of Jefferson Davis, whose birthday anniversary we observed on June 3.

This native son of my State is most widely known as the first and only President of the Confederate States of America. While his achievements as Chief Executive of the CSA are those of monumental proportions, Jefferson Davis was a man whose vision and leadership were not limited to a single region of this great Nation. His horizons were as broad and as limitless as the great expanse of America.

Jefferson Davis was an officer in the U.S. Army; he was U.S. Secretary of War; he was U.S. Senator from Mississippi, and he was President of the Confederate States of America. In each endeavor, this great Mississippian, this dedicated American served with distinction and with honor.

As we Mississippians marked the 173d anniversary of his birth last week, one of our State's leading newspapers published an account of these achievements of Jefferson Davis. In his "Coast Line" column appearing regularly in the Daily Herald of Biloxi-Gulfport, Miss., Associate Editor Robert McHugh told the story of the life of Jefferson Davis in as fine a form as I have ever seen.

Mr. President, I ask unanimous consent that the column be printed in the RECORD as follows:

A STATESMAN'S ANNIVERSARY
(By Robert McHugh)

Today is the anniversary of the birth of a United States senator whose achievements are legendary.

He was chiefly instrumental in establishing the Smithsonian Institution; he instituted the civil service system, he began the movement to construct a canal across Panama, singling out the exact spot where construction finally was begun years later; he designed a cantilever bridge to span the Potomac River, he envisioned the need for transcontinental transportation, ordering surveys on three routes to the Pacific, corresponding afterwards with the three lines built with governmental assistance.

As secretary of war, he introduced a humanities program at West Point, establishing for the first time an elite corps of officers and gentlemen; he sent a study commission to the Crimean War which put into effect new military tactics based on the knowledge gained; he introduced the light infantry, the rifle musket and the Minnie Ball, and won such wide respect as legislator and administrator that statesmen from throughout the nation marked him as presidential timber.

He never became president of the United States, however. Destiny marked Jefferson Davis for another task—that of president of the Confederacy.

Davis was born 173 years ago today at Fairview, Ky. He entered West Point at 16, graduated at the age of 20, and went on to carve out a military career of such distinction that he would have been remembered for that alone had he done nothing else.

As a general officer of the United States Army, he built roads, fortified the West, settled the Black Hawk Indian War, and was the hero of the war with Mexico, in which he gained a critical victory at Buena Vista with his innovative V formation.

Studies of his correspondence show that Gen. Robert E. Lee, when faced with crucial military problems, invariably sought advice from Davis and just as invariably followed it when it was given. But it is a paradox that today Lee's name is revered North and South, and for unfathomable reasons Davis' tremendous accomplishments are forgotten by many.

No man labored harder to preserve the union than did Davis. Only when it became obvious that the terrible schism was inevitable did he consent reluctantly to accept the presidency of the Confederacy.

What a monumental task confronted him! He took the helm of this loose confederation of states and within 90 days organized it into a government. He had to create or help create a postal system, a currency, an army, a navy and a constitution. His Confederacy had litle industry, one powder mill and one rolling mill. Its harbors were blocked by federally controlled forts. It is one of the most amazing feats in history that he fashioned out of it a fighting unit that held the North at bay for four long years during which time victory was almost in sight on more than one occasion.

Jefferson Davis' memory is cherished particularly by residents of the Mississippi Gulf Coast because his last home, Beauvoir, still stands on Highway 90 as a permanent shrine. It was built in 1850, acquired in 1873 by Sarah Ann Dorsey, and willed by her to Davis when she died in 1879. Thanks to those who have so faithfully preserved it, the beautiful old home exists today exactly as it was when Davis died. Beauvoir deserves the support of all Americans who cherish history and honor the great men of their nation.

Today, there is a movement afoot to add the name of Jefferson Davis to the roster of the National Hall of Fame. A million signatures are being collected on a petition to that end. If the movement succeeds, that will be well.

If it fails, the Hall of Fame will be the poorer for failing to admit one who would find within it few men who could be considered his equal.

THE POSTAL SERVICE

Mr. McGEE. Mr. President, on a number of occasions in the recent past I have inserted in the RECORD a variety of illustrations of the quality of the postal service which the American people are currently receiving, as well as services they used to receive and the service that the new U.S. Postal Service proposes to give them. I have done this in an effort to advise my colleagues of some of the problems involved in the management of the Post Office as well as to apprise those who read the CONGRESSIONAL RECORD of some of the decisions that have been made by those in whom we have vested responsibility for postal operations.

The point is that despite a lengthy legislative record established to advise the Governors of the Postal Service, the Postmaster General, and the Deputy Postmaster General beyond any doubt that service is the primary function of the Postal Service, our advise and counsel seems to fall on deaf ears. I could not be more convinced of the absolute necessity for a continuing role of the Congress in the operations of the Postal Service than I am by reviewing the record of the Postal Service in the past 2 years. The decline of service to the people appears to be deliberate. I have just finished reading the very excellent testimony of Mr. Elmer Cerin, who is one of the handful of postal experts in the United States and whose testimony before the Postal Rate Commission I now ask to be printed in the RECORD. It illustrates with scientific data the precise development of the "unservice" that has characterized recent Postal Services developments. These developments are genuinely antithetical to the policy established by Congress, which, if there is to be a Postal Service as an agency independent of the budgetary and appropriations process, must be followed. The American people and their representatives in Congress will not accept poorer postal service at greater costs. The result of this folly will be a substantial modification, or the outright repeal, of the Postal Reorganization Act.

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

[United States of America, before the Postal Rate Commission, in the matter of request of the U.S. Post Office Department for recommended decision on changes in rates of postage and fees for postal service, Docket No. R71–1, June 3, 1971]

DIRECT TESTIMONY OF ELMER CERIN,
WASHINGTON, D.C.

I. BIOGRAPHICAL NOTE

My name is Elmer Cerin. I am an Attorney-at-Law and a Consultant on Postal and Transportation matters. I was graduated with a B.S. degree from the Johns Hopkins University, M.A. degree from American University, and J.D. degree from the University of Michigan Law School.

Since my retirement from the Postal Service in 1968, I have been employed by the Post Office Department as an Expert Consultant and Transportation Specialist in the analysis of complex railroad cost and operating studies and in negotiations with major railroads for increases in transportation rates and charges. I have also been a Consultant to the Postal Service Management Institute and to a number of consulting companies engaged on various postal and transportation projects.

In the Postal Service I had been responsible for many studies and programs on postal operations, planning, programing, and costing; transportation cost studies; mechanization feasibility studies; and evaluation of financial management of postal activities. I had participated as chairman or principal

staff member on many major task forces involving many aspects of postal management.

I have appeared as an expert witness in rate proceedings before the Interstate Commerce Commission and the Civil Aeronautics Board. I have been admitted to practice Law in the State of Michigan and in the District of Columbia, and before the Interstate Commerce Commission.

II. THE QUALITY OF SERVICE RENDERED BY THE POSTAL SERVICE FOR FIRST CLASS MAIL

a. The new postal service

In the postal policy objectives of the Postal Reorganization Act,[1] Congress set forth a number of goals toward which the Postal Service is to strive. Included in these objectives are the following provisions:

"It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities." [2]

"The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining." [3]

"In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail." [4]

"In selecting modes of transportation the Postal Service shall give highest consideration to the prompt and economical delivery of all mail . . . Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations." [5]

"In planning and building new postal facilities, the Postal Service shall emphasize . . . a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities . . ." [6]

Thus, service to the mailing public is a paramount consideration of the Postal Reorganization Act. However pressing may be the financial problems of the Postal Service, the course of reversing the deteriorating mail service is far more complex and difficult. The problems confronting the Postal Service in achieving an efficient and economical operation, geared to the present and future needs of the Nation, are well recognized. To improve postal services will be hard and require a long period of time.[7] It would be well, therefore, to determine what is the status of the service for preferential mail that the Postal Service now renders to the mailing public.

b. Service tests conducted by the postal service

For many years the Postal Service has conducted numerous tests on the service it performs. These tests included all categories of mail, and measured total transmission time, from time of deposit to time of delivery to the addressee. Test letters and parcels were introduced at specific collection or acceptance points and delivered to cooperating patrons and postal employees.[8] The total elapsed time was then determined from responses sent in by those participating in the tests. In addition, large mailers, on occasion, have been invited to cooperate with the Postal Service by placing inserts in their regular mailing. These inserts would then be returned to the Post Office Department with the date of receipt noted. But these tests, while pinpointing total elapsed time and thus giving postal officials the opportunity to correct service inadequacies, were neither statistically reliable nor sufficiently comprehensive as to geographical or time coverage.

In 1967 the Postal Service undertook the program of testing the feasibility of utilizing the probability sampling techniques developed for the Revenue and Cost Analysis System. This study disclosed that sampling live mail bearing a postmark could be used in determining certain segments of the total elapsed time from deposit to delivery.

Total elapsed time consists of three distinct segments:

From point of drop to cancellation.

From cancellation to the time the mail is turned over to carrier for sequencing to addressees or to the clerk for effecting box delivery, firm holdout, or general delivery.

From exit point to addressee.

The decision was made that only segment 2 would be tested on the theory that "the exclusion of the initial and final handlings (segments 1 and 3) would have little effect on the calendar days elapsing in the total system." [9] This live-mail test system has now been reported for a three year period, Postal Quarter III, Postal Fiscal Year 1968 (January 13, 1968–April 5, 1968) through Postal Quarter II, Postal Fiscal Year 1971 (October 17, 1970–January 8, 1971).

The National Service Index Program is nationwide in scope and includes 559 post offices, selected by random sampling techniques from the total post office population. Within these 559 post offices there are some 160,000 exit points, such as city delivery routes, rental box sections, firm holdouts, and rural delivery routes. The exit points and the sample tests days are selected randomly by the computer for each type of route or mail delivery system. Each Postal Quarter the sample size consists of approximately 2,500 sample points, and at each point every tenth piece of first-class mail or airmail, delivered through that point over a 24-hour period, is selected and the service characteristics noted. From these raw data two basic calculations are developed, namely, the elapsed time from day of cancellation to the day the carrier (or other exist point) receives the mail, and the origin and destination points to ascertain the distance travelled. It should be noted that while the National Service Index does not report on the total elapsed time, from point of drop to ultimate delivery, it does present a continuous history of postal performance of the time span for the important mail handling segment that includes processing and transportation.

As noted above, the postal policy enunciated in the Postal Reorganization Act specifically states that primary consideration should be given to "the most expeditious collection, transportation, and delivery of important letter mail" and that methods should be designed "to achieve overnight transportation to the destination of important letter mail to all parts of the Nation." The National Service Index is available to determine how well the Postal Service has performed, during the past three years, in achieving these goals. Even without Congressional mandate, expeditious handling and delivery have always been underlying objectives of the Postal Service.[10] For example, in 1958 the aim of the Postal Service was expressed in the following terms: "Move Today's Mail Today in a Businesslike Way." [11] Indeed, for many years the overnight delivery of the first-class mail has been one of the primary goals of the Post Office Department.[12]

That the Postal Service is not meeting its service target as far as preferential mail is concerned is evident from a review of the National Service Index reports. Indeed, the "premium service" is not only not improving but is actually further deteriorating, thereby causing a retrogression in the goal of overnight delivery of first-class mail. In addition, postal difficulties with the handling of parcels and other bulk mail have been greater than ever.[13]

c. Analysis of the quality of postal services

While the National Service Index only reports on the elapsed time between cancellation and mail transfer to carrier or clerk for sequencing and distribution preliminary to effecting delivery and is limited to first-class mail and airmail (fourth class mail was added in Postal Quarter I, Postal Fiscal Year 1971), it does present a usable indicator of the quality of service rendered by the Postal Service in the handling of preferential mail. Table 1 sets forth, for the period PQ I, PFY 1967 through PQ II, PFY 1971, the average days required to handle mail from the time of cancellation to the time the mail is handed over to the carrier or other exit point. Whereas the elapsed time for airmail increased by 16%, first-class mail handling operations have required over 40% additional processing time, despite the introduction of considerable quantities of letter sorting machines, facer-cancellers, edger-stackers, and other fixed and non-fixed equipment during these four years.[14]

That the letter mail processing time is constantly increasing is clearly evident from the data in Table 1.

TABLE 1.—AVERAGE DAYS TO HANDLE PREFERENTIAL MAIL (SEGMENT 2 ONLY)

Postal quarter	1st-class mail	Airmail
PQ I, PFY 1967	1.40	(1)
PQ III, PFY 1968	1.49	2.09
PQ II, PFY 1969	1.63	2.21
PQ III, PFY 1969	1.50	2.06
PQ IV, PFY 1969	1.44	2.03
PQ I, PFY 1970	1.60	2.13
PQ II, PFY 1970	1.77	2.29
PQ III, PFY 1970	1.74	2.27
PQ IV, PFY 1970	1.73	2.15
PQ I, PFY 1971	1.78	2.24
PQ II, PFY 1971	1.97	2.43

[1] Not available.

Source: National Service Index, Finance and Administration Department, Post Office Department, table 5 (various dates). Data for PQ I, PFY 1967 derived from "Towards Postal Excellence," op. cit., annex vol. III, pp. 2-45.

Converting the available processing time for the reported periods to a simple linear expression yields the following least squares equation: $Y=1.287+0.0291X$. This signifies that there has been a constant increase in the handling time and that this increase, on an annual basis, presently amounts to almost three hours per day. Evidently, unless this trend is reversed the handling time for first-class mail will alone require two days, as it almost does for PQ II, PFY 1971, the last reported period. The effect, manifestly, is to lengthen total transmission time. While the policy of "next day" delivery may be paramount in Congressional objectives and in the minds of postal officials and the mailing public, it is becoming less and less realistic under present operating conditions. To accomplish "next day" delivery for a signficant portion of first-class mail, postal operations will need to be profoundly changed. The time for superficial adjustments and grandiose programs is past; what is evidently needed is better management of postal operations which would result in a substantial increase in productivity. In addition, service would be significantly improved by the simple expedient of by-passing large metropolitan areas with their numerous and costly delays and bottle-necks.

While national increases in elapsed time may measure overall performance, a more precise comparison is available in relating the time required to handle first-class letters between paired cities. The National Service Index reports on the following ten major post offices as origin and destination points:

New York	Baltimore
Chicago	Houston
Los Angeles	Cleveland
Philadelphia	Washington
Detroit	St. Louis

The average number of days to handle first-class letters between these ten cities are reported in Table 2 for PQ III, PFY 1968,

Footnotes at end of article.

and PQ II, PFY 1971. Since the volume of first-class letter mail between these cities is not available in published reports, an unweighted average has been used for determining elapsed time in each of the two periods selected. These averages are as follows:

TABLE 2.—AVERAGE NUMBER OF DAYS TO HANDLE 1ST-CLASS LETTER MAIL

(SEGMENT 2 ONLY)

Destination post office	Number of days required: PQ III, PFY 1968	PQ II, PFY 1971
New York	2.1	2.8
Chicago	1.8	2.5
Los Angeles	1.9	2.8
Philadelphia	1.9	2.8
Detroit	1.9	2.8
Baltimore	2.2	2.4
Houston	2.3	2.4
Cleveland	2.3	3.1
Washington	2.0	2.4
St. Louis	2.3	2.7
Total	2.1	2.7

Source: National Service Index, Finance and Administration Department Post Office Department, table 13.

Thus, between PQ III, PFY 1968, and PQ II, PFY 1971, a period of three years, the handling of letter mail between the principal offices required 0.6 additional days, or an increase of over 28% in handling time. Not only has there been a substantial increment in letter mail handling time, but these data establish another fact, namely, that the service given to first-class mail is markedly poorer between these ten major cities than the service rendered for other non-local letter mail. As noted in Table 2, the average letter handling time between major cities amounted to 2.7 days. Since the national non-local letters required 2.2 days for processing and transportation, the rest of the Nation, excluding the major cities, needed only 2.0 days. Thus, service between smaller cities is better than the service between the major metropolitan areas.

The National Service Index also reports the percentage of first-class mail and airmail that is "delivered" within a specified number of days. Table 3 sets forth these percentages for the initial period and for the last available report. For both first-class mail and airmail, the increase in elapsed time is reflected in a declining percentage of the respective types of mail making first, second, and third day delivery. Although the decline in airmail has been smaller, the loss in service for first-class mail has been substantial.

TABLE 3.—PERCENTAGE OF MAIL DELIVERED WITHIN SPECIFIED NUMBER OF DAYS (SEGMENT 2 ONLY)

[In percent]

	PG III, PFY 1968	PQ II, PFY 1971
All 1st class:		
1 day	64.0	49.8
2 days	87.7	74.3
3 days	97.7	88.8
4 days	99.3	94.9
5 days	99.7	97.5
All airmail:		
1 day	26.0	20.3
2 days	75.8	65.3
3 days	94.2	87.4
4 days	98.5	94.2
5 days	99.5	97.1

Source: National Service Index, table 3.

Footnotes at end of article.

The Postal Service has recently instituted a program to improve airmail service.[15] The Postmaster General stated that this was "the first of several major, definitive plans . . . for comprehensive service improvements." The mailing public would indeed be grateful to the Postal Service if 95% of airmail deposited by 4 p.m. received next-day delivery within 600 miles and second-day delivery to most of the major cities within the Continental United States. This is the level of airmail service that had been in effect ten or more years ago. While the recognition of the declining airmail service and the institution of a program to halt the deterioration are sincerely appreciated, it must, nevertheless, be noted that in 1968 the Postmaster General noted in his Annual Report that more than 90% of first class mail was then being delivered within two days.[16]

However praiseworthy may be the efforts in behalf of airmail, the central problem is more than 50 billion pieces of first-class mail. As Table 3 demonstrates, first-class mail has suffered a far greater service deterioration than has airmail. The Postal Service should, in these proceedings, be requested to submit its program to improve the service for first-class mail.

d. Special programs to improve postal operations

The Postal Service has instituted a number of programs which were designed to improve postal operations and, thus, restore the service that had previously been in effect. In April 1968, Programed Distribution of Outgoing First-Class Mail, presently entitled Managed Mail Processing, was installed in New York and in November 1968 the program was extended to Chicago.[17] This project was first undertaken as a test and then as an organizing program to assist in obtaining improved use of mechanization and workspace as well as in the better allocation and assignment of manpower. Ostensibly, this program should have resulted in the reduction of the elapsed time between New York and Chicago, on the one hand, and the other large offices, on the other. A review of the National Service Index, however, reveals that a comparison of the elapsed time before the program was initiated and for the latest available Postal Quarter establishes that the handling time has increased by 23% for letter mail originating in New York, and by 27% for Chicago. Despite this deterioration in service, the Managed Mail Processing program has now been extended to other major metropolitan areas. Using PQ III, PFY 1968, as the base point for all ten major offices identified in the National Service Index and comparing the letter mail handling time reported for the last available period, PQ II, PFY 1971, Table 4 gives the elapsed days and precentage of increase. Thus, a program, which had been heralded as the mechanism for making better use of manpower facilities, and equipment, has resulted in increasing mail handling time by some 29% for outgoing letter mail originating and destined for the ten major post offices. As to whether this program has reduced postal costs, no conclusion can be reached in the absence of published cost analysis studies. But there is no question that Managed Mail Processing has played a substantial role in the further deterioration of the mail service. The Postal Service is, thus, seeking to raise first-class mail rates by 33⅓% and yet provide a level of service that is steadily declining.

Furthermore, under the mechanization and modernization program, the Postal Service has been engaged for the past 15 years in testing and installing processing procedures and equipment designed to accelerate the handling of letter mail. For example, with public cooperation the level of the use of the ZIP Code on letter mail has reached the point where many of the larger postal facilities have converted a significant portion of their letter mail processing from memorized scheme to distribution by ZIP Code. A companion development converted a large number of letter sorting machines from manual to high-speed ZIP Code distribution using optical character readers or ZIP Code keyboards.[18] Nevertheless, these developments have, thus far, not been able to overcome the other factors making for a continuing increase in overall processing time and for further deterioration in service. The Postal Service, evidently, needs to determine what are the underlying causes for the added mail processing time and institute the necessary corrective measures, whether they are improved productivity, more effective management and supervision, or better mechanization, or all three.

TABLE 4.—LETTER MAIL HANDLING TIME—10 MAJOR POST OFFICES AS ORIGIN AND DESTINATION OFFICES

Origin/destination office	PQ III, PFY 1968 (days)	PQ II, PFY 1971 (days)	Percentage of increase
New York	2.2	2.7	23
Chicago	2.2	2.8	27
Los Angeles	2.1	3.1	48
Philadelphia	2.1	2.7	29
Detroit	2.0	2.6	30
Baltimore	2.0	2.3	15
Houston	2.3	[1] 2.1	
Cleveland	1.9	2.5	32
Washington	1.8	2.8	56
St. Louis	2.1	2.8	33
Average, 10 offices	2.1	2.7	29

[1] Excluded, too few observations; not statistically reliable.

Source: National Service Index, table 13.

e. Total elapsed time of postal services

The original assumption of the National Service Index was that measuring processing time, that is, segment 2, would suffice as a standard for determining the quality of mail service. The inference was that the inclusion or exclusion of collection time (segment 1) and delivery time (segment 3) would have little influence or effect on total transmission time since these operations were more or less standard.[19] However, since the commencement of the National Service Index in PQ III, PFY 1968, both collection and delivery services have undergone fundamental and overriding changes. The number of both full time and part time collection routes, for example, has declined and the average number of hours used in the collection service has been reduced substantially, as Table 5 demonstrates.

TABLE 5.—COLLECTION ROUTES

Fiscal year	Full-time routes	Part-time routes	Average number of hours daily	Percent change from fiscal year 1968
1968	1314	12,094	35,693	
1969	1170	10,667	33,516	−6.10
1970	1117	9,525	27,762	−22.22

Source: Annual Report of the Postmaster General, table 404.

This cutback in service has occurred even though the mail volume, the number of families and businesses served, and the number of possible deliveries continue to increase.[20] Specifically, for FY 1971 the Postal Service had estimated that mail volume would increase 2.4% and that 1.2 million families, 50,000 businesses, and 275,000 rural families would be added to the list of postal patrons. As far as city delivery service is concerned, possible city deliveries would be increased by 2.2% and the area served by 4.0%.[21] Despite these additional demands for service, the

number of business routes for the past three years has declined and the number of trips to business areas reduced, as Table 6 sets forth. In addition, on a number of business routes the Saturday delivery schedule has been curtailed or entirely eliminated.

TABLE 6.—BUSINESS ROUTES

	1 trip		2 trips		3 trips		Total		
	Full time	Part time	Full time	Part time	Full time	Part time	Full time	Part time	Total routes
Fiscal year:									
1968			2,088	118	4,489	549	6,577	667	7,244
1969			2,157	121	4,150	547	6,307	668	6,975
1970	529	155	3,743	117	1,918	466	6,190	738	6,928

Source: Data furnished by the Operations Department, Post Office Department.

No comment is being offered as to the desirability or appropriateness of reducing the number of trips on business routes, but the fact is that business mail, which originates almost 74% and receives about 33% of all mail, is not getting as good service with fewer and earlier collections and reduced delivery trips as it formerly did. Thus, with the reduction in the number of collection service hours and in the number and frequency of business delivery routes, the inevitable effect must necessarily have been to have increased the elapsed time for collection service (segment 1) and for delivery service (segment 3), the amount of which cannot be precisely ascertained since the Postal Service does not report or publish such data. It is certain, however, that the assumption that the collection and delivery time intervals would continue to be unchanged and unaffected, and would remain constant in the computation of total elapsed service time from deposit to delivery, no longer holds true.

f. Other factors involving first-class mail service

1. Need for Efficient Service—Statements of Postal Officials

From the foregoing analysis, it is apparent that despite repeated statements by postal officials that service must be improved, especially that given to preferential mail, postal data as reported in the National Service Index disclose that the service for first-class mail continues to deteriorate. Postmaster General Winton M. Blount, testifying on March 23, 1971 before the House Subcommittee on the FY 1972 postal appropriations stated that: ". . . better and more efficient service to the American people must be a major concern of the new Postal Service."

While recognition of the continuing deterioration in the quality of service is commendable, what is sought is actual improvement by positive action.

But the same recognition of the need to improve service appeared in the testimony and speeches of prior Postmasters General. For example, when the Congress in 1967 was considering raising the rate of first-class letter mail from 5 to 6 cents per ounce, Postmaster General Lawrence F. O'Brien stated:

"Mr. Chairman, I think we must candidly recognize that the public is dissatisfied with the mail service it has been receiving. Our customers complain of delayed mail, the fact that several days may go by before mail is delivered from one suburb to another or from New York to Washington. A public that is discontented with present service will certainly resent paying higher rates unless they lead to improved postal operations." [22]

In 1970, when this Administration sought to raise the rate of first-class letter mail to 8 cents per ounce, the Chairman of the House Subcommittee on Postal Rates remarked as follows:

"I am fearful that unless we greatly improve the services in first class that it just is not realistic to try to pass a bill to 8 cents for first class." [23]

Thereupon, Assistant Postmaster General James W. Hargrove said:

"We try to avoid doing anything—and I think this is a relatively new principle, incidentally, since we came aboard—we try to avoid doing anything that does not advance the time of delivery of a letter." [24]

Nevertheless, the National Service Index clearly establishes that since its introduction in FY 1968 the average number of days required to effect delivery of first-class mail, as well as of airmail, has increased substantially. Moreover, as Table 1 clearly demonstrates, this increase has been most pronounced during the past two years. To be sure, the record prepared by his own Finance and Administration Department disputes Mr. Hargrove's statement that nothing has been done to downgrade the service for first-class mail. From the first full Postal Quarter of the present postal team's term of office through the last reported period, that is from PQ IV, PFY 1969 through PQ II, PFY 1971, the average days to deliver first-class mail (segment 2 only) has increased from 1.44 days to 1.97 days, an increase of 37% in delivery time in less than two years. Something more than self-serving pronouncements are evidently required to put an end to the steady deterioration in service and its eventual improvement.

2. Mailing of Metered Mail

Postmasters in a number of large offices have recently issued new instructions on the acceptance of metered mail. The following instruction was delivered to business mailers from the postmaster of the Washington, D.C. post office:

"Postal regulations require meter mail bearing the date of mailing *must* be deposited in a mail chute in the building or street collection box before the last collection of that day. Mail prepared after the last collection must bear the next day's date."

"Meter mail improperly prepared will be returned with instructions to enclose in a new envelope bearing the correct date in meter stamp."

Very truly yours,

/s/ C. G. Beall,
Postmaster.

By what authority the postmaster issued these instructions is not clear. The new Postal Service Manual does not authorize it even though the Regional Office had approved the issuance. On the other hand, no instructions on this subject had been transmitted from the Postal Headquarters to the field. In any event, these mailing requirements have resulted in an added burden for the mailers, additional expense, and additional delay in effecting delivery. The problem is further accentuated by the reduction in the number of collection trips and in the moving up of the pick-up schedule for the last collection.

3. Reduction in Time Period for Forwarding First-Class Mail

The Postal Service has recently reduced the retention period for the maintenance of the forwarding privileges accorded to preferential mail from 2 years to 1 year.[25] This change in the time period for the retention of change of address must necessarily reduce the quality of service formerly in effect. One type of first-class mail that would be adversely affected by this new regulation is the mailing of Christmas and other seasonal greeting cards which total almost 5 billion pieces of mail annually. This is another instance of the weakening of the benefits that first class mail, as a premium service, had been receiving.

4. Postal Regulations on Distribution of First Class Mail

In the old Postal Manual, which had been the principal source for postal regulations and guidelines for many years, Section 333,321c provided that primary distribution of outgoing first class must be completed within 30 minutes after cancellation and secondary distribution within one hour after cancellation. In the new Postal Service Manual, however, these mail processing time requirements are totally eliminated and all that remains is a listing of the order of priority for distribution in Section 333,242a. Gone is any reference to time factors for distributing first-class mail.

Similarly, for incoming first-class mail the processing time schedule has been modified. In the old Postal Manual, Section 333.322b provided that first-class mail had to be distributed immediately upon arrival. In the new Postal Service Manual this important requirement has been eliminated and in Section 333.243a the substituted provisions contain the following weakened instructions:

"Regional Directors shall establish and approve changes concerning a cut-off time covering the distribution of incoming mail to assure that the greatest possible volume of preferential mail will connect with the first delivery trip and permit carriers to depart on schedule."

As a result of this new distribution standard, the processing and delivery of portions of first-class mail have been delayed. For example, preferential mail in the Managed Mail Processing Program received after 6 p.m. is not worked until tour 2 (daylight hours) on the following day, with the result that this first-class and other preferential mail is delayed in delivery by at least one day.

5. Cutback in First-Class-by-Air-Mail

Several months ago, on the pretext to save transpotration costs, the Postmaster General ordered that the first-class-by-air program be curtailed by limiting FCM airlift to distances in excess of 750 miles. The effect of this order was to return formerly airlifted first-class mail for the 250–750 mile segments to surface transpotration. With the reduction in available passenger train service this meant a long over-the-road truck operation and a further increase in the elapsed time for the delivery of important letter mail. Recently some of the longer FCM segments that had been terminated were reinstated but the entire FCM program, that had been functioning for over a decade with good results, is still substantially below its operating level of two years ago.

6. Effect on First-Class Mail Service Should the Five-Year Planning Schedule for the New Postal Service Be Adopted

In the Congressional Record, volume 116, part 16, pages 22326–22327, there appears a purported document entitled "Five-Year Planning for the New Postal Service." If this is indeed the planned operations for the Postal Services for the next five years, then the presently deteriorated service must necessarily degenerate even further. This conclusion flows from the contemplated reduction in collection and delivery services, in window service, and in weekend processing operations. While other proposed changes and extension of existing programs may possibly result in improved service, such as the area mail processing and production standards, on balance the net effect appears to be a marked reduction in the quality of service for first-class mail.

Footnotes at end of article.

7. Elimination of ABCD Program

While the ABCD Program was available, letter mail deposited before 11 a.m. was collected, processed, and delivered on the same day in the business area. This program was of definite benefit to the business community. Although this program may have entailed some additional costs, it nevertheless provided a useful and essential service, and it reduced the late afternoon peak. But the policy of reducing business delivery trips from 3 to 2 per day necessitated the abandonment of the ABCD Program, since the mail generated under this program was delivered on the 3rd trip. Thus, the eliminaton of the ABCD Program impaired the quality of service formerly rendered to an important segment of the mailing public.

8. Potential Effect on First-Class Mail of the New Airmail Service Standards

As noted above,[26] the Postmaster General has announced a program to accelerate airmail service. The immediate result of this effort must be some deterioration in service for first-class mail. For example, the Postal Service has had to convert, in some instances, one of the two street collection boxes to an airmail box so that such mail deposited in the airmail box could be separately collected and trucked to the airmail section of the post office or to the airport mail facility for processing and dispatch. By this conversion, the patron separation into local and non-local boxes was necessarily eliminated. While the program to improve airmail service is praiseworthy, the effect on first-class mail should not be overlooked. The combining of local and non-local mail results in additional culling and distribution time, thus increasing the total elapsed delivery time. This arises from the fact that patron-separated local mail would by-pass the culling and outgoing distribution operations and be sent directly for processing to the "incoming city" side for immediate distribution and delivery. This patron separation made it possible for some post offices to deliver city and nearby mail on the next day with a high degree of regularity; under the new procedures that possibility is made more difficult. Thus, a commendable effort in behalf of one class of mail to improve service will undoubtedly result in the deterioration of the already inferior service rendered to first-class mail, especially the local segment of this mail.

9. Collection Service

As noted in Table 5, above, in the three years, FY 1968–FY 1970, the average number of hours daily used in the collection service had declined from 35,693 to 27,762, or a reduction of 22.22%. During FY 1971 the trend in the curtailment of the number of collection trips, in both business and residential areas, has been further accelerated. For example, where formerly residential boxes were tapped four times daily at approximately 8:30 a.m., 2:30 p.m., 5:00 p.m., and 8:30 p.m., the initial modification eliminated the evening pick-up at 8:30 p.m., and recently a further "schedule" adjustment reduced the two afternoon collection trips and instituted a 12:00 noon pick-up. Thus, mail deposited after the 12:15 p.m. collection remains in the collection box for a period of up to 17 hours. The alternative is to walk several blocks away to another collection box which has a 4:00 p.m. pick-up or one-half mile to an "arterial" box with a 6:00 p.m. pick-up. No evening collection now exists either in the business or residential areas. It is now necessary to deliver mail—that was formerly deposited in the street collection boxes—to the main post office to obtain same day dispatch because of the elimination of late evening pick-up.

The obvious effect of this drastic collection retrenchment program, of which first-class mail is the principal victim, is to lengthen the time between mail deposit and ultimate delivery. First-class mail that was deposited, collected, processed, and dispatched the same day would normally be delievered one day earlier than the current postal practices would permit for mail deposited after the early afternoon pick-up. Moreover, for years under the post office-sponsored mail early program the critical cutoff was 5:00 p.m., and now even that has been advanced by some 4 hours. Thus, first-class mailers are being petitioned to pay an additional $1.2 billion in postal revenues in FY 1972 and, at the same time, to accept sharp cutbacks in service. For first-class mail, service is an important element and is the keystone issue, equal to, if not more important than, the postal rate levied. The downgrading of the collection service is only indicative of the decay that has permeated the entire postal services for first-class mail and other classes.

10. Tour of Washington, D.C. Post Office, April 26, 1971

Together with several other intervenor representatives and a staff member of the Postal Rate Commission, this intervenor visited the Washington, D.C. post office on April 26, 1971, beginning at 6:00 a.m. We were informed by the tour superintendant and his staff that incoming mail was being distributed manually, not by means of letter sorter machines, which are used only on outgoing letter mail. During our visit we were informed that mail received by airlift under the Managed Mail Processing Program from distant offices after 6:00 p.m. the previous evening was being distributed that morning. None of this mail destined for residential delivery would reach the addressees before the following day and a small portion, no more than 25%, would possibly be delivered that day to businesses and lock boxes. Thus, most of the first-class mail received the previous evening would not be delivered before the second day after receipt. Another check revealed that Washington city mail with a April 23 (Friday) and April 24 (Saturday) postmark was being worked on tour 2, since distribution is reduced over the weekend. Thus, local Washington mail with a Friday or Saturday postmark will, for most of the locally originating mail, not be delivered before the following Tuesday. This clearly demonstrates that internal postal practices have resulted in delay to mail processing and delivery. Obviously, next day delivery, the standard for many years, cannot be accomplished under these new operating methods of mail processing.

11. Net Effect of Recent Operating Changes on Service

Although the present and prior Postal Administrations have recognized the need to maintain the highest level of service for preferential mail, the so-called "premium service" has continuously deteriorated. The actions taken during the last two years have particularly had the greatest impact on the service rendered to preferential mail. As measured by the National Service Index, service suffered its greatest deterioration during this period. Moreover, the elapsed time data for the last reported period, PQ II, PFY 1971, showed the highest loss in service for first-class mail and airmail since the Postal Service initiated the present system.

g. Conclusion on quality of service for first-class mail

The foregoing analysis demonstrates that the transmission time, since the initiation of the National Service Index, has increased substantially. While no amount of time, in terms of calendar days, can be deduced from existing postal reports, it is reasonable to estimate that within the last three years the total elapsed time from deposit of first-class mail to delivery has increased by at least one day—0.6 days for mail handling (segment 2) and 0.4 for collection and delivery services (segments 1 and 3). Since transmission time is probably the single most important element of the mail service,[27] further deterioration in an already inadequate collection, processing, and delivery schedule should be a primary and critical concern to both postal officials and patrons. The National Service Index merely points out the service changes and their effect on the quality of service being rendered, both the improvements and deteriorations. It is the responsibility of the postal officials to correct obvious inadequacies in the service by reversing the unsatisfactory trend in mail processing time, and by instituting improved collection and delivery services in order to maintain the high standards for which the Postal Service had formerly been distinguished. Anything less spells the continuation of a deteriorating Postal Service. If the changes in postal rates and fees sought by the Postal Service for first-class mail are to be recommended by the Postal Rate Commission, included in the recommended decision should be the specific requirements for a much higher level and quality of service for first-class mail patrons. Such level and quality of service should at least equal that in effect ten years ago.

III. POSTAL PRODUCTIVITY

a. Introduction

Since approximately 80%[28] of total postal costs are directly traceable to postal wages and salaries, the productivity of postal officials and employees, both at Headquarters and in the field, becomes a key indicator in determining how well the Postal Establishment is being managed. An analysis of postal productivity, thus, is a paramount consideration in tracing the cost and service changes that are and have taken place. In short, the health and performance of the Postal Service can be measured by the direction and course postal production has taken.

b. Studies of postal productivity

The Postal Service was the first Federal agency in which productivity of its employees was measured. This undoubtedly arose from the fact that postal operations are similar, in many respects, to those carried on in the private sector. The first study, covering the period 1908–1931, showed that postal employee productivity had increased in the 23 years by 63.4% or by over 2.1% annually.[29] Subsequent studies carried this productivity analysis to 1953.[30] Accordingly, for the period, 1908–1953, postal productivity increased by some 1.8% annually. For the past 20 years the Postal Service has maintained detailed records on mail handling and other operations. Using the indices developed in the Bureau of Budget report on Measuring Productivity of Federal Government Organizations for the period, 1953–1961 and supplementing these indices for the period, 1962–1969 by data derived from the Postal Service, the increase in total postal productivity for the period, 1953–1969, amounted to 3.76% overall or 0.2% annually (Table 7). But this increase in productivity fluctuated over the entire period and encountered two substantial setbacks. This is clearly pinpointed by Hon. Frank J. Nunlist, Assistant Postmaster General, Operations Department, in his testimony on the FY 1971 appropriations when he stated: [31]

"During the period 1959–1969, the annual growth rate in productivity of private nonfarm industry was 2.9 percent, while during this 10-year period, the annual growth rate in productivity of post offices clerks, measured in terms of pieces of mail per manyear was 0.26 percent."

Footnotes at end of article.

TABLE 7.—POSTAL SERVICE INDICES OF OUTPUT PER MAN-HOUR—TOTAL MANPOWER FOR FISCAL YEAR 1953-69

Fiscal year	Index of output per man-hour (1953=100)	Percent change from prior year
1953	100.00	
1954	101.22	1.2
1955	103.77	2.5
1956	103.38	−.4
1957	104.62	1.2
1958	102.32	−2.2
1959	102.62	.3
1960	102.75	.1
1961	101.48	−1.2
1962	103.22	1.7
1963	104.51	1.2
1964	104.88	.4
1965	105.54	.6
1966	105.59	0
1967	104.46	−1.1
1968	102.95	−1.4
1969	103.76	.8

Source: Measuring Productivity of Federal Government Organizations, Bureau of the Budget, 1964, table 55, p. 230, and answer 7(a) by Postal Service to Interrogatories of American Retail Federation, Mar. 26, 1971, Postal Rate Commission Docket R71-1.

Thus, with little or no mechanization the Postal Service had been able to obtain an annual increase in productivity of 1.8% for the period 1908–1953, by absorbing the ever-increasing mail workload with a smaller increase in manpower. But for the last two decades, as more and more new mechanized postal facilities were constructed and highly sophisticated mail processing machines installed in new as well as existing postal buildings, postal productivity not only did not approximate the productivity in the private sector [32] but had substantially declined below the performance—in terms of annual increases in productivity—it had achieved for over one half century prior to the current facility and mechanization program. It is this decline in postal productivity that must account, in part, for the rising postal costs and the increasing level of postal deficits.

What are the underlying reasons for the Postal Service not being able to obtain substantially higher productivity in its mail handling and processing operations can only be ascertained by a comprehensive review of the internal work measurement records that the Postal Service has reported on for the past two decades, and by workroom inspection of employee performance. Top management now recognizes the deficiencies in postal productivity and has initiated efforts to correct the relative low productivity of postal employees. Whether these efforts and other management programs are sufficient to bring about continuing and substantial increases in postal productivity remains to be seen.

TABLE 8.—POSTAL PRODUCTIVITY AND PRIVATE NONFARM OUTPUT

(1957–59 equals 100)

Year	Postal productivity	Private nonfarm output
1957–59	100.0	100.0
1960	99.6	104.4
1961	98.3	107.4
1962	100.0	112.3
1963	101.3	115.7
1964	101.6	120.0
1965	102.3	123.6
1966	102.3	127.9
1967	101.2	130.0
1968	99.8	133.7
1969	100.5	134.2

Source: Postal Productivity derived from table 7, adjusted to 1957–59 equals 100; Department of Labor, Bureau of Labor Statistics, indexes of output per man-hour, October 1970

c. Postal wage rates

A comparison of the compensation per manhour in the private nonfarm sector and that received by postal mailhandling employees reveals that since 1958 postal employees have been able to more than hold their own. Table 9 show that since 1957–59 base period while the compensation per hour in the private nonfarm sector had increased by 79.3%, the hourly compensation for clerks and mailhandlers increased by 90.4%.

TABLE 9.—COMPARISON OF PRODUCTIVE HOURLY RATES OF POSTAL CLERKS AND MAILHANDLERS AND PRIVATE NONFARM EMPLOYEES

Year	National productive hourly clerks and mailhandlers [1]		Index of private nonfarm compensation per man-hour (1957–59=100) [2]
	Actual	Index (1958=100)	
1958	$2.82	100.0	99.8
1959			104.2
1960			108.4
1961	3.09	109.6	111.8
1962	3.34	118.4	116.3
1963			120.5
1964 (pt. 1)	3.55	125.9	126.2
1964 (pt. 2)	3.70	131.2	
1965	3.88	137.6	130.8
1966	4.05	134.6	138.8
1967			146.6
1968	4.29	152.1	157.4
1969 (pt. 1)	4.52	160.3	167.9
1969 (pt. 2)	4.67	156.6	
1970 (pt. 1)	4.95	175.5	[3] 179.3
1970 (pt. 2)	5.37	190.4	

[1] Productive hourly rates, including fringe benefits.
[2] Department of Labor, Bureau of Labor Statistics, Indexes of Output per Man-Hour, Hourly Compensation, and Unit Labor Costs, 1947–69, table 1, October 1970.
[3] Department of Labor, Bureau of Labor Statistics, Productivity, Wages, and Prices, 1st Quarter, 1971, table 2.

In addition, the question of the compression of the salary steps in the pay schedule for postal employees, as provided for in Section 10(b) of the Postal Reorganization Act, has been negotiated and a Memorandum of Agreement entered into between the postal union representatives and postal officials, effective as of November 18, 1970. The immediate effect is to enlarge the 14.5% increment received by postal employees in 1970. While the precise increase in the postal productive hourly rates has not been computed and, therefore, no adjustment has been effected in the clerk-mailhandler rate of $5.37 per hour, the official rate since April 18, 1970, it is reasonable to assume that the step compression agreement added at least another 2% to the rate and thus brought the 1970 index to over 194.

Postal employees have accordingly been receiving increases in compensation somewhat higher than those in the private nonfarm sector of the economy. This is not to say that pay inequalities do not still exist in the Postal Service. The comparison is being presented to demonstrate that, for the past ten years, postal employees have done well, wage-wise, in the total economy.

d. Analysis of postal productivity under new postal facilities program

The current Postal Modernization Program was initiated in the mid-fifties. Taking into account the elapsed time between planning for a new postal facility and its construction, installation of mechanized equipment, occupany, and debugging, a minimum of three years has been required for the larger mechanized facilities to bridge this period. Thus, the productivity analysis of clerk-mailhandler personnel uses the three-year time span, 1957–1959, as the base period. Table 10 sets for the productivity index for each year, 1957–1970. Through 1965, the productivity index increased by just 1% annually, but in 1966 and in subsequent years the productivity index actually declined. Postal officials have pointed to P.L. 89–301, as one of the causes for this decline in productivity. It would seem that good management would have anticipated the effect of the statutory provisions and arranged manpower requirements to maintain effective and efficient operations.

TABLE 10.—CLERK-MAILHANDLER PRODUCTIVITY INDEXES

	Number of pieces of mail handled (in millions)	Clerk-mail-handler man-years	Pieces of mail per man-year	Productivity index (1957–59 equals 100)
Fiscal year:				
1957	59,078	247,860	238,352	99.83
1958	60,130	253,687	237,024	99.28
1959	61,247	254,234	240,908	100.90
1957–59			238,753	100.00
1960	63,675	262,105	242,937	101.75
1961	64,933	267,029	243,168	101.85
1962	66,493	269,521	246,708	103.33
1963	67,853	272,689	248,829	104.22
Fiscal year—Continued				
1964	69,676	277,188	251,367	105.28
1965	71,873	281,067	255,715	107.10
1966	75,607	299,930	252,082	105.58
1967	77,858	322,477	241,437	101.12
1968	79,517	330,999	240,233	100.62
1969	82,005	337,208	243,188	101.86
1970	84,882	342,422	247,887	103.83

Source: Annual reports of the Postmaster General, net paid man-years and number of pieces of mail handled (various tables).

Even with the recovery experienced in 1969 and 1970, the productivity index in 1970 of 103.83 has not yet reached the 1963 level even though the last 7 years has seen the construction of many mechanized postal facilities and the installation of mechanized equipment in existing structures.

Chart 1 plots the productivity indices for the period, 1957–1960. If the Postal Service had maintained the relatively low productivity annual increment of 1% experienced during 1957–1965, substantial savings in clerk-mailhandler manyears would have been realized for the period, 1966 through 1970. A regression line has been fitted to the productivity—pieces of mail handled per man-year—for the years, 1957–1965, and extrapolated through 1970. This linear equation:

$$Y=238{,}037+2289X$$

provides the clerk-mailhandler productivity that would have been achieved had the an-

Footnotes at end of article.

nual growth of 1957–1965 been maintained. On the basis of these projected levels of productivity, the annual savings in clerk-mailhandler manyears would have amounted to the following:

	Man years
FY 1966	4,093
FY 1967	21,447
FY 1968	26,252
FY 1969	25,659
FY 1970	22,723

For FY 1970 the average annual salary, without fringe benefits and excluding the effect of step compression, amounted to $8717 for clerks and $8066 for mailhandlers. Giving effect to the number of such postal employees on the rolls, the composite annual salary for mail processing amounted to $8658. Thus, the potential savings in FY 1970 for clerk-mailhandler salaries would have been over $195 million, had the modest growth in productivity for the 1957–1965 period continued through 1970. In addition, were the fringe benefits included, the annual savings would have been over $225 million.

Moreover, had the Postal Service realized the potential of the new and modernized facilities, as postal officials had presented to the Congress in various economic analyses and cost/benefit studies, which purported to demonstrate cost reductions that would flow from new facilities and mechanization, the foregoing estimate of possible savings would indeed have been achieved. Thus, not only have the anticipated cost reductions not been recovered, but the continued low productivity in the mailhandling operations has added a substantial increment to postal costs through the employment of additional clerks and mailhandlers.

e. Postal facility and mechanization program

Since the mid-fifties the Postal Service has constructed or leased over 100 major mechanized facilities. It is estimated that the construction costs for these facilities totaled over $2.5 billion. In addition, modernization of Federal buildings in which the Postal Service is the principal or sole tenant has required another $500 million in Government expenditures. Through fiscal year 1970 the Postal Service has obligated over $600 million for fixed mechanization for new construction and over $400 million for additions and alternations to fixed mechanized systems and for non-fixed mechanization.[33]

These estimates have been derived from Congressional hearings on the Post Office Department Appropriations and from Postal Budget Submissions to the Congress, and are submitted merely to indicate the magnitude of expenditures for facilities and mechanization obligated over the entire period since the current program was originated in mid-fifties. Underlying these expenditures is the concept and promise that the investment in new facilities, modernization of existing postal structures, and mechanization would result in lower operating costs and would provide the expeditious service demanded by the mailing public. Thus far, the expenditures of over $3.5 billion for postal buildings and mail processing equipment have not brought about any material reduction in operating expenses, as is evidenced by the lagging productivity rate in the mail processing operations.

r. Growth in the number of major mechanized facilities

Over the years postal officials have testified repeatedly to the effect that the postal facilities are antiquated and obsolete.[34] During the past 15 years Congress has authorized funds for nearly all the facility and equipment requests submitted by the Post Office Department. The cumulative effect of these actions is that in many of the large cities, where most of the mail originates, is processed, and delivered, have new facilities or new facilities are under construction or planned. Of the 171 Work Load Recording System (WLRS) offices, new major postal structures exist or will be available in nearly all of these cities. The mammoth postal construction and mechanization program that has been underway since the mid-fifties is evident from the following listing of the 25 largest offices:

1. New York, N.Y., BMF, PMF, FDR Station.
2. Chicago, Ill., BMF, AMF O'Hare, new South Suburban.
3. Los Angeles, Cal., BMF, Worldway Center (AMF).
4. Boston, Mass., South Postal Annex.
5. Philadelphia, Pa., BMF.
6. Washington, D.C., BMF, Contract Truck Terminal.
7. San Francisco, Cal., AMF San Francisco, BMF.
8. Detroit, Mich., New Post Office, BMF.
9. Cleveland, Ohio, New Post Office, BMF.
10. Brooklyn, N.Y., New Post Office, PMF.
11. St. Louis, Mo., BMF, new Annex converted to PMF.
12. Pittsburgh, Pa., New Post Office, BMF.
13. Baltimore, Md., New Post Office.
14. Atlanta, Ga., New Post Office.
15. Houston, Tex., New Post Office, Bulk Mail Ser. Fac.
16. Cincinnati, Ohio, New Annex (Mail Processing), BMF.
17. Milwaukee, Wisc., New Post Office, Bulk Mail Ser. Fac.
18. Kansas City, Mo., BMF.
19. Dallas, Tex., New Post Office, BMF.
20. Oakland, Cal., New Post Office.
21. Miami, Fla., New Post Office, Bulk Mail Ser. Fac.
22. Seattle, Wash., New Terminal Annex, BMF.
23. Minneapolis-St. Paul, Minn., New Post Office, BMF.
24. Indianapolis, Ind., New Post Office.
25. Jamaica, N.Y., New AMF J. F. Kennedy.

BMF—Bulk Mail Facility.

PMF—Preferential Mail Facility.

AMF—Airport Mail Facility.

Note.—These data derived from Congressional Hearings, postal Press Release, and Annual Reports of PMG.

g. Range in productivity by Post Office

From available workpapers of the Postal Finance and Administration Department it is possible to derive a comparison, by individual post office, of the productivity in piece handlings per distribution hour by specific mail distribution operations or work centers. The Postal Service has made available the computer tabulations for Accounting Period 9, FY 1971. In Table 11 the productivity rate for the highest and lowest post office is set forth for 7 mail distribution operations which involve first-class mail.

TABLE 11.—PRODUCTIVITY BY POST OFFICE ACCOUNTING PERIOD 9, FISCAL YEAR 1971

		Highest post office		Lowest post office	
	Operation	Office	Piece handlings per hour	Office	Piece handlings per hour
030	Outgoing Letter Primary	Little Rock, Ark	1,805	Brooklyn, N.Y	690
040	Outgoing Letter Secondary	Shawnee-Mission, Kans	1,962	San Juan, P.R	418
050	Combined Outgoing Airmail	Elizabeth, N.J	1,730	Newark, N.J	236
080	Letter Sorting Machine Distribution.	Shawnee-Mission, Kans	2,170	North Suburban Facility, Chicago, Ill.	998
150	Incoming Letter Primary	Alexandria, Va	1,702	Chicago, Ill	577
160	Incoming Letter Secondary	do	1,464	Prince Georges, Md	491

Source: Productivity Achieved in the Largest Postal Facilities. Listing of Mail Volume Piece Handlings per Distribution Hour by Mail Distribution Operation, Accounting Period 9, fiscal year 1971; Computer Tabulation, Finance and Administration Department, Post Office Department.

The question immediately arises why postal facilities should have such a range in productivity rates for the same mail processing operations. While some variation should be expected, unless there are good and sufficient reasons, a range of almost 3:1 in the distribution of outgoing letter primary and of almost 5:1 in outgoing letter secondary would indicate that the supervision and distribution clerk performance merit close study. To be sure, differences exist in letter distribution potential and in the make-up of the mail, but these differences could not possibly account for the wide range of productivity rates for identical mail processing activities. Unquestionably, the productivity of the low production offices need to be brought to a much higher level of performance.

Why, for example, should the distribution of outgoing airmail in Elizabeth, N.J. post office be almost 8 times that of its nearby Sectional Center Facility, Newark, N.J. Since the output factor is rendered in piece handlings, the size of the office and its workload are adjusted to an equivalent basis. It is thus difficult to comprehend why Shawnee Mission, Kans., should have twice the productivity of the North Suburban Facility, Chicago, Ill., for the distribution of letter mail on the Letter Sorting Machines, unless the supervision or the performance of the clerks and mailhandlers, or both, are far below standard. Similarly, the question can be raised why an office like Alexandria, Va., can distribute three times the amount of letter mail per hour on the incoming primary operation than does Chicago, Ill. Finally, why can Alexandria, Va., process three times the volume of letter mail on the incoming secondary than does Prince Georges, Md., a brand new facility, occupied in December 1969, with the best working conditions. Answers to these questions and many more on the productivity rates of other offices would indeed be interesting and, perhaps, productive in raising the level of their performance.

n. Conclusion on postal productivity

The Postal Service has the Congressional mandate to lower postal costs and to improve the service to the mailing public. This can only be accomplished by a substantial recovery and advance in postal productivity. The immediate requirement is to regain, at the minimum, the productivity rate that postal workers demonstrated could be maintained on a continuous basis, even prior to the introduction of the new facility and mechanization program. With far superior working conditions and assisted by all types of mail handling and processing equipment, postal employees should be able to improve their productivity rates substantially. Indeed, for the past 15 years the rationale of the testimony of postal officials before the Congress was that the heavy investment in plant and equipment would give the postal employee the environment and tools to perform better and thus reduce postal operating costs. The interface of the postal employee and modern, efficient machines and mechanized systems has not yet resulted in better performance.[35] The reasons for this fundamental failure must be determined and corrective action taken before the mounting postal costs can be brought under better control. Unless the Postal Service can surmount this key man-

Footnotes at end of article.

agement problem, all other programs and activities cannot possibly be effective in cutting postal costs and in improving the service.

RECOMMENDATIONS

1. I recommend that the Postal Rate Commission in its recommended decision to the Board of Governors of the United States Postal Service include a provision that standards of service be issued for the handling and delivery of first-class mail.

2. I recommend that the recommended decision include a recommendation that the Postal Service make a more vigorous effort to improve the quality and level of service for first-class mail.

3. I recommend that the Postal Rate Commission include a statement to the effect that it shall henceforth take into consideration in its recommended decision on rate and fee increases the reasonableness, consistency, reliability, and efficiency of the service for first-class mail.

4. I further recommend that recommended decision include a statement to the effect that failure by the Postal Service to reach and maintain a reasonable level of productivity would henceforth be taken into account by the Postal Rate Commission.

Respectfully submitted,

ELMER CERIN, *Esq.*

June 3, 1971.

Certificate of service

I hereby certify that a copy of this testimony has been served by personal delivery or first class mail upon all participants of record in this proceeding this 3rd day of June, 1971, in accordance with the provisions of Section 12 of the Rules of Practice and Procedure.

ELMER CERIN, *Esq.*

FOOTNOTES

[1] 84 Stat. 719 (1970).
[2] 39 U.S.C. 101(a).
[3] 39 U.S.C. 101(b).
[4] 39 U.S.C. 101(e).
[5] 39 U.S.C. 101(f).
[6] 39 U.S.C. 101(9).
[7] Address by Hon. James W. Hargrove, Assistant Postmaster General, before the Investment Bankers Association, December 3, 1970.
[8] Annual Report of the Postmaster General, FY 1957, p. 16; FY 1958, p. 6; and FY 1959, p. 5.
[9] The Quality of Postal Service, Finance and Administration Department, Post Office Department, July 1969, p. 4.
[10] *Towards Postal Excellence,* The Report of the President's Commission on Postal Reorganization, June 1968, Annex Volume III, p. 2-43.
[11] Testimony of the Deputy Postmaster General before the Appropriations Subcommittee of the House of Representatives, Hearings on the Post Office Appropriations for FY 1959, 85th Congress, 2nd Session, p. 8.
[12] *Towards Postal Excellence, op. cit.,* Study 7, Overnight Delivery of First-Class Mail, pp. 164-167.
[13] Wall Street Journal, December 18, 1970, p. 1, col. 1.
[14] Mechanization and Modernization Program, Operations Department, Post Office Department, September 1970.
[15] National Service Goal for ZIP Coded Airmail, General Release No. 37, April 12, 1971.
[16] Annual Report of the Postmaster General, FY 1968, p. 19.
[17] Annual Report of the Postmaster General, FY 1969, p. 12.
[18] Annual Report of the Postmaster General, FY 1969, p. 13; FY 1970, p. 11.
[19] See Footnote 9, above.
[20] Post Office Department Estimates of Appropriations Submitted to the Congress, FY 1970, p. O-31; FY 1971, p. O-42.
[21] Post Office Department Estimates of Appropriations Submitted to the Congress, FY 1971, p. O-35.
[22] Hearings on Postal Revenue Act of 1967, Committee on Post Office and Civil Service, House of Representatives, 90th Congress, 1st Session, p. 18.
[23] Hearings on Postal Rates and Revenue and Cost Analysis, Committee on Post Office and Civil Service, House of Representatives, 91st Congress, 2nd Session, Serial No. 91-24, p. 44.
[24] *Ibid.,* p. 45.
[25] Federal Register, Vol. 36, No. 72, April 14, 1971, pp. 7050-7051.
[26] See footnote 15.
[27] Towards Postal Excellence, *op. cit.,* Annex Volume III, Section 2.3.4.
[28] For FY 1970, salaries and wages accounted for 79.9% of net obligations. See Post Office Department Estimates of Appropriations Submitted to the Congress, FY 1971, pp. S-2, A-1, R-1, and O-1. It should be noted that despite large expenditures for new facilities and mechanization, labor costs, as a percentage of total postal costs, continue to increase. In 1950, for example, salaries and wages accounted for 74% of total postal expenditures. See Hearings on H.R. 2982, Postal Rate Revision, Post Office and Civil Service Committee, House of Representatives, 82nd Congress, 1st Session, p. 81.
[29] Bowden, Witt, Technological Changes and Employment in the United States Postal Service, U.S. Department of Labor, Bureau of Labor Statistics, Bulletin No. 574, 1932, Table 10, p. 64.
[30] Fabricant, Solomon, The Trend of Government Productivity in the United States Since 1900, National Bureau of Economic Research, 1952, and Kendrick, John W., Productivity Trends in the United States, National Bureau of Economic Research, 1961; Lytton, Henry D. "Recent Productivity Trends in the Federal Government: An Exploratory Study," Review of Economics and Statistics, November 1959; Measuring Productivity of Federal Government Organizations, Bureau of the Budget, 1964, Table 55, p. 230; and Answer 7(a) of Postal Service to Interrogatories of American Retail Federation, March 26, 1971.
[31] Hearings on Post Office Appropriations, FY 1971, House Subcommittee on Appropriations, 91st Congress, 2nd Session, p. 728.
[32] See Table 8.
[33] As of September 1, 1970, the Postal Service had installed, contracted for, or planned procurement during FY 1971 of the following mail processing equipment:

Equipment	Installed	Contracted	Planned procurement for fiscal year 1971	Total
Culling and facing conveyors	718		50	768
Edger-stackers	548	7		755
Facer-cancelers	639	61		700
Mechanized cull, face and cancel systems	43	4	10	57
Multiposition letter sorting machines:				
6-position	62	23		85
8-position	15	3		18
12-position	191	87		278
Single-position letter sorters	8	24		32
Optical character readers	15	5		20
Parcel sorting equipment:				
Multislide parcel sorters	65	18	20	103
Carousel machines	14	9		23
Over and under machines	73	31		104
Multibelt systems	12			12
Outside parcel sorters	5	3		8
Sack sorting equipment:				
Carousel machines	12	7		19
Over and under machines	9	7		16
Fixed belt diverter	4	7		11
Multibelt systems	30			30
Multibelt and monorail	19	3		22
Nonfixed belt diverter	8			8

Source: Mechanization and Modernization Program, Post Office Department, Operations Department, Sept. 1, 1970.

[34] Hearings before House Subcommittee on FY 1972 Appropriations for statement by Postmaster General Blount, 92nd Congress, 1st Session, p. 14:

"In the past, the outmoded organizational structure and antiquated physical plant of the postal system have severely hampered any meaningful effort to improve postal services. But change is in the wind . . . Our outmoded physical plant is going to be modernized."

[35] Towards Postal Excellence, *op. cit.,* pp. 156-157.

ADVERTISING, TOBACCO, AND LIQUOR

Mr. MOSS. Mr. President, over the years, I have been criticized from several corners of industry for my efforts to restrain the wanton promotion of cigarettes. Some have accused me of trying to ban cigarettes. Others have challenged my motives and state that I am trying to eliminate all cigarette advertising. And some have even accused me of bad faith for failure to act on another critical health problem, alcoholism. The critics are misinformed in their attempts to cast doubts on my intentions, my integrity, and my objectives.

If tobacco were a new product, just coming on the market, I doubt that it would be marketed as it has been over the past 50 years. It is even doubtful that it would be allowed on the market. But I can categorically state that I do not advocate a ban to outlaw cigarettes. The Volstead Act proved that prohibition is not the solution to this kind of problem. The public must be educated about the hazards of the product and should be free to make individual own decisions.

Advertising Age recently accused me of wanting to prohibit all cigarette advertising. I must say that the editors of this publication must have someone else in mind in order to arrive at this conclusion. I believe that cigarette advertising can serve an important function in making the public aware of the health hazard of the product, and in providing tar and nicotine content of the cigarettes

being merchandised. Advertising can be useful; it can be used as an educating force. Tasteful cigarette advertising, providing useful consumer information is desirable although not in so great a volume that the meaningful message is distorted in the heavy barrage of repetition.

When it comes to alcoholism, the critics are dead wrong in accusing me of evading responsibility for this critical health problem. The public is aware of the hazards of this product. Unfortunately, we still have too many people who are either unwilling or unable to come to grips with their drinking problem. Even before my involvement in the tobacco problem I sponsored various bills which would bring about a comprehensive program of Federal assistance to combat the alcohol problem which affects millions of Americans and their families. Fortunately, Congress has now passed the Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act and our national commitment to this problem is firmly grounded. If the administration carries out the intent of the Congress, we may be well on our way toward remedying this critical health problem.

The Government of British Columbia has gone a step further and has banned all advertising of tobacco and alcohol. Lest my critics think I am advocating similar policies in the United States, I wish to assure them that my suggested program of regulation, information, and treatment of abuses of these two hazardous substances is clearly recorded in the many statements I have made over the past few years.

Mr. President, I ask unanimous consent that an article concerning the British Columbia ban on tobacco and liquor advertising be printed in the RECORD.

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

BRITISH COLUMBIA MEDIA TO HAVE NO MORE TOBACCO, LIQUOR ADS SEPTEMBER 1

The move by the British Columbia government to outlaw all advertising of tobacco products as well as liquor (E&P, April 3 and May 8) is viewed as a first step toward a federally enacted ban on tobacco advertising in all of Canada.

The tobacco restrictions were approved with the unanimous endorsement of the B.C. legislature, but the government, N.D.P. and Liberal parties all bolted the party line in filing individual votes on the alcoholic resolution. Premier W. A. C. Bennett who personally abhors smoking and drinking threatened a general election on the subject if they were voted down.

Wording of the tobacco Advertising Restraint Act says: "No person shall exhibit, display, publish, distribute, broadcast or telecast, or cause such action to be allowed for the purpose of advertising cigars, cigarettes, or tobacco in any form." The same basic wording is used in the ban on liquor advertising, which also includes all malt products such as beer and ale.

The inclusion of the words "distribute" in the act was cause of confusion in that it was not clear if the laws also applied to publications and telecasts coming in from outside the province. Soon after the measures were passed, Hon. Leslie Peterson, attorney general, stated the government did not "purport to exercise any legislature outside the province." "We only have authority to legislate within the province," Peterson said in clarifying the laws.

POLITICAL OVERTONES

The liquor ad ban is part of the liquor Act of the Province and carries severe penalties including fines and jail sentences. The tobacco ban is a participatory bill which has no specific penalties but allows any citizen to seek a B.C. supreme court injunction to stop anyone from violating the bill.

There are some who feel that the tobacco bill, at least, was never intended to be effective, and when the federal government takes action to ban tobacco advertising, Premier Bennett will be able to say he was the first to ban it, and then let Ottawa do the work.

It is suggested this is the reason the act provides no penalties for violations.

Advertising of spirits and tobacco products in B.C. is estimated to total $3 million annually. About $1,472,240 is for liquor ads and $1,489,083 for tobacco.

RIGID LIQUOR CONTROLS

Since 1953 liquor could only be advertised in B.C. through newspapers and advertising is inspected and regulated by the Liquor Control Board. Product or brand advertising is permitted, but must not encourage the use of alcohol. Photographs of a distillery or brewery renovated, or a retail cocktail bar were generally dis-allowed by the Liquor Control Board. Advertising could not show family groups, the figure of a child in whole or part, consumption of alcohol in outdoor scenes or in sports stadium. Prices could not be quoted directly or such phrases as "economical," "Best value," etc. used. Testimonies were prohibited and photographs of any well known person could not be identified with an advertisement. Premium offers were outlawed in liquor advertising and anything of a suggestive nature as well as claims of medicinal or therapeutic value.

Regulations also provided that advertising in newspapers must only be in black and white and of a size approved by Liquor Board. In a debate in the legislature it was argued that the new regulations were the first step in the control of advertising generally, but in actual fact nothing in the way of advertising has been more rigidly controlled than liquor.

As a result, newspapers got about $941,314 annually in liquor ads with the balance to magazines. An estimated $800,000 a year in beer and wine commercials is beamed into Vancouver and Victoria by American TV stations.

The breakdown of tobacco advertising is divided equally among newspapers, ($404,651); radio, ($434,977); TV, ($310,280); magazines; ($101,436); and weekend supplements to newspapers ($283,639).

As far as TV is concerned CTV is the last network in North America to carry tobacco advertising, since it was banned from the U.S. Network by the government and banned by CBC on its own a year ago. CTV is a private rival network permitted by CBC in competition with its own system, but it has many problems, and banning of cigarette advertising may be the last straw.

WEEKLIES WILL SUFFER

When legislation was first introduced in March, the B.C. Weekly Press Association registered strong protests, claiming it would seriously affect all its publications, and even cause suspension of some of its lower income publications. Liquor ads, according to Jim Shatz, president of the group, accounts for about 10% of the average weekly's revenue.

Premier Bennett said he had great confidence that the media operators would be able to make up their 10% estimated loss on the ban on tobacco advertising. He said this was the reason a six month period was being allowed so that media could find alternative revenue.

The *Vancouver Province* in a lead editorial saw the elimination of liquor advertising as a move to improve profits of the big liquor interests. The *Victoria Times* welcomed the legislation.

The B.C. government currently derives $90 million revenue from liquor sales. It recently lowered the liquor sale age from 21 to 19 and started a program of modernizing its bleak wholesale warehouse looking liquor stores, which is the only source of liquor in B.C., to self-service stores. It is also placing advertising to promote the opening of its latest liquor store in Vancouver.

In attacks on the legislation all these points were brought out as inconsistencies showing the hypocrisy of the government.

The government refused to go along with the protest, contending that alcoholism was the greatest social problem of the day in B.C. Government spokesman accused the distillers of being too anxious to sell their product and not concerned enough with the social problems that follow from the sales of their product.

THE CHALLENGE TO YOUTH IN THE 1970'S

Mr. MATHIAS. Mr. President, there has been much discussion during the past few months on the role that youths will play in making our society more responsive to the needs of its citizens. With the advent of the 18-year-old vote, such discussions assume even more importance and relevance.

A few weeks ago, I spoke to students at the Baltimore Polytechnic Institute in Baltimore on the subject: "Toward Making America a Better Nation—The Challenge to Youth in the 1970's." I am very pleased that the speech was the subject of a Washington Post editorial page excerpt last Friday and that my office has received many inquiries concerning the full text of the speech from constituents and other interested persons.

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

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

TOWARD MAKING AMERICA A BETTER NATION: THE CHALLENGE TO YOUTH IN THE 1970'S

(By Senator CHARLES MCC. MATHIAS, JR.)

You have before you today the greatest challenge ever put before a generation of Americans: To right the many wrongs and injustices which the adults of our society have left unremedied for so many years, to correct the mistakes we have made, and to bring this nation to the realization of the ideals expressed in our constitution, The Declaration of Independence, and in The Pledge of Allegiance to the Flag.

In many parts of this nation, students are refusing to Pledge Allegiance to the Flag, because they feel that it does not represent what really exists in America today. They tell us that the statement . . . "One Nation, With Liberty and Justice for All . . ." is not a representative statement of our nation's current position.

One might ask: While describing a laudable goal, why are you put to this challenge. The answer—because for so many years we have been procrastinating. We have delayed and delayed facing up to those challenges which we should have been meeting. Some pretended they did not exist, others knew they existed, but chose to ignore them. It is now up to your generation to

make these changes and meet these challenges. Otherwise, I fear, we will leave to posterity a legacy completely alien to our ideals of Government and justice. Time has run out, and we can no longer wait.

To what challenges, wrongs, and injustices do I refer? There are many, too many, and I will list only a few:

1. 15 to 25 million people in this nation, that's . . . one person in eight—suffer from poverty and related problems of hunger and malnutrition;

2. Millions of middle class citizens are finding that the cost of immediate and adequate health care is becoming prohibitive.

3. Men are dying and being maimed in an undeclared war thousands of miles away—over a part of the world which is of doubtful importance to our nation and security.

4. American citizens are finding themselves the objects of military surveillance and subjects of secret dossiers, the sort of thing one would never have dreamed could occur in a free society.

5. The disease of racism has deprived millions of non-white American citizens of adequate health care, income and education, and by doing so has deprived the nation of billions of dollars of potential economic gain.

6. Our society has developed a false sense of values on services so that policemen, firemen, teachers, and other professionals in public welfare, health, safety and education are at the lower end of society's pay scale.

7. We have established commissions to tell us why our cities burn, why our campuses erupt into violence, and why our nation has been torn by violence only to turn around and ignore for the most part the advice and recommendations of such commissions on how to solve our problems.

8. And, we have ignored drug addiction in our ghettos and poverty areas until that cancerous evil has now spread into our suburbs.

These are but a few of the wrongs, injustices, and problems that challenge all of you today and which you must rectify as you go into the world.

I have great hope, confidence and faith in you and your future. You represent a generation of Americans which is the most informed, dedicated, morally committed, and sincere that this nation has ever produced.

You have seen your families provide you with adequate food, clothing, and shelter. Your families have enjoyed two or three television sets, two cars, and other of the material things of life that only two decades ago were considered to be luxuries. You have seen that, with all of these pleasures we find ourselves in the midst of turmoil and strife. Adults seem to be angry at youth for its outspokenness, and youth is angry at adults for their silence and inaction for these problems.

You are now faced with a double-barrelled question: What are you to do in order to rectify these wrongs of Society? And through what means are you going to bring this about? I do not for one minute believe that you will sit by and pretend that these ills do not exist.

For too long you have lived with hypocrity:

You have heard us talk about justice being blind, yet you see our court calendars clogged, and our jails full of people who have not been able to afford an attorney or bond because they were poor, black, or uneducated.

You have heard us talk about the Government being fair, yet you see your parents paying more federal income taxes than many millionaires pay.

You have heard us talk of this being the land of opportunity yet you have seen great debates and controversies over open housing, educational segregation and job discrimination in the Government, Industry, and in Labor Unions.

Your generation will no longer tolerate this hypocrisy.

In answering this important question of what are you going to do to rectify the hypocrisy and wrongs of society, you must choose whether you will resort to protest and demonstration or to the political process.

There must be balance. The reason we have become a nation of demonstration, protest, and violent debate is that there has been no balance, because someone, somewhere has not been responding to the needs and wants of the people. And the reason that there has often been little or no response is that for too long people have sat by without questioning what their leaders and elected representatives were doing. They seemed to listen only at election time. They would read the newspapers and make judgments, often without examining particular situations in depth, as an educated society should.

Too many people have been too eager to say: "What's wrong with those demonstrators and kookes?" Should the question not be, instead: "What would I do in their situation or what is causing them to do as they do?"

Therefore, the question is not whether or not the youth of the nation will participate in public affairs, and bring about social change—the question is how it will do so. The "system", which has recently become a derogatory word, and perhaps justifiably so, must respond to your needs and you must press it to do so.

For example on May 8th over 600,000 young people throughout the nation "Marched Against Hunger." In the Chicago area alone, they raised over $1 million and expectations are that nationally the figure may exceed $5 million. This is but one example of young people working to achieve constructive change.

You must be to this society and to the "system" what Socrates was to his. . . . A Gadfly . . . Always questioning and always seeking the truth. For if you question and are not afraid of speaking out or of taking the lead, you will be on the right track toward making the system respond. Do not sit back and say, "What can I do?" You must question the "system" and make it responsive. If the "system" and politicians know you will question every act, then they cannot and will not ignore you.

You recall that the policies of Lyndon Johnson in the war in Vietnam were questioned by youth and this is one of the main reasons why Mr. Johnson is now residing in Texas, and not in Washington, D.C.

Our problem as a nation is that too few people have questioned: Questioned the Gulf of Tonkin Resolution: Questioned the racial discrimination: Questioned military surveillance; and questioned the effect of pollution and waste on our air and water. What a difference a few questions could have made.

Your questions must not be in isolation and in a vacuum. They must be combined with political action at every level of Government—City, State, and Federal so that we produce "Statesmen" rather than "Politicians."

Now that we have the 18 year-old vote, the nation's political process is going to be forced to be more responsive and our institutions are going to have to respond to the needs of the people, for the young will have it no other way. The 18 year old vote can mean to American politics and Government what oxygen means to one who is suffocating. Our political traditions of the "Machine." "Bosses," family dynasties and control of the many of the non-representative few is indeed in need of that breath of fresh air.

Your political involvement must be vigorous, determined and combined with organization and action at every level of Government.

I was deeply pleased and gratified to see that nearly 300 High School students here in Baltimore launched an "18 year-old" voter registration march on May 3 to the Board of Supervisors of Elections. Participants in the march who were quoted in the local papers told of their desire to end spending on non-productive programs and concentrate on ending poverty, and pollution. This I believe, represents what the majority of young people believe.

I urge you, in making your choices for those who would represent you, to mix the idealism of your youth with the realism of politics. Do not just assume that expressing your view is sufficient. Do not hesitate to work actively for what you believe in, regardless of what your friends or neighbors might think. For too long we have based too many of our actions on what our friends and neighbors would think or on what the gang at the club, or office would think. Do what you think is right.

Finally, I urged you to view life as the challenge that it is, particularly in a day in which young people have so great, and important a role to play in the future of our nation. *You may mean the difference between the nation's survival and growth along traditions of justice, liberty and freedom for all, or its stagnation, into a bed of complacency which would truly be a tragedy—both for the nation and for the world.*

You must live a life symbolic of those two words in Room 331 of this school: *Freedom—Responsibility.* You must make certain that all people of the nation have the *freedom* guaranteed to everyone in our constitution, and that the nation exercises the *responsibility* of caring for, and helping all of its citizens obtain the heights of their potential.

I shall leave you with a quotation which I feel summarizes what you must concern yourselves with:

John F. Kennedy: *"Every man should at some time in his life, take a look about him, and try to right the wrongs that he sees. One man can make the difference, and every man should try."*

That you should take that look and try to right those wrongs is the challenge which you must face and accept. I know you will.

HIGH SCHOOL SENIORS SPEAK UP ON THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

Mr. McINTYRE. Mr. President, it has been my privilege for the past few months to conduct an essay contest among high school seniors in New Hampshire on the subject "What Are the Responsibilities of the 18-Year-Old Voter?"

These young Americans will be voting in the future. I felt that an essay contest such as this might give them the chance to devote some of their thoughts to the enormous responsibility they are taking on in voting for those who will represent them in the future.

Scores of entries were submitted and I was particularly impressed with the understanding of democracy, the way in which it should work and the role they must play in it these young citizens expressed in their essays. It was a valuable experience for me to have the chance to read the thoughts of these young writers.

Five distinguished New Hampshirites participated in this effort of mine by serving as judges to select the winners of this contest. Because of the excellence of the entries I know their job was difficult.

They spent many long hours reading the entries and choosing from among them.

I deeply appreciate the willingness of these judges to help and I want the RECORD to show that they were Mrs. Judith Munro, publisher of the Berlin Reporter; Mr. Russell Tobey, recently retired director of the New Hampshire Department of Parks and Recreation; Mr. Emile "Bill" Allen, State librarian; Mr. Jim Connor, Hillsborough County district attorney, and Mr. John Lynch, teacher and debate coach at St. Anselm's College.

Two winners were chosen by the judges. They were Miss Patricia Christo, of Portsmouth High School, Portsmouth, N.H., and Miss Jean Nugent, of St. Thomas Aquinas High School, Dover, N.H. My congratulations to them. Mrs. McIntyre has invited them to spend a week in Washington with us to see this Government in action and to get a little better understanding of what it is all about.

Eight runners-up were named. These were:

Calvin L. Hackeman, of Mascoma Valley Regional High School, West Canaan; Jon Bergenthal, St. Thomas Aquinas in Dover; Miss Jeanne Mercier, of Presentation of Mary Academy, Hudson; Denis R. LeBlanc, of Manchester West High School; Jonathan Strout, of Oyster River High School in Durham; Richard Merrill, of St. Thomas Aquinas; Miss Anne Fowler, of Pembroke Academy, Pembroke; and Miss Patricia Vaillancourt, of Presentation of Mary Academy.

Mr. President, at this point I want to ask unanimous consent to place the winning and runner-up essays in the RECORD, both to recognize their excellence and to give Senators the chance to share with me the thoughts of these bright young people.

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

THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

(By Patricia Christo)

A stately obelisk piercing the sun, thirteen stars on a field of blue, a simple signature on a document of emancipation, Thomas Jefferson in bronze guarding the Potomac, a scrap of parchment labeled "Do Not Touch" whose spidery letters read, "We, the people of the United States of America, in order to form a more perfect union . . ."—this is our heritage.

Stated quite simply, the responsibilities of the eighteen year old voter are precisely the same as those of a voter in any other age bracket. There is no reason to expect more or less from an eighteen year old than from an older citizen. No stigma should be attached to the young, but by the same token, no accusations should be leveled at the old. Voting responsibilities does not stem from chronological age but from maturity and civic interest. There are apathetic teenagers just as there are apathetic elders and there are deeply concerned teenagers as there are deeply concerned elders. So the problem must be discussed on one level only. Since the responsibilities are identical, we must discern the nature of these responsibilities. We must pierce the gauze of caustic remarks and glittering generalities to find the truth if we wish to benefit, at any age, from our democratic system.

According to the Declaration of Independence, each citizen is guaranteed certain inalienable rights, specifically life, liberty, and the pursuit of happiness. What some persons fail to realize is that we, the people, cannot sit at a distance and enjoy these rights; we must work for them, we must help to secure them. The sentence immediately following the phrase about inalienable rights reads as follows: "That to secure these rights, governments are instituted among men, deriving their just power from the consent of the governed." The governed, the people (who, indeed, *are* the government) must, therefore, concern themselves with the problems of the government. They must strive to help in any way they can to make this a better nation, to secure the inalienable rights.

How can the voter work to secure these rights? The paths that one may choose are many and varied. Ranging from passive intellectual pondering to active campaigning, each citizen is offered many opportunities to serve the interests of his nation. Unfortunately, some voters take little interest in issues, preferring to cast a ballot for a certain personality or an old friend, regardless of the political platforms. In short, the first step is to examine the problems, the promised solutions, the feasible answers, and to formulate clear-cut ideas about major issues.

It is the duty of every voter to study the political, social, and economic issues of the times. With ready access to the mass media of television, radio, and newspapers, this initial task is growing simpler each year. Lately, however, the veracity of news reporting has been seriously questioned. How can the public guard against editoralizing and incorrect or insufficient data? It is my contention that there are certainly enough methods of reporting to provide the voting public with a good cross-section of the news. To prevent blindly following a very liberal course, listen to conservative networks, read conservative papers. To prevent plunging into conservatism, view liberal newscasts, survey liberal reports. The voter must take it upon himself to weigh both sides of an issue before reaching a decision. It is his responsibility to his nation, and ultimately to himself, to follow the mental processes of making a sound judgment. Blind acceptance of any dogma, be it the radical left or the conservative right, is just as irresponsible as indifference.

Active political campaigning is probably the most worthwhile experience offered a citizen. Granted, campaigning requires arduous work, long hours, and endless gallons of coffee, but it hurls one into the stream of government with such force that the physical and mental efforts are well worth the experience. My own campaigning during the last gubernatorial race so heightened my perception of various state, local, and national problems that the strain of the work seemed insignificant when compared to the benefits reaped. There is more to campaigning than doling out handbills with a smile and a slogan for the electorate. Before one can effectively campaign for a candidate, one must first follow the aforementioned process of reasoning to judge the issues and the answers. The process of examining one's beliefs is far more intense when it entails active participation than when it is passive.

Whether the method employed is active or passive, each voter has a responsibility to think clearly and rationally, to inform candidates and officials of their wishes and opinions, to think of the betterment of the nation, and to vote for the candidate who best exemplifies these ideals. Above all, the duty of the eighteen year old voter, of any citizen, is to actually vote: to view both sides, to sift fiction from fact, to reach a sound decision, and then to vote, for there is no point in complaining if these duties have not been seriously discharged. We, the people, have a responsibility to secure and preserve our inalienable rights.

A stately obelisk piercing the sun, thirteen stars on a field of blue, a simple signature on a document of emancipation, a scrap of parchment labelled DO NOT TOUCH, whose spidery letters read, "We, the people of the United States of America, in order to form a more perfect union . . ."—this is our heritage, if we accept it, and the inheritance tax is high.

THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

(By Jean Nugent)

The Eighteen Year Olds have the Vote! Hoorah!

The Eighteen Year Olds have to think about national responsibilities, political organizations, social justices, racial controversies, labor managements, party platforms, welfare recipients, old-age pensions, educational relevance, economic stability, constitutional rights, environmental control, and the smiling children yet to be born.

The Eighteen Year Olds have the Vote, and (Ah!)

The Responsibility to use it well.

Four years ago I joined a committee of people dedicated to changing a law. At first I thought a small group would be powerless against the government, however, after a year the New Hampshire Committee for Lowering the Voting Age to Eighteen ("Let Us Vote, New Hampshire") had grown drastically and had many influential sympathizers. With many meetings, visits to the State House, and thousands of letters, the committee realized a certain amount of restrained power.

Now, in New Hampshire, the voting age has been lowered to eighteen. I think the "little" people of New Hampshire played an important part in it. I am convinced that the individual *does* have power; people *can* bring about a change in legislature and the privilege to vote is the best way to do it. Voting is a chance for constructive dissent and active participation in our own government. In this country people are free to vote, but the eighteen year-old, like any other voter, has many responsibilities involved in exercising this privilege to its best advantage.

First, the person has to vote. But in order to vote effectively, he has to be informed. Probably the most encompassing responsibility is to care enough to want to learn everything possible about the candidates, issues, and laws being considered. We have to remember that laws are made as a type of insurance for society in relation to the individual; they are not made to protect the individual from himself. Therefore, each man is responsible for finding his own truth and voting for it.

But voting responsibilities don't stop at the polls; it's the way we live each day. Healthy dissent is vital to America's wholesomeness, but the one-to-one brotherhood of all the people of the country is of primary importance. We have the right to dissent in an effort to change but only insofar as it doesn't infringe on someone else's freedom.

Fundamentally, our responsibilities are to ourselves to act and react according to what we consider to be the Truth, to the people around us, and to the country as a whole. This is a lot of responsibility but I know the new voters will use the voting privilege responsibly and to its best advantage because America is our country and *We Care.*

WHAT ARE THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER?

(By Jon Bergenthal)

"It seems indispensable that the mass of citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them." These are the words of James Madison from over a century and a

half ago, yet they still seem to set the reason for extending the voting age to eighteen.

As is true in all cases, with certain privileges come certain responsibilities. In the case of voting, the individual has responsibilities to his country and ultimately to himself.

Since the different candidates, issues and policies do influence the eighteen year old voter, it is the responsibility of the voter to be acquainted with and to understand the different issues. James Madison acknowledged the fact that the people are influenced by the issues, common sense tells us that an understanding of the issues is necessary in order to make a decision about them.

In turning to practically any current writing, one can clearly see the numerous and complex issues which face us now and will continue to face us in the future. Hundreds of books have been devoted to the environmental problem. A look in recent newspapers and magazines tells of the problems in foreign relations, the critical situation of the cities, the economic problem and the need for better structured social programs. All of these issues and many others will face the eighteen year old voter, and it is his responsibility to know and understand them so that he can make a rational decision concerning them.

"Politics, in a sense, has always been a con game . . . Advertising in many ways, is a con game, too . . . It is not surprising then, that politicians and advertising men should have discovered one another." These words, from *The Selling of the President 1968*, lay the basis for another responsibility of the voter. The eighteen year old voter should search beneath the images in order to find the real issues. With the increasing use of and dependence upon television, many issues and candidates are disguised and "improved" so that the final result is appealing to the general public. It is the responsibility, then, of the voter to see the real issues. He must search for the implications of the issues instead of waiting until the issues are finally implemented and the imagery is gone.

Once the issues have been defined, it is also the responsibility of the eighteen year old voter to look for the candidates or policies which offer the best solutions. He should, therefore, look at the issues realistically, looking for realistic solutions to the problems which face us. This is especially true of the eighteen year old voter. One of the arguments used many times against the extension of the vote was that the youth are too obsessed with immediacy and idealistic solutions to problems.

The voters, then, should not be looking for panaceas or idealistic states, but rather for ideas which would be feasible and would bring about change for the better. He should also remember that these issues would be for the benefit of all the people and would affect all of the people. Acquiring the vote should incite, in part, a drive toward this type of an outlook on political issues and candidates by providing more opportunity for political involvement and understanding.

But in a larger sense, it really does not make much sense to define special responsibilities for an eighteen year old voter. In reality, each voter, regardless of his age, should have a definite purpose in voting—to express his opinion on the current political issues which will be affecting him and his country. If this analysis is accepted, the only true conclusion is that each voter, regardless of age, has the same responsibilities—to strive to seek the issues, the true issues, in a realistic way.

"WHAT ARE THE RESPONSIBILITIES OF THE 18 YEAR OLD VOTER?"

(By Patricia Vaillancourt)

"It may be conjectured that it is cheaper in the long run to lift men up than to hold them down, and that the ballot in their hands is less dangerous to society than a sense of wrong is in their heads." Young people today have aims and ambitions and want society to realize these and give them the responsibilities that every American citizen has held for hundreds of years. Why should these responsibilities be given to the so-called "irresponsible" 18-year-olds? Because of their concern for this country and hopes that it will soon be the one perfect democracy for the next generation to have.

The idea of lowering the voting age was originated by Senator Edward Kennedy of Massachusetts. He concluded that the denial of the vote to anyone over 18 violated the equal protection provisions of the 14th Amendment. Depriving the 18-year-olds the vote, especially when they are subject to adult treatment under so many laws, amounts to a form of discrimination which is banned under this Amendment.

In arguing that 18-year-olds should have the right to vote in all elections, Justice Brennan pointed out that:

(1) "All the States except California, treat 18-year-olds as adults in the critically important matter of criminal responsibility."

(2) "Every State permits 18-year-olds to marry, and 39 States do not require parental consent for such persons of one or both sexes."

(3) "No State in the union requires attendance at school beyond the age of 18."

If 18-year-olds have all these rights as stated, it would only be natural for them to want to undertake the full responsibilities of electing those qualified men who give them the opportunity to marry and drop out if they so wish.

In general, states decide which of their inhabitants are to have the privilege of voting. Some of the states require that the voter be at least 18-years old, a citizen of the United States, and a resident of that state for a specified length of time.

Recent studies conducted by the University of Michigan indicate that young people as a voting group may be a good deal less radical than many believe. Today we see demonstrations and riots incited on the rights and responsibilities not granted to our generation. If the young people were given the opportunity to vote (and carried it out), society would realize that we are capable of calling ourselves registered voters. Still, in opposition, many observers feel that extending the franchise to teenagers will not make a profound change in the voting habits of the nation. But if young people, 18, 19, and 20 year olds feel that they must be represented, I'm sure that the change in the voting habits of the nation would certainly increase. This generation wants to stand up for what they believe, and can't think of a better way to do it. Sacrifice without representation is worse than "Taxation without representation."

Balancing this prediction is a much optimistic one based on recent changes in federal voting laws. In the past, say some political experts, many young people have not voted because they've been on the move and haven't gained citizenship in one particular state. But many of these experts do believe that many of them will vote this year, even through the absentee ballot.

As John F. Kennedy once stated "Of those to whom much is given, much is required." Society today, must give our generation different types of responsibilities so we can know what is required of us. We're the future leaders of tomorrow and we must be told somehow by society that they have faith in us and believe that we can fulfill all the responsibilities of the voting public. What better way is there than by giving us the right to vote?

Before the involved student was pretty much restricted to student government. Of course, even that involvement was quite superficial. But a great number of today's students are actively involved in important decision-making and in curriculum development. With this very basic start in any type of government the student realizes all the responsibilities included in his job, and later this makes him more apt to accept burdensome responsibilities.

Will teenagers vote as their parents do? This, commonly known as block voting, is unlikely. The viewpoints of young people differ much more than the press may express. I believe that at 18, a person has had enough experience and can make wise decisions without their parents near-by.

Let us not say: "Lost—One opportunity to vote. If found, do not return because I deliberately lose one every year at election time."

"WHAT ARE THE RESPONSIBILITIES OF THE 18 YEAR OLD VOTER?"

(By Jeanne Mercier)

"Ask not what your country can do for you, ask what you can do for your country." It is evident to every American who the author of this famous quote was. John F. Kennedy was the youngest President in the history of the United States. He brought new and modern ideas with him.

The eighteen year old adults of this country also have a great deal to offer their country. The eighteen year old has been a "second class" citizen too long. He works, pays taxes, and fights in wars for his country but he had no say as to who governed them. Now after many years of demonstration, petitioning, and protesting, eighteen year olds have won their right to take a useful and important part in government.

With the right to vote finally granted to them, young adults can now have a say in their government. The government who they work for, the government that collects taxes from them, and the government who decides whether or not they fight and perhaps die in war.

But with this right to vote also comes new responsibilities. Benjamin Disraeli said in 1860 of the great human tendency:

"How much easier it is to be critical than to be correct." Along with the right to vote, eighteen year olds also receive the responsibilities of the future of this country's government. Before eighteen years olds were granted their right to vote, they had to find other ways of getting their thoughts to officials in office.

They had no power to elect certain officials into office, therefore, eighteen year olds could only demonstrate and be critical towards the way their country's government was being run.

Now that voting age has been lowered, they don't have to be just critical of the government.

Now they can take an active part in electing people to office or in being elected to office themselves.

Whereas these are some of the advantages of voting there are also many responsibilities that must be accepted by new voters.

Some of the responsibilities are that one who is preparing to vote must think for himself when voting. Do not vote blindly for any one party or candidate merely for the fact that he is a republican or a democrat.

More people must go out and vote. Too many people sit back while others go out and vote. Let's hope that new voters will not take their new responsibility to vote so lightly. Taking an active part in government is much harder. It is hard work to go all out in campaigning for a candidate or in campaigning for oneself.

In order to have your vote really count in an election you must be fully informed of the people running, of their platforms, and the issues they will bring up if elected to office.

Finally, trying to build up the government instead of trying to tear it down will bring better results. Having true patriotism does not mean you must be totally for everything your country does, but rather that you recognize weaknesses, and injustices and try to do something about them.

John Kennedy once said:

"This is a great country. It can be greater. It is a powerful country. It can be more powerful."

It is up to the new generation, that is coming into power of the government, to carry out plans for a better, stronger and more just government.

THE RESPONSIBILITY OF THE 18-YEAR-OLD VOTER

(By Jonathan Strout)

The responsibility of the eighteen year old voter is no different from that of the twenty-one, fifty-one, or eighty-one year old voter. He should be informed and then act upon his convictions when he goes to the polls, for in order to have a representative democracy, the electorate must be aware of the current issues and the qualifications of the men running for office.

An unenlightened electorate is the biggest pitfall of the people's government, for many a voter has failed to take upon himself his main responsibility, that of keeping informed. He considers his suffrage a right; he too often fails to realize that responsibility accompanies that privilege. Because many of today's voters come to the polls uninformed, the concept of democracy, or government by the people, is being lost. The person that makes the greatest emotional impact, the issue that is proclaimed the loudest, all too often wins.

For example, at the last annual school meeting in Durham, New Hampshire, one article of the warrant concerned the purchase of a computer for the high school. At the meeting I overheard voters saying, "I don't know anything about this matter, but it seems to me like a waste of money." In spite of not having done their homework, they enthusiastically applauded those speakers who opposed the article. When it came time for them to vote, they democratically shouted, "Nay." Presumably this was an enlightened electorate, yet many of the school district voters who were present actually based their decision on emotion rather than factual information.

At that meeting only 16% of those qualified to vote cared enough to accept the responsibility of attendance. If such indifference exists at the grass roots level, it is a wonder that the federal government itself doesn't become defunct. In fact, when it is election time in the off years, with no presidential candidate to lure the voters, less than one half of the people of voting age actually participate. Even in the Kennedy-Nixon election, one of the closest presidential contests in the United States, only 64% of those eligible to vote arrived at the polls.

The informed voter keeps the wheels of democracy moving. Such a task is not for the apathetic. It is, nevertheless, more and more difficult for a citizen to become aware concerning all the sides of an issue or the qualifications of the man running for office. Furthermore, many of today's newspapers are as opinionated as a letter to the editor. Sources of information often prove unreliable. Certain news must be repressed, and many reports are distorted. For example, reports vary daily on the activities of the F.B.I. and Hoover's qualifications as its director.

The voter should read several newspapers; even then there is no guarantee that he will be truly knowledgeable. Not only the newspapers but also the other media are involved in this problem of communication. Many of the TV news analysts are far from objective in their coverage of the issues and personalities involved. Freedom of the press, a right of a free society, must be maintained, but here again, problems arise when the media plays upon the emotions of the unthinking. The recent Calley trial is a case in point. Demagoguery seems to be allowable in all the media of communications in America today.

Interpretation of information by the voter, however, is not an impossible task. Even though the voter may be pro-Muskie, it is his responsibility to study the other candidates. Instead of listening just to the NBC news report at 6:30, he should tune in to CBS every other day and even listen to ABC at 6:00. Besides reading a daily paper, he should read a weekly one like the *National Observer* where the week's news has been summarized, leaving out the unimportant bits that tend to confuse the average person. He should read both *Newsweek* and *Time* instead of just limiting himself to a single publication.

Such preparation takes extra time, but in order to choose wisely, the American citizen who has the privilege of voting must assume this responsibility whether he is eighteen or eighty.

THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

(By Calvin L. Hackeman)

The eighteen-year-old voter should have no more, but no fewer, responsibilities than the twenty-one-year-old voter, or the fifty-year-old voter. However, when any group of people is given a new task, privilege, right, or responsibility they are at the same time subject to examination and criticism or praise. It is at this point of examination that the eighteen-year-old voter finds himself. He must therefore be very careful in the manner in which he uses his privilege of voting, so that he will prove to everyone watching him, and most importantly to himself, that he is capable of handling the job of voting responsibly.

The first basic responsibility of the voter is that he be informed. This should involve more than listening to the various candidates debate or speak. He must examine the candidates through different sources, not only read the reviews of one newspaper or listen to the opinion on one commentator on television, but rather read several newspapers of known variety and solicitate the views of various commentators with different political association. A political candidate reviewed by only his own party rarely has his faults exposed; by the same token, a candidate reviewed by only his rival party rarely has any of his good points exposed. The result in either situation is a false impression of the candidate and consequently a biased vote.

Not only must the voter be aware of the candidates' views, but he must also be aware of the issues about which those views exist. The voter must conduct research in some form whether it be reading consultation with authorities, or conversation with associates, so that his knowledge of the problems at hand will be sufficient to enable him to clearly understand the candidates' views. Once a basic knowledge of the controversial subjects is possessed by the voter, he must examine the viewpoints held by the candidates, weigh them against each other, and make his decision as to which one he is in favor of. Not only must he decide which candidate he agrees with on a particular issue, but he must determine which issues are most important and which candidate's views agree with his own most often.

The second responsibility of the voter is to vote as he believes, with no outside influence from associates and family traditions. It is the common error of many voters to be afraid to be different. Voting "with the crowd" is much easier to do, than to remain loyal to one's own belief when that belief is in the minority. The yielding voter seldom realizes that he has avoided his responsibility to promote his belief in an attempt to affect others' votes, when he submits to the influence of the majority. Yet, it is everyone's responsibility to attempt to influence others with his opinion, but this gives no one an excuse for changing his views, unless he believes he has been wrong or misinformed in the past.

Another problem existing today is that of party voting. Even though the majority of voters do not vote on the basis of political party alone, those who do are dodging their responsibility to think for themselves and vote accordingly. Certain parties have been known to adhere to basic principles throughout history. However, one should consider all points in question and then decide if possibly a different attempt might be being made by the party in question. This type of analysis could result in more responsible voting, as it would show the true feelings of the voters.

The question of being afraid of change or afraid to be conservative is exposed when one tries to analyze a situation where party principles are involved. As a voter, one must subject himself to change with the times, but should vote only to the extent that he believes is beneficial to the country. Any voter who refuses to vote for a candidate because he is liberal, or conservative, in his views is not a responsible voter. That voter should examine the situation with as open a mind as possible and come to a conclusion as to whether change would or would not be beneficial. Whatever his decision is should be reflected in his vote.

The final, and probably the most important responsibility of the voter is to utilize his privilege, or right, to vote. Too many people have listened to the candidates with "open" minds, have been sufficiently informed on the controversial subjects, and have decided which candidate would be most beneficial to the country, but do not cast their vote. It is of no value to complete all the preparation a responsible voter should do if no vote is to be cast.

If all people, regardless of age, would assume these basic "requirements" for voting, the voters would vote more meaningfully, and the non-voters would be preparing themselves for future voting and could use their influence on the voters and candidates as the eighteen, nineteen, and twenty year-old voters have in the past.

THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

(By Denis R. LeBlanc)

The greatest resource in the United States today is not its mineral wealth or technology, but its youth. The young people of today are better informed of their situation and are more capable of acting than any other generation in our nation's history. The leaders of the country are well aware of the potentiality of young people. In 1970, Congress lowered the voting age in national elections to eighteen under the Voting Rights Act Amendments. Now, the entire nation awaits the results of the first elections which are affected by this legislation. Whether or not the eighteen-year-olds will act effectively is difficult to predict. But what are the new young voter's responsibilities? How can he make sure that his vote will be a worthwhile one?

The young voter can make his vote effective in four ways. First he should learn about the American system of government. It is essential that a mechanical know how a car is assembled before he can repair one. The same applies to the voter. There are many ways in which a young person can obtain this information. All schools have courses in United States history and American government. Also, many books and pamphlets which treat

the subject can be obtained from the local library or from government officials. Knowing how his nation is managed will help the new voter decide on the issues being debated by the candidates.

The second way in which the eighteen-year-old voter can insure the value of his vote is by following the issues. All candidates take positions on various controversies and one must be familiar with these if he is to make intelligent decisions. The voting teenager should discuss the issues with his peers and his elders. By receiving a variety of views he can then develop his own opinions. The young person must beware of the danger of being swayed by sensationalists and revolutionaries. It should be his decision and not someone else's.

Third, the new voter should carefully analyze the candidates' platforms and credentials. Voting for an office-seeker because of his physical appearance or his eloquent-sounding voice will not do any good for the country. The decision on who will receive his vote must be based on the voter's observations of the candidate's sincerity, ability, professional background, and views. The media provides ample means to become acquainted with the candidates. Office holders seeking re-election often publish pamphlets or letters explaining the reasoning behind their actions during their term. Therefore, the new voter has many ways to assess a a candidate's worthiness.

Fourth, the eighteen-year-old voter must take an active role in the government in his area. He should attend civic meetings and present his views as well as hear those of others. The young voter should campaign for the candidate he believes is best, even if he just does so among friends and neighbors.

The American form of government was founded to give people a chance to rule themselves. Over the years people have lost their faith in the government, mainly because they never tried to understand it or actively participate in it. However, the eighteen-year-old voter now has a chance to use his potential and revitalize our nation. If he uses his vote intelligently and with responsibility, he can initiate a revolution in America, a revolution in which our country can be strengthened, not destroyed.

WHAT ARE THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER?

(By Anne Fowler)

To be eighteen is to be young and inexperienced, naive and easily impressed. To be eighteen is to be full of knowledge from twelve years of schooling. To be eighteen is to be enthusiastic and idealistic. To be eighteen is to have all the answers to the world's problems. To be eighteen is to have a strong desire to run one's own life. And now to be eighteen is to be a voting citizen of the United States.

Our faith in ourselves as a generation and our burning desire to correct the evils of the world have won for us the right to vote. Had not our parents and older friends also believed in us, we would have been denied this right. We feel, through our constant exposure to newspapers and television, that we are the informed generation. We feel that we know how to run a country and do not wish to wait until we reach 21 to get in on the action. Congress has said go—so now what are our responsibilities?

I believe our responsibilities to be the same as those of any 21-year-old voter. That is—to be well-informed about each issue and candidate, to take an active role in anything we feel strongly enough about, and above all, to get out and vote—take advantage of that right that makes our country what it is.

But our responsibilities extend further than that. It is our responsibility to live up to all we profess ourselves to be; to show that we are worthy of the faith instilled in us. We have denounced our elders for making this country a mess. We have been given the right to change it and now we must. We cannot throw away this chance. We cannot just show one burst of enthusiasm on the first polling day and then do no more, taking the vote for granted.

We have everything to work with. We are young and untried, enthusiastic and willing, optimistic and idealistic. We haven't yet been turned off by the world. We have hope. We must live up to full potential. We must use all we have to effect the change we have the power of making. We can add so much to our country. If we don't do all we can, if the country has not felt anything by our vote, then the country has not benefitted, and we have not benefitted by our vote. We might as well resign ourselves to being the apathetic stogies we have so often accused our parents of being.

It is our responsibility to live our beliefs. If we vote in anti-pollution legislation, we must carry it through individually. We must follow the laws of this nation because we had a say in the making of them. We claim we are looking for truth in a corrupted world, we ourselves cannot be hypocritical. We must each vote our individual beliefs, be willing to be criticized for them, to stand apart from our friends when necessary, to live up to our human dignity.

What are the responsibilities of the eighteen-year-old voter? We must appreciate and respect all that is good in this nation; we must try to change what is wrong. We must try to benefit our country as best we can, we must stick by what we believe, and what the country believes. We must exercise the right to vote to its greatest potential.

THE RESPONSIBILITIES OF THE 18-YEAR-OLD VOTER

(By Richard Merrill)

The young adult of America is in a precarious position indeed. He or she is in an age group with the highest crime rate, the greatest percentage of automobile accidents, and are certainly among the best noisemakers when it comes to preaching about reform. But I'm not attempting to write about the group that is the young adult; I'm writing about the person, the individual, the responsibilities of this individual, whether he is of voting age or not.

The age level of eighteen to twenty-one is generally regarded as the most difficult, the most enthusiastic, and the most troublesome. The average eighteen to twenty-one year old has an excellent education and is well informed of current events.

The Congressmen of our country are in the long overdue process of granting the right to vote to the young men and women of America in the eighteen to twenty-one age group. Why? Because they are afraid of the wrath of this group? Possibly, but not likely. Because he realized that eighteen year olds fight for their country? More possibly, but this is not necessarily the reason. The Congressmen are granting voting privileges to the eighteen year old because he feels they are responsible American citizens; and because he sees the individual as good, not the entire age group as troublesome.

It is a kind of paradox that this age group is the most vociferous when it comes to reform, yet still has the highest crime percentage. As the eighteen year old enters the voting booth on election day, a very prominent question should enter his mind. And that is which candidate to vote for when it comes to crime. Should he vote for the one who promises tighter crime control, or the one who avoids this subject but implies that the current system is adequate? The responsible American would vote for the first candidate, the irresponsible eighteen year old would vote for the second, so he can continue his field day on the streets and in the cities.

"Who's fighting the war in Vietnam?" is a common battle cry of the "lower the voting age" advocate. This is probably the best argument the eighteen year old has. If he's old enough to get drafted he should be old enough to vote for who he represents when he does the fighting. This age group has a fantastic amount of pull. It could conceivably defeat Richard Nixon in 1972 and reinstate a Democrat in his place. But the responsible eighteen year old must reason this out. He must decide for himself who is best. He must not follow the crowd in general. Just because all his pals are advocating "dump Nixon", he must reason to himself if this is the best thing to do.

Vietnam is a burning question in the hearts of all Americans, young and old, and the young are especially involved. He must decide whether he wants to continue the war to halt Communist aggression, or should it end abruptly because he is fearful of getting stuck with some of the fighting. This is probably the most immediate question to all eighteen year olds. Will he be next? Will he also have to fight for his country, or is his country worth fighting for? Who would he rather see live, himself or American democracy? What is the best way to end the war? Complete withdrawal immediately, or slow gradual withdrawal while Vietnamization has a chance to build up? These are all responsibilities of the eighteen year old.

But the greatest responsibility the eighteen year old voter has is to himself and his future. On the threshold of adulthood, he has to decide what will be best for himself, his future wife (or husband) and his children, grandchildren and his grandchildren's children. Will he want them to live in a world that is better than the one he is living in now, or will he ignore this call and be indifferent to the whole situation. Today's eighteen year old is tomorrow's leader, and the future is in his hands. He has to vote for Congressmen and candidates for office who are best qualified. He must see through their false promises and corruption and pick out the true leaders for himself and his loved ones.

These are some of the endless responsibilities of the eighteen year old voter. But most of all, above all other responsibilities, when he is granted the privilege, he must vote. And vote knowingly. For it is very true that the future of America, of the world, and of everything is in the hands of the young.

FRAME-UP

Mr. MATHIAS. Mr. President, April 4, 1968, the date of the assassination of Dr. Martin Luther King, was a tragic day for all Americans. For all of us, it is a day which represents the loss of a great leader.

Such tragic events are inevitably explored from every angle, and speculations continue long after official verdicts have been rendered. In an effort to examine the events of April 4, Harold Weisberg, a constituent of mine, has written a book entitled "Frame-Up," in which he explores some new aspects of the death of Martin Luther King. While not all of us may agree with Mr. Weisberg's conclusions, all of us do have an obligation to inspect every side of such an issue before coming to a personal decision.

Mr. Weisberg's perspective on the slaying of Dr. King was reviewed by Fred J. Cook in the Saturday Review. Mr. President, I ask unanimous consent that this review, which details some of Mr. Weisberg's contentions, be printed in the RECORD.

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

FRAME-UP: THE MARTIN LUTHER KING/JAMES EARL RAY CASE

(By Harold Weisberg)

On March 10, 1969, in a Memphis courtroom, the curtain rose on one of the most brazen travesties of justice ever to disgrace America. James Earl Ray, the accused killer of Dr. Martin Luther King, Jr., was to go on trial. But there was no trial. There was instead a deal between judge, prosecutor, and defense attorney. Ray would plead guilty in exchange for a life sentence, and the court would return the verdict so much desired by the American Establishment: Ray had acted alone.

The drama ran as smoothly as a well-plotted Hollywood film—up to a point. Then James Earl Ray spoke. He did not agree, he said, with Attorney General Ramsey Clark and FBI Director J. Edgar Hoover, who had been insisting there was no conspiracy. Here was the man who had to know, and, at some risk to himself, he was telling the court that the script was phony. Defense Attorney Percy Foreman, who had had to browbeat his unwilling client into copping a plea instead of standing trial, leaped into the breach. It was not necessary, he said, for Ray to accept everything; all that mattered was that he was pleading guilty to the crime. Was he? the judge asked. Yes, Ray said, and the juggernaut of official machinery rolled over his feeble but courageous protest.

Harold Weisberg, a onetime government investigator who has devoted himself to a pursuit of the ignored or suppressed facts about political assassinations, has now turned to the case of James Earl Ray in the book he calls *Frame-Up*. He does not doubt that Ray was implicated in the King assassination, but his thesis is that Ray filled the same role Lee Harvey Oswald did in the assassination of President John F. Kennedy in Dallas. In Weisberg's view Ray like Oswald, was not the killer; he was the decoy, the patsy, the man meant to be caught.

Weisberg shows that in the King case, just as in Dallas, a baffling use was made of doubles. Just as there is evidence that two men used the name of Lee Harvey Oswald, so is there evidence that someone besides James Earl Ray knew and used some of his various aliases. Here are a few of the points Weisberg raises:

Ray's arrest at Heathrow (London) Airport, June 8, 1968. According to Scotland Yard, Ray, traveling under the name of Ramon George Sneyd, came into the airport about 6:15 a.m. on a flight from Lisbon. While awaiting for his plane to refuel and fly on to Brussels, he wandered unnecessarily into the immigration section for incoming passengers and was spotted and detained. But on that date a man using the name of Ramon George Sneyd was living—and had been for several days—at the Pax Hotel in London. He left about 9:15 the same morning to catch a plane for Brussels. The FBI's reconstruction of the case was based upon the proposition that Sneyd No. 2 was really Ray. The landlady of the Pax was subpoenaed for possible appearance in the Memphis farce, which the press dubbed "the minitrial." She said afterwards that she had been warned by an FBI agent, accompanied by four Scotland Yard operatives, that she was only to answer the questions she was asked—she was not to volunteer anything. When she remarked that she had found a hypodermic syringe in "Sneyd's" room after he left, she was "virtually told" she must be lying because Ray was not a narcotics addict. Was this all just some kind of official foul-up in announcing the details of Ray's arrest? No; as Weisberg shows by correspondence he reproduces, Scotland Yard was insisting in November 1968—five and a half months later—that the man it had arrested arrived on a Lisbon flight. Who, then, was the man at the Pax who had been using Ray's alias?

The two white Mustangs. The official version states that after Ray shot Dr. King from the bathroom window of a Memphis flophouse, he made his escape in a 1966 white Mustang he had purchased secondhand in Birmingham, Alabama. He drove some 400 miles through the night and abandoned the car in an Atlanta parking lot, where it was not discovered for days. But there was abundant evidence that two similar white Mustangs were parked in the street near the flophouse at the time of the slaying. According to eyewitnesses, both had red and white license plates—one set were Alabama tags, the other Arkansas. Furthermore, the Mustang which Ray had purchased in Birmingham had an automatic shift, while the one abandoned in Atlanta, with Ray's license plates on it, had a stick shift. The ashtray of the abandoned Mustang was overflowing with cigarette butts—and Ray does not smoke. No mention of model or serial numbers, which would have identified the Mustang positively, was made at the Memphis minitrial, and, though the car must have been splattered with fingerprints, there was no indication that the FBI had found a single print of Ray's in this, his supposed getaway car—evidence that almost certainly would have been flaunted, if it existed, to rivet the case beyond doubt.

The duplicate driver's license. In early March 1968 Ray was in Los Angeles attending bartender's school and getting his pointed nose clipped by a plastic surgeon. Records establish his presence there beyond doubt. But, at this very time, the Alabama Highway Patrol received a telephone call from a man calling himself Eric Starvo Galt (the alias Ray had used in Birmingham). The caller said he had lost his driver's license and needed a duplicate, and gave the address of the Birmingham rooming house at which Ray had stayed. The duplicate license was mailed; the small fee required for this service was promptly paid—and Ray was not in Birmingham, but in California, nearly a continent away. The evidence seems unchallengeable that someone other than Ray—the roominghouse proprietor could not say who—had picked up the duplicate license and mailed the fee.

The telltale bundle. According to the official version, Ray, after shooting King, walked out of the flophouse, deposited a bundle almost in the doorway of an adjacent cafe, strolled down the street, and drove off in his Mustang. The bundle contained the rifle Ray had purchased and which supposedly did the killing, put carefully back into its cardboard carrying case and wrapped in a green bedspread, along with a pair of binoculars which Ray had bought that very afternoon and which were decorated with his fingerprints. There was also a shaving set he had purchased the day before—and, most helpful of all, a transistor radio he had acquired while in Missouri State Prison, with his prison number stenciled on it. Weisberg holds that it defies belief that the real killer would have taken the time to insert the rifle in its case and wrap up all these articles, then just drop them on the street instead of taking them with him in the Mustang. Such action, he argues logically, can be reconciled only with the role of a man serving as decoy in an elaborate plot.

Evidence that Ray fired the shot. There is none. The medical examiner's testimony at the minitrial failed to establish the first essential—the trajectory of the shot that killed Dr. King. *Paris-Match* tried the experiment of re-enacting the crime and found that the killer would have had to be a contortionist to have fired from the bathtub, as was alleged. Ballistics testimony was worthless. Dr. King had been killed by a soft-nosed dumdum bullet; when it struck it exploded and fragmented. The prosecution claimed the largest fragment was "consistent" with a shot fired from Ray's rifle. That is the very word used by a corrupt prosecution in the Sacco-Vanzetti trial, when a police expert who was convinced fatal shots had *not* been fired from a given revolver was asked whether it was "consistent" that they had. He could answer "Yes," since the shots had obviously been fired from a revolver. So here "consistent" means only that the bullet fragment came from a rifle. The term that so deceived press and public does not meet the first requirement of proof—that the ballistics expert be able to testify the shot came from Ray's rifle and no other.

There is more, much more, in Weisberg's book. There is the question of how Ray, alone and unaided, a stranger in Canada, managed to come up with aliases that were the real names of three living men who looked much like him, in one case even to a similar scar on the face. There is the mystery of his free-spending, cross-continental Canadian-Mexican spree, and of how a penny-ante crook like Ray came by so much money. There is the business of the phony police radio broadcast on the night of the assassination, graphically describing a gun battle with a fleeing car, which led police north out of Memphis and away from the assassin's escape route. The reek of conspiracy is on everything.

Weisberg is an indefatigable researcher. Unfortunately, he is not a skilled writer. His book suffers from lack of organization and conciseness. He mentions an issue in passing, then pages or even chapters later he goes back and worries it. He repeatedly lashes out at virtually all concerned in the minitrial as liars and scoundrels, devoting long passages to denunciation instead of the cool presentation of evidence. Though his indignation is in most instances thoroughly justified, it gets in the way of the story.

But when all this has been said, Weisberg remains invaluable. He has pursued the facts, and they are there, buried in the mass of his book. And they are facts that lay claim to the conscience of America. For it should be clear by now that, if the assassinations of some of the nation's most outstanding leaders are to be dismissed with the "one man-no conspiracy" refrain, there will be no deterrent to conspiracies in the future whenever hate may point the way and pull the trigger. And, in that event, this greatest of democracies will have been reduced to the status of a Latin American banana republic. That is the issue.

EQUAL EMPLOYMENT OPPORTUNITIES FOR WOMEN

Mr. WILLIAMS. Mr. President, in the month of June, every year, thousands of young Americans graduate from high schools and colleges and begin their working careers. Unfortunately, because of discriminatory practices in hiring, promotion, and pay, many of these young people will have one strike against them before they ever start work.

Job discrimination comes in many forms, and is directed against many different groups of Americans. Certainly, we are all painfully aware of the discrimination practiced on the basis of race.

However, it is perhaps a lesser known fact that job discrimination based on sex, is nearly as pervasive in our society as is discrimination based on race.

There can be no question that there is widespread discrimination against women in hiring, promotion, and pay practices throughout this country. This situation is making a mockery of our efforts at the Federal level to mandate equal employment opportunity, and I believe Congress should move quickly to correct it.

I have recently introduced a bill, S. 1861, which would raise the minimum

wage and extend the minimum wage and overtime protective provisions of the Fair Labor Standards Act to millions of workers. It would also amend the Fair Labor Standards Act to make its equal pay protections applicable to executive, administrative, and professional employees.

Recently, a Presidential Task Force on Women's Rights and Responsibilities recommended in a report to the President entitled, "A Matter of Simple Justice," that the FLSA be amended in the manner I have proposed.

I would like to take note of the fact that the senior Senator from Michigan has also introduced legislation in the current Congress, as he did in the last, which would extend the equal pay protections of the Fair Labor Standards Act to executive, administrative, and professional employees. Senator HART has also testified before the Senate Labor Subcommittee in favor of the provision of S. 1861 which would accomplish the objectives set forth in his proposal S. 1529. I would like to thank Senator HART for his support and for his untiring efforts to see that equal pay protections are made applicable to all occupational levels.

Before discussing further facts which support the need for an extension of equal pay protections to executive, administrative, and professional employees, I would like to dwell for a moment on some shocking figures which have recently been released by the Census Bureau.

Under the existing legislation, the Equal Pay Act of 1963 and title VII of the Civil Rights Act of 1964, one would hope that things were getting better for the woman worker. However, the new census data indicates that the situation remains bleak for the working woman.

Poverty increased in our Nation last year for the first time in a decade, by about 1.2 million persons, and the most heavily affected were families headed by women. Over half of these 1.2 million persons were members of families headed by women. About one-third of the total—432,000—were members of black families headed by the mother.

S. 1861, in raising the minimum wage, is designed to help obtain a living wage for all family heads. But, it is apparent that a greater effort is needed to enforce existing laws, and to expand them, in order to guarantee all persons equal pay for equal work.

In extending the coverage of the FLSA minimum wage and overtime protections, S. 1861 will also extend the equal pay guarantees of the act to many of the lowest paid women workers who are not currently covered by the minimum wage. While this protection is essential, the provision of S. 1861 which would extend the Equal Pay Act to cover executive, administrative, and professional employees is equally important.

There are many different statistical studies which are available that support factually my amendment. One of these reports is entitled, "Fact Sheet on the Earnings Gap," and is published by the U.S. Department of Labor's Women's Bureau. In this report statistics indicate that in 1955 the median wage or salary income for women was $2,719, or approximately 64 percent of the median wage or salary for men, $4,252. Nearly 15 years later, and after the passage of the legislation that I have mentioned, we find that the median wage or salary for women was $4,977 in 1969, compared to $8,227 received by men. This represents only 60 percent of income received by male workers. Let me emphasize that these are median income figures—not averages.

In yet another report by the Women's Bureau, entitled "Fact Sheet in Professional and Technical Positions," we find that women are also vastly underrepresented in most technical and professional fields. The fact sheet states:

> Although women are heavily represented in the health fields, in 1969 only 7 percent of physicians were women. Similarly women had only a token representation among scientists (9 percent), lawyers (3 percent), and engineers (1 percent).

One of the reasons for this underrepresentation seems related to traditional difficulties at the entrance stage of the career ladder. Furthermore, if a young woman knows that she will quite likely be paid less than her male counterpart for doing the same technical, managerial, or professional work, that knowledge is bound to inhibit her from embarking on one of these careers.

It is time that we stopped thinking of males as the only breadwinners in this country. We must assure that women receive the same employment and promotional opportunities, and the same compensation, as men.

As a matter of basic justice, equal pay protections must be extended. Current discrimination is clearly evidenced by the statistics that I have referred to today.

When the Equal Pay Act amendments to the FLSA were debated in 1963, it was argued that the requirement should remain coextensive with minimum wage coverage. Inasmuch as executives, administrative, and professional employees were excluded from minimum wage and overtime coverage under the FLSA, an argument was developed around the difficulties of enforcement, if equal pay protections were extended beyond occupations covered by the normal FLSA enforcement mechanisms.

However, since 1963 the Department of Labor has begun to develop effective enforcement machinery for equal pay violations. There are now well established lines of judicial decisions to aid in enforcement. In addition, the Department has also gained a great deal of experience in enforcing equal pay cases over the years. Thus, while S. 1861 does not eliminate the exemption for executive, administrative, and professional employees from minimum wage and overtime requirements, it is time to eliminate the exclusion of these groups of employees from equal pay protections.

It is time that we guaranteed to every working woman, no matter what her occupational status, that she will receive equal pay for equal work. I believe my proposal would go far in that direction.

Mr. President, I ask unanimous consent that four reports be printed in the RECORD at the end of my remarks. These reports offer strong evidence which supports my proposal, S. 1861, to extend equal pay protections to executive, administrative, and professional employees. The reports are all published by the U.S. Department of Labor's Women's Bureau. They are entitled: "Fact Sheet on the Earnings Gap;" "Fact Sheet on Women in Professional and Technical Positions;" "Background Facts on Women Workers in the United States;" and "Under Utilization of Women Workers."

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

FACT SHEET ON THE EARNINGS GAP

A comparison of the median wage or salary incomes of women and men who work at full-time jobs the year round reveals that while those of women are considerably less than those of men, the difference was less in 1969 than it had been in recent years. The gap, however, was wider than it was 10 to 15 years ago. For example, in 1955 women's median wage or salary income of $2,719 was 65 percent of the $4,252 received by men. By 1966 the proportion had dropped to 58 percent, where it remained through 1968. But in 1969 women's median earnings of $4,977 were 60 percent of the $8,227 received by men.

WAGE OR SALARY INCOME OF FULL-TIME YEAR-ROUND WORKERS, BY SEX, 1955-69 [1]

Year	Median wage or salary income		Women's median wage or salary income as percent of men's
	Women	Men	
1955	$2,719	$4,252	63.9
1956	2,827	4,466	63.3
1957	3,008	4,713	63.8
1958	3,102	4,927	63.0
1959	3,193	5,209	61.3
1960	3,293	5,417	60.8
1961	3,351	5,644	59.4
1962	3,446	5,794	59.5
1963	3,561	5,978	59.6
1964	3,690	6,195	59.6
1965	3,823	6,375	60.0
1966	3,973	6,848	58.0
1967 [2]	4,150	7,182	57.8
1968 [2]	4,457	7,664	58.2
1969 [2]	4,977	8,227	60.5

[1] Worked 35 hours or more a week for 50 to 52 weeks.
[2] Data are not strictly comparable with prior years, since they include earnings of self-employed persons.

Source: U.S. Department of Commerce, Bureau of the Census: Current Populations Reports, P-60.

The gap in earnings varies by major occupation group. It is largest for sales workers (women earn only 41 percent of what men earn) and smallest for clerical workers and professional and technical workers (women earn 65 percent of what men earn). Women's wage or salary income showed almost the same relationship to those of men in 1969 as in 1968 for all occupation groups except service workers outside the home, where the percentage increased from 55 to 59 percent.

MEDIAN WAGE OR SALARY INCOME OF FULL-TIME YEAR-ROUND WORKERS, BY SEX AND SELECTED MAJOR OCCUPATION GROUP, 1969

Major occupation group	Median wage or salary income		Percent [1]
	Women	Men	
Professional and technical workers	$7,309	$11,266	64.9
Nonfarm managers, officials, and proprietors	6,091	11,467	53.1
Clerical workers	5,187	7,966	65.1
Sales workers	3,704	9,135	40.5
Operatives	4,317	7,307	59.1
Service workers (except private household)	3,755	6,373	58.9

[1] Women's median wage or salary income as percent of men's.

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 75.

Another measure of the gap in the earnings of women and men full-time year-round workers is a distribution of these workers by earnings levels. For example, 14 percent of the women but only 6 percent of the men earned less than $3,000 in 1969. Moreover, 51 percent of the women but only 16 percent of the men earned less than $5,000. At the upper end of the scale, only 5 percent of the women but 35 percent of the men had earnings of $10,000 or more.

EARNINGS OF FULL-TIME YEAR-ROUND WORKERS, BY SEX, 1969

Earnings	Women	Men
Total	100.0	100.0
Less than $3,000	14.4	5.7
$3,000 to $4,999	36.2	9.8
$5,000 to $6,999	29.7	18.2
$7,000 to $9,999	14.9	31.2
$10,000 to $14,999	4.2	23.9
$15,000 and over	.7	11.1

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, p. 60, No. 75.

The educational background of a worker often determines not only the type of work but also the level of job within an occupation for which he or she can qualify. However, a comparison of the incomes of fully employed women and men workers by educational attainment reveals that women earn substantially less than men who have the same amount of education. Among workers who had completed grade school or 1 to 3 years of high school, women's incomes in 1969 were only 56 percent of men's. Among those who had 5 years or more of college, the proportion was 67 percent.

MEDIAN INCOME IN 1969 OF FULL-TIME YEAR-ROUND WORKERS, BY YEARS OF SCHOOL COMPLETED (PERSONS 25 YEARS OF AGE AND OVER)

Years of school completed	Women	Men	Women's income as percent of men's
Elementary school:			
Less than 8 years	$3,603	$5,769	62.5
8 years	3,971	7,147	55.6
High school:			
1 to 3 years	4,427	7,958	55.6
4 years	5,280	9,100	58.0
College:			
1 to 3 years	6,137	10,311	59.5
4 years	7,396	12,960	57.1
5 years or more	9,262	13,788	67.2

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 75.

The previous figures do not necessarily indicate that women are receiving unequal pay for equal work. For the most part, they reflect the fact that women are more likely than men to be employed in low-skilled, low-paying jobs. For example:

In institutions of higher education, women are much less likely than men to be associate or full professors.

In the technical field, women are usually in the lowest category of draftsman or engineering technican.

Among managers and proprietors, women frequently operate a small retail establishment, while the men may manage a manufacturing plant or a wholesale outlet.

In the clerical field, women are usually the class B and men the higher paid class A accounting clerks. Among tabulating machine operators also, women are concentrated at the lower level.

In cotton textile manufacturing, women are usually the battery hands, spinners, and yarn winders (the lowest paying jobs), while men are loom fixers, maintenance machinists, and card grinders.

Nevertheless, within some of these detailed occupations, men usually are better paid. Bureau of Labor Statistics surveys of earnings in major office occupations showed that during the period July 1969 to June 1970 men's average weekly earnings were substantially higher than those of women among class A and class B accounting and payroll clerks. For example, the weekly salary differential between the earnings of women and men class A accounting clerks ranged from $6.50 to $42.50 in 60 of the important centers of business and industry surveyed regularly.

The pattern of earnings in institutions of higher education provides a second illustration. In these institutions in 1965–66 (the latest data available), women full professors had a median salary of only $11,649 as compared with $12,768 for men. Comparable differences were found between the salaries of women and men associate professors, assistant professors, and instructors.

Median salaries of women scientists in 1968 were from $1,700 to $4,500 less than those of all scientists in their respective fields. The greatest gap was in the field of chemistry, where the median annual salary of women was $9,000 as compared with $13,500 for all chemists. Additional details are given in the following table.

MEDIAN ANNUAL SALARIES OF FULL-TIME EMPLOYED CIVILIAN SCIENTISTS, BY FIELD, 1968

Field	Median annual salary	
	All scientists	Women scientists
All fields	$13,200	$10,000
Chemistry	13,500	9,000
Earth and marine sciences	12,900	9,500
Atmospheric and space sciences	13,400	11,300
Physics	14,000	10,200
Mathematics	13,000	9,400
Computer sciences	14,100	11,800
Agricultural sciences	11,000	(1)
Biological sciences	13,000	9,900
Psychology	13,200	11,500
Statistics	14,900	12,000
Economics	15,000	12,000
Sociology	12,000	10,000
Anthropology	12,700	11,000
Political science	12,000	9,700
Linguistics	11,500	9,600

[1] Median not computed for groups with fewer than 25 registrants reporting salary.

Source: National Science Foundation: "National Register of Scientific and Technical Personnel," 1968.

The jobs and salaries expected to be offered by 191 companies to June 1971 college graduates were reported in a survey conducted in November 1970. Salaries to be offered to women were consistently below those to be offered to men with the same college major. A comparison with 1970, however, shows a marked reduction in the spread between salaries for women and men. In 1970 the gap in monthly salaries ranged from $86 down to $18; in 1971 the gap ranges from $68 down to only $1 per month difference in engineering.

These figures do not indicate that different salaries are being offered to women and men hired by the same company for the same job, but are averages of offers by all companies planning to employ graduates in that field.

EXPECTED SALARIES FOR JUNE 1970 AND 1971 COLLEGE GRADUATES, BY SEX AND SELECTED FIELD

Field	Average monthly salary			
	1970		1971	
	Women	Men	Women	Men
Accounting	$746	$832	$793	$845
Chemistry	765	806	812	826
Economics, finance	700	718	[1] 700	768
Engineering	844	872	884	885
Liberal arts	631	688	688	790
Mathematics, statistics	746	773	766	806

[1] Average based on only six companies planning to employ women.

Source: Endicott, Frank S., Dr.; "Trends in Employment of College and University Graduates in Business and Industry." Northwestern University. 24th Annual Report, December 1969; 25th Annual Report, December 1970.

Federal legislation guaranteeing equal pay or prohibiting sex discrimination in private employment or on Government contracts has not been enough to date to close the gap between the earnings of women and men. In addition to enforcement of these laws, it is also imperative for employers to review their recruitment, on-the-job training, and promotion policies to give well-qualified women the opportunity to move into more of the better paying jobs than they now hold.

FACT SHEET ON WOMEN IN PROFESSIONAL AND TECHNICAL POSITIONS

An increasing demand for skilled and highly trained workers has accompanied the rapid growth and changing technology of our economy. Women have shared in the rising number of professional and technical workers. Prior to World War II, women employed in professional and technical positions numbered about 1.6 million. In the first 9 months of 1968 they averaged 3.8 million. However, men have moved into these jobs at an even faster pace. As a result, women held only 37 percent of all professional and technical positions in the first 9 months of 1968, as compared with 45 percent in 1940.

Year	Professional and technical workers [1]			
	Number (in thousands)			Women as percent of total
	Total	Women	Men	
1968 [2]	10,200	3,817	6,382	37.4
1967	9,879	3,697	6,183	37.4
1966	9,310	3,472	5,840	37.3
1965	8,883	3,280	5,602	36.9
1960	7,474	2,706	4,768	36.2
1955	5,792	2,183	3,608	37.7
1950	4,490	1,794	2,696	40.0
1945 [3]	3,250	1,510	1,740	46.5
1940 [3]	3,460	1,570	1,890	45.4

[1] Persons 16 years of age and over, 1960–66; 14 years of age and over, 1940–55.
[2] 9-month average.
[3] As of April.

Note: The figures in this factsheet are from the National Education Association; National Science Foundation; U.S. Department of Commerce, Bureau of the Census; U.S. Department of Health, Education, and Welfare, Office of Education; and U.S. Department of Labor, Bureau of Labor Statistics.

Women today hold a wide variety of professional and technical jobs. Although they continue to be concentrated in the teaching and health fields, many are working in growing and developing areas of employment. Of the 2.7 million women professional and technical workers in 1960, 1.9 million, or 71 percent, were in teaching (except college) or health occupations. Five years later, in 1965, the proportion in these occupations had dropped to 68 percent; in the first 9 months of 1968, to 66 percent.

Occupation	Women professional and technical workers [1]					
	Number (in thousands)			Percent distribution		
	1968 [2]	1965	1960	1968 [2]	1965	1960
Total	3,817	3,280	2,706	100.0	100.0	100.0
Teaching (except college)	1,529	1,327	1,164	40.1	40.5	43.0
Medical, other health fields	988	893	745	25.9	27.2	27.5
Other professional, technical workers	1,300	1,060	796	34.1	32.3	29.4

[1] 16 years of age and over.
[2] 9-month average.

Recent estimates of the number of women in selected professional fields other than teaching and health are as follows:

Occupation	Number	As percent of total workers
Social worker	90,000	60
Librarian	64,800	80
Accountant	50,000	10
Personnel worker	25,000	25
Recreation worker	15,000	33
Bank officer	14,000	10
Commercial artist	12,500	25
Public relations worker	12,500	25
Reporter (newspaper)	12,000	34
Engineer	9,750	1
Interior designer and decorator	7,500	50
Statistician	7,300	33
Lawyer	7,000	3
Chemist	6,100	5
Mathematician	5,700	10
Social scientist	5,000	10
Physicist	1,320	3

Despite the increased diversification in women's professional employment, women continue to hold a disproportionately small share of positions in the leading professions. Although traditionally women have made up a large part of the teacher corps, only 22 percent of the faculty and other professional staff in institutions of higher education were women in 1964 (the most recent date for which comparable figures are available). This is a considerably smaller proportion than they were in 1940 (28 percent), 1930 (27 percent), or 1920 (26 percent), and only slightly above their proportion in 1910 (20 percent). Similarly there has been a sharp decline in the proportion of women among all secondary school teachers—46 percent in 1967 as compared with 57 percent in 1950.

Although women are heavily represented in the health fields, in 1969 only 7 percent of physicians were women. Similarly women had only a token representation among scientists (9 percent), lawyers (3 percent), and engineers (1 percent). Moreover, a survey by the Harvard Business Review states that "the barriers [to the employment of women in management positions] are so great that there is scarcely anything to study." *

* * * * *

The number and proportion of girls continuing their education beyond the high school level are rising steadily. In the fall of 1967, 715,911 girls entered institutions of higher education—an increase of 7 percent over 1966. An estimated 54 percent of all girls who graduated from high school in the 1966–67 school year entered institutions of higher education in the fall of 1967. In 1966 the proportion was 50 percent.

A larger number and proportion of boys than of girls continue their education beyond the high school level. In 1967 boys entering institutions of higher education numbered 936,406, or an estimated 71 percent of boy high school graduates.

The 1966 and 1967 data on first-time college enrollments include those in programs not chiefly creditable toward a bachelor's degree as well as those enrolled in degree-credit programs. Data for prior years, based on degree credit enrollments only, show an increase in the number of girls entering college from 198,844 in 1948 to 618,332 in 1965. The proportion of girl college entrants to high school graduates rose from 32 to 46 percent during the same period.

The number of women earning degrees at all three levels—bachelor's or first professional, master's, and doctor's—has increased significantly in the last 11 years. During the school year 1965–66, women earned a total of 274,197 degrees, which was more than twice the number of degrees earned by women in 1954–55. Of the degrees earned by women in 1966, 223,066 were bachelor's degrees, 1,425 were first professional degrees (requiring 6 or more years of higher education), 47,588 were master's degrees, and 2,118 were doctor's degrees.

* Harvard Business Review, March–April 1965, p. 8.

Degrees conferred	Number earned by women					
	1966	1965	1955	1950	1940	1930
Bachelor's or 1st professional	[1] 224,491	219,260	103,799	103,915	76,954	48,869
Master's	[1] 47,588	35,984	19,464	16,982	10,223	6,044
Doctor's	2,118	1,775	825	616	429	353
	Percent earned by women					
Bachelor's or 1st professional	[1] 40.4	40.7	36.1	24.0	41.3	39.9
Master's	[1] 33.8	32.1	33.4	29.2	38.2	40.4
Doctor's	11.6	10.8	9.3	9.6	13.0	15.4

[1] Not strictly comparable with prior years. In 1966 certain degrees formerly counted as 1st professional degrees were included with master's degrees.

In spite of the rising number of women entering and graduating from institutions of higher education, the disparity in the proportion of degrees earned by women and men today is as great as or greater than it was in 1930. Women earned 38 percent of all degrees conferred in 1966, as compared with 40 percent in 1930. Although data on degrees earned at each degree level are not strictly comparable with prior years because of changes in definitions, the proportion of all bachelor's or first professional degrees earned by women was about the same in 1966 as in 1930. The disparity has widened at the advanced degree level. Even with the change in definition, women earned only 34 percent of the master's degrees conferred in 1966 as compared with 40 percent in 1930. Similarly, women earned 12 percent of the doctor's degrees conferred in 1966; 15 percent in 1930.

Women today hold a wide variety of professional and technical jobs. Although they continue to be concentrated in the teaching and health fields, many are working in growing and developing areas of employment. Of the 2.7 million women professional and technical workers in 1960, 1.9 million, or 71 percent, were in teaching (except college) or health occupations. Five years later, in 1965, the proportion in these occupations had dropped to 68 percent; in the first 9 months of 1968, to 66 percent.

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Statistician	7,300	33
Lawyer	7,000	3
Chemist	6,100	5
Mathematician	5,700	10
Social scientist	5,000	10
Physicist	1,320	3

Women college graduates are motivated to seek employment outside the home, not only because of the increasing demand for highly trained personnel, but also because of their desire to use the skills they have acquired through higher education and the higher earnings available to them. In March 1967 almost 3 out of 5 (57 percent) women 18 years of age and over with 4 years or more of college were in the labor force. This was a higher proportion than in March 1957 (55 percent) or in October 1952 (50 percent).

Especially high labor force participation was found in March 1967 among women 20 to 24 years of age with 4 years of college and women 45 to 54 years of age with 5 years or more of college (81 percent).

Nevertheless, many women do not make maximum use of their educational background in their jobs. Almost one-fifth of employed women with 4 years of college were working as service workers (including private household), operatives, sales workers, or clerical workers in March 1967. A startling 8 percent of employed women who had completed 5 years or more of college were working in the same unskilled or semiskilled occupations.

Background Facts on Women Workers in the United States

Number of workers

There were 30.5 million women workers 16 years of age and over in the United States in 1969 (table 1). This was an increase of 1.3 million since 1968. Forty-three percent of women 16 years of age and over were in the civilian labor force in 1969; women were 38 percent of all workers.

Labor force reserve

Of the 40.9 million women who were not in the labor force in 1969, 32.5 million were not working because of home responsibilities, 3.5 million because of school attendance, and 2.3 million because of ill health. Women and girls accounted for about half of all persons out of the labor force because of school attendance or ill health.

While reasons for nonparticipation in the labor force in 1969 varied for women of different ages, home responsibilities were cited by the great majority of women 20 years of age and over (table 2). More than two-thirds of all girls 16 to 19 years and about one-sixth of women in their early twenties were not working because they were in school. Ill health was the reason for nonparticipation of 8 percent of women 60 years of age and over but was not a significant factor among younger women.

About 3.2 million, or 8 percent of all women who were not working or looking for work in 1969, reported that they wanted jobs. Of these, 39 percent were not looking for work because of home responsibilities, including women who reported inability to arrange child care. Seventeen percent were students and 12 percent did not seek work because

they thought they would not be able to get jobs.

Age

The median (half above, half below) age of women workers in 1969 was 39 years (table 3). Almost 3 out of 5 women in the labor force were 35 years of age or over, and almost 2 out of 5 were 45 years of age or over.

Nearly half (49 percent) of all women 18 to 64 years of age were workers in 1969. Highest labor force participation was among women 20 to 24 (57 percent) and 45 to 54 years of age (54 percent). In contrast, only 10 percent of women 65 years of age and over and 34 percent of girls 16 and 17 years of age were in the labor force.

Marital and family status

Of the 29.9 million women workers 16 years of age and over in March 1969, nearly 3 out of 5 were married and living with their husbands (table 4). Twenty-two percent were single, 8 percent were widowed, 6 percent were divorced, and 5 percent were married but not living with their husbands.

Labor force participation was highest among divorced women (72 percent) and lowest among widows (26 percent). Forty percent of married women living with their husbands were workers.

In March 1969, 11.6 million women workers had children under 18 years of age (table 5). Almost 7.4 million had children 6 to 17 years of age (none under 6), 2.1 million had children 3 to 5 years of age (none under 3), and the other 2.1 million had children under 3 years of age. Labor force participation was highest among mothers with school-age children only (51 percent) and lowest among those with children under 3 years of age (26 percent).

Women family heads

There were 5.4 million families headed by women in March 1969. Many of these families were poor despite the fact that the women family heads were in the labor force. Among the 3.2 million families whose head had some work experience in 1968, about 772,000, or 24 percent, had incomes below the poverty level (table 6). Even among those whose heads worked the year round at full-time jobs, 313,000, or 12 percent, were poor in 1968. In contrast, 45 percent of the Negro [1] women family heads two worked at some time in 1968 and 29 percent of those who worked year round full time had incomes below the poverty level.

Educational attainment

Women in the labor force in March 1968 had slightly more education than did all women in the population (table 7). The median years of school completed by women 18 years of age and over in the labor force and in the population were 12.4 years and 12.2 years, respectively.

Fewer than 1 out of 10 women in the labor force had less than 8 years of schooling, about 7 out of 10 had graduated from high school, and about 1 out of 10 had 4 years or more of college.

The median years of school completed by women employed as professional and technical workers was 16.2 years (table 8). Among women nonfarm managers, officials, and proprietors; clerical workers; sales workers; and craftsmen and foremen, the medians were more than 12 years. Educational attainment of women workers was lowest among operatives (10.6 years) and private household workers (8.8 years).

Occupations

The largest major occupation group of employed women in 1969 was clerical workers (table 9). Of the nearly 10 million in clerical jobs, 3.4 million were working as stenographers, typists, and secretaries. The next two largest major occupation groups were service workers (except private household) and operatives—about 4.7 million and 4.5 million, respectively. Another 4 million were professional and technical workers. Of these, 1.6 million were teachers (except college), and 1 million were medical and other health workers. Only 339,000 were craftsmen and foremen, and 146,000 were nonfarm laborers.

Women constituted more than two-thirds of all clerical workers, private household workers, waitresses and cooks, and teachers (except college). They were only a small percentage of craftsmen and foremen, nonfarm laborers, and farmers and farm managers.

Industries

Of the 38.3 million women workers reporting the industry group of the job held longest in 1968, 15.9 million were in service industries (table 10). They accounted for more than 2 out of 5 of all women workers. Numerically the service industries were followed by retail trade (7.5 million) and manufacturing (7.1 million). Women's employment in the remaining industries totaled 7.8 million.

In 1968 the proportion that women were of all workers was highest in personal services (75 percent) and professional and related services (65 percent), and was lowest in construction (6 percent) and mining (10 percent).

The industries in which 250,000 or more women were employed in April 1969 are shown in table 11. Women were more than two-thirds of all employees in apparel and other textile products manufacturing, medical and other health services, and general merchandise stores.

Full-time and part-time job status

About 3 out of 4 women workers in nonagricultural industries were on full-time schedules in 1969, as compared with 9 out of 10 men workers (table 12). Most of the women who worked part time did so voluntarily.

Work experience

More than half of all women 16 years of age and over in the population worked at some time in 1968 (table 13). However, only 41 percent of these 36.9 million women worked full time year round. By marital status, the proportions who had work experience were 68 percent among single women, 50 percent among married women (husband present), and 46 percent among women who were divorced, widowed, or separated. But the last group were the most likely to work full time year round—more than half of them did so.

Unemployment

The unemployment rate of women in the civilian labor force was virtually unchanged at 4.7 percent in 1969 as compared with 4.8 percent in 1968 (table 14). But unemployment among teenage girls decreased from 14 to 13.3 percent.

Earnings [2]

The median earnings of year-round full-time women workers 14 years of age and over in 1968 were $4,457 (table 15). This was only 58 percent of the $7,664 median earnings of fully employed men workers. Twenty percent of the women but only 8 percent of the men earned less than $3,000. At the upper end of the scale only 3 percent of women workers but 28 percent of the men earned $10,000 or more in 1968.

Median income from wages or salary only among women year-round full-time workers ranged from a high of $6,691 for professional and technical workers to a low of $1,523 for private household workers (table 16). The gap between the wage or salary incomes of fully employed women and men was narrowest among professional and technical workers and clerical workers, where women's incomes were 66 and 65 percent, respectively, of those of men. The income gap was widest among sales workers, where women's incomes were only 41 percent of those of men.

[1] Negro and other races (except white).

[2] Include income from wages or salary and from self-employment.

TABLE 1.—EMPLOYMENT STATUS OF WOMEN, 1968 AND 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Employment status	Number (in thousands)		Percent distribution		As percent of total	
	1969	1968	1969	1968	1969	1968
Population [1]	71,436	70,180	100.0	100.0	53.2	53.2
Civilian labor force	30,512	29,204	42.7	41.6	37.8	37.1
Employed	29,084	27,807	40.7	39.6	37.3	36.6
Unemployed	1,428	1,397	2.0	2.0	50.4	49.6
Not in the labor force	40,924	40,976	57.3	58.4	76.3	76.9
In school	3,498	3,504	4.9	5.0	49.4	50.0
Ill health	2,261	2,221	3.2	3.2	50.8	51.2
Home responsibilities	32,461	32,754	45.4	46.7	99.4	99.5
Retirement or old age	686	572	1.0	.8	11.8	10.3
Think cannot get job	391	454	.5	.6	68.1	68.1
All other reasons	1,628	1,468	2.3	2.1	53.4	52.4

[1] Excludes women in the Armed Forces, who numbered 39,000 in 1969 and 38,000 in 1968.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings, December 1969 and January 1970, and Special Labor Force Report No. 110.

TABLE 2.—REASONS FOR NONPARTICIPATION OF WOMEN IN THE LABOR FORCE, BY AGE AND JOB DESIRE, 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Reasons for nonparticipation	Age					Women who want job
	Total	16 to 19 years	20 to 24 years	25 to 59 years	60 years and over	
Number (in thousands)	40,924	4,068	3,512	20,916	12,429	3,203
Percent	100.0	100.0	100.0	100.0	100.0	100.0
In school	8.5	67.5	16.0	.9	.1	17.4
Ill health	5.5	1.1	2.6	5.4	8.0	11.0
Home responsibilities	79.3	18.1	74.0	88.9	84.8	38.5
Retirement or old age	1.7				5.5	
Think cannot get job	1.0	1.3	1.2	1.0	.7	12.2
All other reasons	4.0	12.0	6.2	3.9	.9	20.8

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings December 1969 and January 1970.

TABLE 3.—LABOR FORCE STATUS OF WOMEN, BY AGE, 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Age (years)	Population	Labor force: Number	Labor force: Percent distribution	Labor force: As percent of women population
Total	71,436,000	30,512,000	100.0	42.7
16 and 17	3,682,000	1,240,000	4.1	33.7
18 and 19	3,486,000	1,860,000	6.1	53.4
20 to 24	8,109,000	4,597,000	15.1	56.7
25 to 34	12,337,000	5,395,000	17.7	43.7
35 to 44	11,819,000	5,901,000	19.3	49.9
45 to 54	11,872,000	6,387,000	20.9	53.8
55 to 64	9,466,000	4,077,000	13.4	43.1
65 and over	10,667,000	1,056,000	3.5	9.9

Median age, 39.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings, January 1970.

TABLE 4.—MARITAL STATUS OF WOMEN IN THE LABOR FORCE, MARCH 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Marital status	Number	Percent distribution	As percent of women in population
Total	29,898,000	100.0	41.6
Single	6,501,000	21.7	51.2
Married (husband present)	17,595,000	58.9	39.6
Married (husband absent)	[1] 1,505,000	5.0	54.0
Widowed	2,504,000	8.4	26.4
Divorced	1,793,000	6.0	71.6

[1] Includes 201,000 wives whose husbands were absent in the Armed Forces.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Monthly Labor Review, May 1970.

TABLE 5.—LABOR FORCE STATUS OF EVER-MARRIED WOMEN, BY PRESENCE AND AGE OF CHILDREN, MARCH 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Presence and age of children	Labor force: Population (thousand)	Labor force: Number (thousand)	Labor force: As percent of women in population
Total	59,230	23,397	39.5
Mothers with children under 18 years	28,421	11,599	40.8
With children 6 to 17 years only	1,538	7,376	50.7
With children under 6 years [1]	13,883	4,223	30.4
With no children under 3 years [1]	5,742	2,128	37.1
With children under 3 years [1]	8,141	2,095	25.7
Women without children under 18 years	30,809	11,798	38.3

[1] May also have older children.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Monthly Labor Review, May 1970.

TABLE 6.—POVERTY STATUS OF FAMILIES HEADED BY A WOMAN, BY RACE AND WORK EXPERIENCE OF HEAD, 1968 [1]

Race	Total	Work experience of female head: Worked during year	Work experience of female head: Worked year round full time
All families:			
Number	5,439,000	3,236,000	1,752,000
White	4,053,000	2,386,000	1,380,000
Negro and others	1,386,000	850,000	372,000
Families living in poverty:			
Number	1,755,000	772,000	213,000
White	1,021,000	391,000	107,000
Negro and others	734,000	381,000	106,000
Percent	32.3	23.9	12.2
White	25.2	16.4	7.8
Negro and others	52.9	44.8	28.5

[1] The poverty level is based on the Social Security Administration's poverty threshold adjusted annually in accordance with changes in the Department of Labor's Consumer Price Index. Classified as poor in 1968 were those nonfarm households where total money income was less than $1,748 for an unrelated individual, $2,262 for a couple, and $3,553 for a family of 4.

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, Nos. 66 and 68.

TABLE 7.—EDUCATIONAL ATTAINMENT OF THE POPULATION AND LABOR FORCE, BY SEX, MARCH 1968

[Persons 18 years of age and over]

Years of school completed	Population: Women	Population: Men	Labor force: Women	Labor force: Men
Number (thousands)	66,288	57,989	27,846	47,250
Percent	100.0	100.0	100.0	100.5
No school years completed	1.2	1.4	.4	.5
Elementary school:				
1 to 4 years	3.2	4.2	1.5	2.9
5 to 7 years	8.1	8.9	5.4	7.4
8 years	11.8	12.5	8.7	11.2
High school:				
1 to 3 years	18.6	17.9	17.6	18.6
4 years	38.2	30.6	43.7	3.8
College:				
1 to 3 years	11.3	12.4	12.3	12.2
4 years	5.7	6.9	7.4	7.7
5 years or more	1.9	5.3	3.1	5.9
Median years of school completed	12.2	12.2	12.4	12.3

Source: U.S. Department of Labor, Bureau of Labor Statistics: Special labor force report No. 103.

TABLE 8.—EDUCATIONAL ATTAINMENT OF EMPLOYED PERSONS, BY SELECTED MAJOR OCCUPATION GROUP AND SEX, MARCH 1968 (PERSONS 18 YEARS OF AGE AND OVER)

Selected major occupation group	Median years of school completed: Women	Median years of school completed: Men
Total	12.4	12.3
Professional, technical, kindred workers	16.2	16.4
Managers, officials, proprietors (except farm)	12.5	12.8
Clerical, kindred workers	12.6	12.6
Salesworkers	12.3	12.8
Craftsmen, foremen, kindred workers	12.1	12.0
Operatives, kindred workers	10.6	11.1
Service workers (except private household)	11.6	[1] 11.6
Private household workers	8.8	

[1] Median not shown separately for these occupation groups.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Special labor force report No. 103.

TABLE 9.—OCCUPATIONS OF EMPLOYED WOMEN, 1969 (WOMEN 16 YEARS OF AGE AND OVER)

Type of worker and occupation	Number (thousand)	Percent distribution	As percent of total employed
Total	29,084	100.0	37.3
White-collar workers:			
Professional, technical workers	4,018	13.8	37.3
Medical, other health workers	1,022	3.5	60.4
Teachers (except college)	1,597	5.5	69.1
Other professional, technical workers	1,399	4.8	20.7
Managers, officials, proprietors (except farm)	1,260	4.3	15.8
Salaried workers	859	3.0	15.1
Self-employed workers (retail trade)	250	.9	22.9
Self-employed workers (except retail trade)	152	.5	12.7
Clerical workers	9,975	34.3	74.5
Stenographers, typists, secretaries	3,397	11.7	98.5
Other clerical workers	6,577	22.6	66.1
Sales workers	2,017	6.9	43.0
Blue-collar workers:			
Craftsmen, foremen	339	1.2	3.3
Operatives	4,489	15.4	31.2
Nonfarm laborers	146	.5	4.0
Service workers:			
Private household workers	1,592	5.5	97.6
Service workers (except private household)	4,679	16.1	59.3
Waitresses, cooks, bartenders	1,578	5.4	74.8
Other service workers	3,101	10.7	53.6
Farm workers:			
Farmers, farm managers	79	.3	4.3
Farm laborers, foremen	489	1.7	33.8

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings, January 1970.

TABLE 10.—INDUSTRY OF JOB HELD LONGEST BY WOMEN WORKERS IN 1968 (WOMEN 14 YEARS OF AGE AND OVER AS OF MARCH 1969)

Industry	Number (thousand)	Percent distribution	As percent of total employed
Total	38,279	100.0	41.0
Services	15,891	41.5	62.9
Professional and related	9,440	24.7	64.9
Personal	5,123	13.4	75.1
Business and repair	864	2.3	31.5
Entertainment and recreation	464	1.2	39.9
Retail trade	7,545	19.7	49.7
Manufacturing	7,075	18.5	29.9
Finance, insurance, real estate	2,074	5.4	51.4
Public administration	1,738	4.5	35.0
Agriculture, forestry, fisheries	1,542	4.0	26.4
Transportation, communication, and other public utilities	1,262	3.3	22.8
Wholesale trade	752	2.0	26.3
Construction	344	.9	6.3
Mining	56	.1	9.7

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 66.

TABLE 11.—INDUSTRIES EMPLOYING 250,000 OR MORE WOMEN, APRIL 1969

Industry	Employed women: Number	Employed women: As percent of total employed
Finance, insurance, and real estate:		
Banking	603,400	63
Insurance carriers	512,000	51
Government:		
Local	3,496,000	50
State	1,054,300	41
Federal	727,000	26
Manufacturing:		
Apparel and other textile products	1,136,100	81
Women's and misses' outerwear	362,200	85
Men's and boys' furnishings	314,100	84

TABLE 11.—INDUSTRIES EMPLOYING 250,000 OR MORE WOMEN, APRIL 1969 (CONTINUED)

Industry	Employed women	
	Number	As percent of total employed
Electrical equipment and supplies	816,600	40
Fabricated metal products	268,200	19
Food and kindred products	424,100	25
Textile mill products	454,500	46
Printing and publishing	343,000	32
Machinery (except electrical)	295,700	16
Retail trade:		
General merchandise stores	1,505,400	69
Department stores	987,400	69
Variety stores	249,800	78
Eating and drinking places	1,350,900	56
Food stores	580,000	35
Grocery, meat, and vegetable stores	483,000	32
Apparel and accessories stores	462,600	66
Drug stores and proprietary stores	258,600	60
Services (miscellaneous):		
Medical and other health	2,270,200	81
Hospitals	1,418,000	81
Personal	631,000	62
Laundries and drycleaning plants	353,100	66
Educational	559,800	48
Colleges, universities	277,200	41
Miscellaneous business	494,600	34
Hotels, tourist courts, and motels	328,800	50
Transportation and public utilities:		
Communication	519,400	50
Telephone	475,600	55
Wholesale trade	842,000	23

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and earnings, August 1969.

TABLE 12.—FULL-TIME AND PART-TIME JOB STATUS OF WORKERS IN NONAGRICULTURAL INDUSTRIES, BY SEX, 1969 (PERSONS 16 YEARS OF AGE AND OVER)

Job status	Women	Men
Number	26,631,000	43,387,000
Percent	100.0	100.0
On full-time schedule [1]	73.8	91.1
On part-time schedule [2]	26.2	8.8
For economic reasons [3]	3.5	2.0
Voluntary	22.8	6.8

[1] Worked 35 hours or more a week.
[2] Worked less than 35 hours a week.
[3] Slack work, job changing during the week, material shortages, inability to find full-time work, etc.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings, January 1970.

TABLE 13.—WORK EXPERIENCE OF WOMEN IN 1968, BY MARITAL STATUS (WOMEN 16 YEARS OF AGE AND OVER)

Work experience	Marital status			
	Total	Single	Married (husband present)	Other [1]
Number (thousands)	36,918	8,318	22,169	6,431
Percent with work experience	52.0	68.0	49.7	45.7
Percent distribution: Total with work experience	100.0	100.0	100.0	100.0
Worked at full-time jobs [2]:				
50 to 52 weeks	41.4	36.2	40.2	52.3
27 to 49 weeks	13.6	9.8	14.5	15.2
1 to 26 weeks	15.4	19.3	15.2	10.8
Worked at part-time jobs [3]	29.7	34.7	30.1	21.7

[1] Widowed, divorced, or separated or husband absent for other reasons.
[2] Worked 35 hours or more a week.
[3] Worked less than 35 hours a week.

Source: U.S. Department of Labor, Bureau of Labor Statistics: Monthly Labor Review, February 1970.

TABLE 14.—UNEMPLOYMENT RATES, BY SEX AND AGE, 1968 AND 1969 (PERSONS 16 YEARS OF AGE AND OVER)

Age	1969	1968
Women, total	4.7	4.8
16 to 19 years	13.3	14.0
20 years and over	3.7	3.8
Men, total	2.8	2.9
16 to 19 years	11.4	11.6
20 years and over	2.1	2.2

Source: U.S. Department of Labor, Bureau of Labor Statistics: Employment and Earnings, January 1970.

TABLE 15.—TOTAL MONEY EARNINGS OF WORKERS IN 1968, BY SEX (PERSONS 14 YEARS OF AGE AND OVER)

	All workers		Year-round, full-time workers	
	Women	Men	Women	Men
Number (thousands)	35,695	54,026	15,013	37,068
Percent of population	47.7	81.1	20.0	55.7
Median earnings	$2,512	$6,442	$4,457	$7,664
Percent distribution				
Total	100.0	100.0	100.0	100.0
Under $1,000	28.5	12.6	4.7	2.5
$1,000 to $1,999	14.3	6.5	5.7	2.2
$2,000 to $2,999	11.9	4.9	9.6	2.8
$3,000 to $3,999	14.3	6.1	21.3	5.4
$4,000 to $4,999	10.7	7.0	18.7	7.2
$5,000 to $5,999	8.1	8.7	15.5	9.9
$6,000 to $6,999	5.3	9.5	10.5	11.4
$7,000 to $7,999	3.0	10.3	6.1	13.0
$8,000 to $9,999	2.4	13.8	4.8	17.9
$10,000 to $14,999	1.3	14.6	2.5	19.5
$15,000 to $24,999	.2	4.6	.3	6.3
$25,000 and over	(1)	1.4	.2	1.9
Women's median earnings as percent of men's	39.0		58.2	

[1] Less than 0.05 percent.

Source: U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P-60, No. 66.

TABLE 16.—MEDIAN WAGE OR SALARY INCOME OF WORKERS IN 1968, BY SELECTED MAJOR OCCUPATION GROUP AND SEX (PERSONS 14 YEARS OF AGE AND OVER)

[In dollars]

Selected major occupation group	All workers		Year-round full-time workers	
	Women	Men	Women	Men
Professional, technical, kindred workers	5,564	9,368	6,691	10,151
Managers, officials, proprietors (except farm)	4,840	9,904	5,635	10,340
Clerical, kindred workers	3,882	6,755	4,789	7,351
Sales workers	2,073	7,245	3,461	8,549
Craftsmen, foremen, kindred workers	4,040	7,581	4,625	7,978
Operatives, kindred workers	3,383	6,066	3,991	6,738
Service workers (except private household)	2,029	4,462	3,332	6,058
Private household workers	546	(1)	1,523	(1)

[1] Median not shown for occupation group with fewer than 75,000 workers.

Source: U.S. Department of Commerce, Bureau of the Census: Current Population reports, P-60, No. 66.

Underutilization of Women Workers

(Charts referred to herein not printed in Record)

FOREWORD

Recognizing that the 30 million women workers today "are not auxiliary workers but an integral part of the work force," as Assistant Secretary of Labor Arthur A. Fletcher recently remarked, the Women's Bureau believes that an examination of the utilization of this substantial portion of the human resources of our Nation is urgently needed.

Fifty years ago, when the Women's Bureau was founded, our primary concern was the exploitation of women workers. No longer is this true. No longer do we need to place primary emphasis on the establishment of safety standards or the elimination of long working hours and appalling working conditions.

But there are still serious inequalities in the labor market which result in the underutilization of women workers. There are still barriers which deny women the freedom to prepare for and enter employment suited to their individual interests and abilities, and to advance and achieve recognition (monetary or otherwise) to the full extent of which they are capable.

Legislation to assure women equality of pay and nondiscrimination in employment has been passed at the Federal and State levels. The Federal Equal Pay Act of 1963, which was an amendment to the Fair Labor Standards Act, assures women equal pay for equal work. However, since many employees are not covered under the Federal act, 36 States have enacted equal pay laws, and five others and the District of Columbia have fair employment practices laws prohibiting discrimination in pay based on sex. Title VII of the Federal Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sex. Twenty-three States and the District of Columbia have a similar prohibition.

Implementation of the two Federal statutes has been effective. Investigations under the equal pay provisions had disclosed, by the end of April 1970, underpayments of more than $17 million to more than 50,000 employees during the nearly 5 years of enforcement. Of all complaints received in fiscal year 1969 by the Equal Employment Opportunity Commission under title VII of the Civil Rights Act, almost 2,700, or about one-fifth, were concerned with discrimination on the basis of sex.

Considerable progress has also been made in providing equal opportunities for women employed directly by the Federal Government or by Federal contractors. As early as 1923 the Civil Service Classification Act provided that Federal employees receive equal pay for equal work. Discrimination on the basis of sex (as well as race, color, religion, or national origin) in all aspects of Federal employment is now prohibited under Executive Order 11478, administered by the Civil Service Commission.

Discrimination by Federal contractors and subcontractors is prohibited under Executive Order 11246, as amended by Executive Order 11375, administered by the Office of Federal Contract Compliance (OFCC) of the Department of Labor. Sex discrimination guidelines, setting out in detail the regulations governing the implementation of this Executive order, were issued by the OFCC in June 1970.

Despite these steps forward, there is a great deal more to be accomplished. The need to improve women's relative position in the economy is still urgent. Failure to grant women and girls equal opportunities in terms of job training, educational programs, occupational entrance, advancement, and pay creates severe economic hardship, even poverty, for many women and for many families dependent in whole or in part on a woman's earnings.

In addition, failure to utilize fully the talents and abilities of women diminishes our total productive effort, deprives the economy of workers needed for vital domestic programs, and has a depressing effect on the whole job structure.

Occupationally women are more disadvantaged, compared with men, than they were 30 years ago. In 1940 they held 45 percent of all professional and technical positions. In 1969 they held only 37 percent of such jobs. This deterioration in their role in career fields relative to men has occurred de-

spite the increase in women's share of total employment over the same period. On the other hand, the proportion of women among all service workers (except private household) has increased since 1940—rising from 40 to 59 percent.

The barriers are still high against employing women in professions other than those traditionally associated with women, and many of the myths regarding women's ability to hold administrative and managerial positions still prevail. Illustrative of the inequalities women face in entering professional careers in business and industry are the differences in salaries offered to women and men. Women graduating from college in 1970 in six fields of interest were being offered starting salaries from 3 to 10 percent lower than those offered to men in the same fields.

Many women hold jobs far from commensurate with their abilities and educational achievement. For example, in March 1969, 19 percent of the working women who had completed 4 years of college were employed in nonprofessional jobs as clerical, sales, or service workers or as operatives, mainly in factories.

The growing share of jobs held by women in the lower paying occupations in recent years is reflected in the gap between the median (half above, half below) earnings of women and men. In 1957 the median wage or salary income of women who worked 35 hours or more a week for 50 to 52 weeks was 64 percent of that received by men. In 1968 median earnings of comparably employed women were only 58 percent of those received by men.

Moreover, more women than men experience periods of unemployment during the year. Unemployment rates of women have been consistently higher than those of men during the last decade and were 4.7 and 2.8 percent, respectively, in 1969. Therefore, it is not surprising that poverty is more severe among families headed by women than by men workers. An alarming 45 percent of the families headed by women workers of minority races lived in poverty in 1968, as compared with 16 percent of those headed by male workers of minority races.

The following brief summary statements and charts document aspects of the underutilization of women workers. It is our hope that these highlights on the economic position of women workers may prove helpful in efforts to assure more effective use of our national resource of womanpower.

ELIZABETH DUNCAN KOONTZ,
Director, Women's Bureau.

Most women work because of economic need (chart A)

Most women work to support themselves or others. Of the 37 million women who worked at some time in 1968, 17 percent were widowed, divorced, or separated from their husbands; many of these women were raising children in a fatherless home. Another 23 percent of women workers were single. In addition, married women whose husbands' incomes are inadequate or barely adequate to support their families often are compelled to seek gainful employment. Eight percent of all women who worked in 1968 had husbands with annual incomes below $3,000. An additional 22 percent had husbands whose incomes were between $3,000 and $7,000 at a time when the annual income necessary even for a low standard of living for an urban family of four was estimated at $6,567.

Women are 3 times as likely as men to earn less than $5,000 for year-round full-time work (chart B)

About 3 out of 5 women but only 1 out of 5 men who worked year-round full-time in 1968 had earnings of less than $5,000. Moreover, 20 percent of the women but only 8 percent of men earned less than $3,000. At the upper end of the earnings scale, only 3 percent of the women but 28 percent of the men who worked year-round full-time had earnings of $10,000 or more.

The earnings gap beween women and men remains wide (chart C)

In 1957 the median earnings of year-round full-time women workers were 64 percent of those of men. By 1966 the proportion had dropped to 58 percent, where it remained in 1967 and 1968. The earnings gap amounted to more than $3,000 in 1968, when the median earnings of year-round full-time women and men workers were $4,457 and $7,664, respectively.

Millions of women are in low-paid occupations (chart D)

About 3.1 million women who worked year round full time in 1968 were sales workers, service workers (except private household), and private household workers. Their median wage or salary incomes were $3,461, $3,332, and $1,523, respectively. Another 2.4 million year-round full-time women workers were operatives—mainly factory workers—with a median wage or salary income of $3,991.

Women's share in professional and technical work has declined (chart E)

Although the number of women employed in professional and technical occupations has almost tripled since 1940, women are a smaller proportion of all professional and technical workers today than they were before World War II. Women represented 37 percent of all professional and technical workers in 1969 as compared with 45 percent in 1940. In contrast, the proportion of women among all workers increased from 26 to 37 percent over the same period.

Women are inadequately represented in leading professions (chart F)

Women hold a disproportionately small share of positions in leading professions despite their 37 percent share of all professional and technical occupations in 1969. Although women traditionally have made up a large part of the teacher corps, in recent years only 22 percent of the faculty and other professional staff in institutions of higher education were women. This is a considerably smaller proportion than they were in 1940 (28 percent), 1930 (27 percent), or 1920 (26 percent) and only slightly above the 20 percent they were in 1910.

Women are heavily represented in the health fields, but in 1968 only 7 percent of all physicians were women. Similarly, women had only a token representation among scientists (9 percent), lawyers (3 percent), and engineers (1 percent).

Starting salaries of college graduates are lower for women than for men (chart G)

Average monthly starting salaries being offered to 1970 women college graduates in six fields of interest by 110 business and industrial firms ranged from $18 to $86 less than the salaries being offered to men college graduates in the same fields. Monthly starting salaries for women were highest and were not far below those of men in engineering, with monthly salaries of $844 for women and $872 for men. In accounting, however, where salaries being offered to men were almost as high as in engineering, the gap between the salaries of women and men was the largest (women, $746; men $832). Salary differentials between men and women were lowest in the fields of economics and finance (women, $700; men, $718) and mathematics and statistics (women, $746; men $773).

Women are increasing among workers in less skilled jobs (chart H)

In contrast to the declining proportion of women among professional and technical workers, the proportion of women in the less skilled and lower paid service occupations is increasing. Women were 59 percent of all service workers (except private household) in 1969 as compared with 40 percent in 1940.

Many women workers are underutilized in relation to their educational achievement (chart I)

The educational backgrounds of a great many women are not being fully utilized in their jobs. A starting 7 percent of employed women who had completed 5 or more years of college were working as service workers (including private household), operatives, sales workers, or clerical workers in March 1969. Nearly one-fifth of employed women with 4 years of college were working in these occupations, as were some two-thirds of those who had completed 1 to 3 years of college.

Almost 3 out of 10 teenage girls of minority races are unemployed (chart J)

Unemployment among teenagers (16 to 19 years of age) is most severe among girls of minority races, whose unemployment rate of 27.7 percent in 1969 was considerably higher than it had been in 1955 (19.2 percent). Next most disadvantaged are boys of minority races, whose unemployment rate was 21.3 percent in 1969. In contrast, the unemployment rates for white girls and white boys in 1969 were 11.5 and 10.1 percent, respectively.

Unemployment among adults is most severe for women of minority races (chart K)

Among adults 20 years of age and over, unemployment is most severe for women of minority races—5.8 percent in 1969. The comparable rates for men of minority races, white women, and white men were 3.7, 3.4, and 1.9 percent, respectively. Historically, unemployment among adults has been highest for men of minority races, but since 1963 it has been most severe for women of minority races.

Incidence of poverty is high in families headed by a woman worker (chart L)*

Many families headed by a woman are poor even though the woman works. Among families headed by a woman who worked in 1968, 45 percent of those of minority races and 16 percent of the white lived in poverty. In contrast, among families headed by a man who worked in 1968, only 16 percent of those of minority races and 4 percent of the white were poor.

CHART SOURCES

Chart A. U.S. Department of Labor, Bureau of Labor Statistics: "Marital and Family Characteristics of Workers, March 1969." Special Labor Force Report No. 120.

Chart B. U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–60, No. 66.

Chart C. U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–60, Nos. 30, 33, 35, 37, 39, 41, 43, 47, 51, 53, 60, and 66.

Chart D. U.S. Department of Labor, Bureau of Labor Statistics: Special Labor Force Report No. 120; U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–60, No. 66.

Chart E. U.S. Department of Labor, Manpower Administration: "Manpower Report of the President and a Report on Manpower Requirements, Resources, Utilization, and Training." April 1967 and March 1970; Bureau of Labor Statistics: Monthly Labor Review, August 1947.

Chart F. National Education Association; U.S. Department of Health, Education, and

*The poverty level is based on the Bureau of the Census definition of poverty, adjusted annually in accordance with changes in the Department of Labor's Consumer Price Index. Currently classified as poor are those nonfarm households where total money income is less than $1,748 for an unrelated individual, $2,262 for a couple, and $3,553 for a family of four.

Welfare, Office of Education; National Science Foundation; and U.S. Department of Labor, Bureau of Labor Statistics: "Occupational Outlook Handbook."

Chart G. Endicott, Frank S. "Trends in Employment of College and University Graduates in Business and Industry." Northwestern University. 1970.

Chart H. Same as chart E.

Chart I. U.S. Department of Labor, Bureau of Labor Statistics: Unpublished data.

Chart J. U.S. Department of Labor, Manpower Administration: "Manpower Report of the President: A Report on Manpower Requirements, Resources, Utilization, and Training." March 1970.

Chart K. Same as chart J.

Chart L. U.S. Department of Commerce, Bureau of the Census: Current Population Reports, P–60, Nos. 66 and 68.

QUORUM CALL

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

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

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

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the hour of 10 o'clock having arrived, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The question now before the Senate is amendment No. 75 of the Senator from Massachusetts (Mr. KENNEDY), as modified, on which there is to be a 3-hour debate. Under the unanimous-consent agreement previously entered into, there is to be a live quorum call at 10 o'clock, with the time to be charged equally to the proponents and the opponents, except that this time will not exceed 40 minutes.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 89 Leg.]

Allen	Ervin	Moss
Allott	Gambrell	Nelson
Anderson	Gravel	Pastore
Beall	Gurney	Pearson
Bellmon	Hart	Proxmire
Bentsen	Hatfield	Randolph
Bible	Hollings	Saxbe
Burdick	Inouye	Sparkman
Byrd, Va.	Jackson	Spong
Byrd, W. Va.	Jordan, Idaho	Stennis
Chiles	Kennedy	Stevens
Church	Magnuson	Stevenson
Cook	Mansfield	Taft
Cotton	McIntyre	Williams
Cranston	Metcalf	
Ellender	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Louisiana (Mr. LONG) are absent on official business.

I also announce that the Senator from South Dakota (Mr. MCGOVERN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New Jersey (Mr. CASE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Baker	Griffin	Prouty
Bayh	Hughes	Roth
Boggs	Humphrey	Schweiker
Brock	Javits	Scott
Buckley	Jordan, N.C.	Smith
Cooper	Mathias	Symington
Curtis	McClellan	Talmadge
Dole	McGee	Thurmond
Dominick	Miller	Tower
Eagleton	Muskie	Tunney
Eastland	Packwood	Weicker
Fong	Pell	
Goldwater	Percy	

The PRESIDING OFFICER. A quorum is present.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, what is the question pending before the Senate at the present time?

The PRESIDING OFFICER. The pending question is amendment No. 75 offered by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time has been allocated?

The PRESIDING OFFICER. There are now 78 minutes remaining to each side.

Mr. KENNEDY. And that time is evenly divided; is that correct?

The PRESIDING OFFICER. There are 78 minutes remaining to each side.

Mr. KENNEDY. And that time is evenly divided; is that correct?

The PRESIDING OFFICER. There are 78 minutes remaining to each side. The Senator from Massachusetts has 78 minutes remaining and the Senator from Mississippi has 78 minutes remaining.

Mr. KENNEDY. I thank the Presiding Officer. I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, simply stated, my amendment presents the Senate with a single issue and that is: Who decides how many men is enough for the armed services, Congress or the President? For that reason I have not tampered with the number of 150,000 inductees authorized by the Committee on Armed Services. That figure will be discussed later on during the course of the debate, as it properly should be.

My amendment therefore, simply would assert that Congress has the right and responsibility to establish no-lift ceilings on the number of men the President may induct each year and that the Congress, not the President, shall determine whether that ceiling will be lifted.

In connection with the 150,000 figure, I made that suggestion before the Committee on Armed Services several months ago at the opening of the discussion and the debate. That level took into consideration the request at that time of the Secretary of Defense, who set a figure in excess of 114,000 men, as the Defense Department's estimated mission requirements in fiscal year 1972. It was the recommendation of the Committee on Armed Services that we set the ceiling at 150,000 men and if the President felt additional troops were needed to be inducted he could issue an Executive order to that effect.

The Committee on Armed Services accepted the 150,000 figure and provided an escape clause which provided that the President, if he found it to be in the national interest, would be able to exceed the 150,000 limitation for urgent national security reasons.

A number of things have happened since we first talked about the 150,000 figure. One of the more significant elements is the recommended reduction or the total number of men who will be in the Armed Forces from 2.5 million to 2.4 million. In addition, we increased the basic pay for the enlisted men, and only yesterday their pay was increased very dramatically to conform with the Gates Commission recommendations.

Recognizing that the pay figures which are in the Selective Service Act as it is now before the Senate are very close to those which have been passed in the House indicates that there will be a very significant increase in the amount of basic pay for the enlisted man in the lower levels, which will have some impact on volunteer enlistments.

Therefore, this, too, will affect the number of inductees necessary in the next 2 years.

Rather than confuse the issue by seeking a modification of the 150,000 figure at the same time that we vote on remov-

ing the escape clause, I thought it appropriate initially to consider the more basic question and that is: Who should establish these ceilings? Should it be Congress or should it be the President?

I salute the committee for acting on my proposal to set a ceiling of 150,000, even though they also provided an escape clause.

But I would hope the Senate, given the lessons of history, particularly during the last 10 years, would feel it would be worth while for Congress to retain the absolute power to raise this ceiling. By striking out provisos in the present legislation which would permit the President to increase the total number in excess of 150,000 at any time, Congress would be asserting its constitutional responsibilities.

So it is that the thrust and the purpose of the amendment before the Senate are to attack the Presidential escape clause now in the bill.

Under the present committee bill, which includes for the first time in 30 years, a recommended ceiling on the number of men who may be inducted in a given year, the President has absolute discretion. He may dissolve that restriction by the simple issuance of an Executive order citing "urgent national security reasons" for his decision. He also must notify the respective committees of his action.

But this is "after the fact." The power and authority of the President to impose endless and unrestricted induction at his pleasure and for foreign policies of his design is unaffected by the Senate committee bill.

My amendment would delete the clause permitting the President to unilaterally decide whether or not to lift the congressionally established ceiling on inductees, currently 150,000. Instead, I would return to Congress the power granted by the Constitution by requiring that any ceiling, whether 150,000 or less, be lifted only if Congress passes a law to that effect.

For the past 7 years, the tragedies of Vietnam have occurred apace with the diminution of congressional influence over the Nation's foreign policies. We have been bystanders as year after year, under Democratic and Republican administrations, the number of draftees soared—from 107,000 in 1964 to 364,700 in 1966 and then above the 200,000 mark for the next 3 years.

The unfettered power of the President to draft young men has become a central factor in a loss of congressional influence in the design and execution of American foreign policy. From a nation in which the executive and legislative branches were deemed to share in the responsibility for the direction of foreign policy, we have swung to the extreme of a nation where the legislative branch learns of new foreign adventures months after they have occurred.

However, I would caution any who would draw from this past course of events a conclusion that precedents have been established which make moot the provisions of the Constitution.

I would respectfully and with total accord, quote the statement of the distinguished chairman of the Senate Armed Services Committee on May 11 in which he cautioned the Senate about such a conclusion concerning the war powers.

The chairman stated:

> It has sometimes been argued that the constitutional balance in the war powers is a dead letter because of the erosion in congressional prerogatives over the years. I do not believe this is true, not by any means. I think there is some confusion, and it is vital that the role of Congress be made clear. For example, I believe it is deceptive to assert that the large number of unapproved force commitments in the past ties our hands in the future. First, some of these conflicts were very small matters, perhaps not appropriate for congressional concern. Second, it does not follow that just because there have been some cases of significant U.S. force commitments without congressional approval, that this has been desirable or should continue. These incidents do not constitute binding precedents. They have not made law, and this practice is most certainly not in concordance with the Constitution. . . .

I would argue that the practice of giving the President the unrestricted power to remove a ceiling on the inductees who can be ordered into service each year also is not concordant with the constitutional provision that Congress shall raise and support the armies.

The constitutional history on this subject is quite straightforward. As Edward S. Corwin noted in an analysis prepared for the Legislative Reference Service:

> The clauses of the Constitution which give Congress authority to raise and support armies, to provide and maintain a navy and so forth, were not inserted for the purpose of endowing the National Government with power to do these things, but rather to designate the department of government which should exercise such powers.

These provisions reflected the determination by the founders that the Executive should not have the power of raising and regulating the Armed Forces.

Justice Story emphasizes, in his commentaries, that most members of the Constitutional Convention considered the lessons of English history to be worthy of respect. He wrote:

> In England the King possessed the power of raising armies in the time of peace according to his own good pleasure. And this prerogative was justly esteemed dangerous to the public liberties. Upon the Revolution of 1688, Parliament wisely insisted upon a Bill of Rights, which should furnish an adequate security for the future. But how was this done? Not by prohibiting standing armies altogether in time of peace; but . . . by prohibiting them without the consent of Parliament. This is the very proposition contained in the Constitution: For Congress can alone raise armies; and may put them down, whenever they choose.

Thus, the Congress was given sole control and responsibility for specifying the size and the method of recruiting the Armed Forces.

This would not be the first instance in which Congress, while authorizing the President to induct men into the military, attached specific and rigorous limitations on that authority. In 1940, as Germany marched across the face of Europe, Congress barred the President from posting draftees outside the Western Hemisphere. In this first peacetime draft in our history, Congress restricted the induction authority of the President to a single year and set a ceiling of 900,000 men, a ceiling which the Congress felt reasonable since our military manpower then was below 330,000.

It is time once again to return to a tradition of close congressional checks over the executive branch's military manpower decisions.

The failure to limit the size of the Armed Forces and the failure to effectively prevent the unrestricted expansion of those forces has given the Executive a free hand to carry out his foreign policy plans without congressional approval. However much we might assert the right to participate in matters of war and peace, if we give to the President carte blanche to draft men into the military, we are in a difficult position to quarrel with the way he uses them. We can only debate a fait accompli in that situation, rather than forcing a debate before American troops are committed to action.

Under the committee version, the Congress once more would be relinquishing its constitutional prerogatives. Once more, a President would listen to his advisers, secure in the knowledge that a foreign policy commitment could be backed up by a Presidential decision to draft unlimited numbers of men.

Vietnam has harshly exposed the consequences of giving the President a blank check for manpower. The steady stream of men into Indochina could only take place because the Congress did not have to debate annual requests by the President to lift the ceiling on the draft. If we are to prevent a recurrence of the tragic story of Vietnam, one sure way is to place strict limits on the number of men the President may draft.

There is only one argument that has been advanced to counter this position. Secretary Laird, for example, while not denying the right of the Congress to place this limit on the induction authority, has asserted the need for Presidential flexibility in an emergency.

Yet, this argument simply does not hold up under examination.

First, in an emergency, Congress can act as rapidly as any President might desire. Thus, 6 days after Pearl Harbor, every limitation on the President's authority to induct men into the Armed Forces was removed. The few hours or days that elapse between the President's request and congressional action when there is a legitimate emergency cannot be considered a threat to the Nation's security.

Second, the role of the draft in an emergency is seriously in doubt when it is recognized that the time lag between induction and combat readiness is a minimum of four months and, more likely, 6 months. The emergency would have been long past before draftees might have entered the fray.

Finally, and most important, I believe that those who look to the draft ceiling as a restriction on the President's ability to respond to an emergency are looking in the wrong direction. Congress already has given the President authority to respond to an emergency. Congress has given the President the authority to call one million reserves—I repeat—one million trained reserves for up to 24 months.

Under this provision, Congress has already established the manner in which responses to emergency situations should occur. I might note that previous presidents have called up portions of the reserves five times since 1953.

President Kennedy ordered the reserves mobilized during the Berlin crisis and again during the Cuban missile crisis. And President Johnson ordered a portion of the reserves to duty at the time of the *Pueblo* crisis.

If there is to be an emergency, the method of obtaining men is available. The Reserves may be called, and I quote from title 19, United States Code, section 673:

> In time of National Emergency declared by the President.

It would appear that the Secretary of Defense and the Assistant Secretary, Mr. Kelley, both share my belief that the Reserves should be the Nation's recourse in an emergency. In testimony before the Senate Armed Services Committee and the House Armed Services Committee, and in the Secretary's defense posture statement, the Reserves were given primary responsibility for meeting emergencies. Mr. Kelley testified:

> The Guard and the Reserves should be the initial and primary augmentation force to the active forces in the event of a substantial mobilization need.

And in the posture statement, the Secretary said:

> The National Guard and Reserves will take on increasing responsibilities and will be used initially to augment active forces should the need arise, reversing the past policy of relying primarily on the draft.

I might note in this regard that the current bill now before the committee establishes a 2.4 million man level with an escape clause given to the President similar to the one relating to the inductee ceiling. I shall call up within the next few days, my amendment No. 145, which removes that clause stating explicitly that the appropriate way to meet a crisis requiring additional manpower is for the President to declare an emergency and call up the Reserves rather than expanding the active duty force by other means.

I think it should be evident from the previous discussions that the amendment now before us to reassert that Congress should set the level of draftees does not limit the power of the President to respond to an emergency.

Therefore, we return to the original question posed. In the absence of an emergency, who should have control over the size and support of the Armed Forces, Congress, or the President?

Since those powers are explicitly given to the Congress by the Constitution and since we have seen the tragic results of giving free rein to the Executive, I believe the answer must be that Congress shall retain control. For these reasons, I strongly urge passage of my amendment which will remove the Presidential escape clause and require Congress to act before the ceiling on the draft can be removed.

I think these reasons effectively rebut the most penetrating argument that could be suggested by the Secretary, and that is how the President is to protect the national interest in an emergency. We have seen quite clearly what restrictions have been added in the past, in the earlier draft laws, which have been overcome in a matter of hours by the Congress when there was a national emergency. We have seen that Presidents in times of national emergencies have not relied on the draft, which takes from 4 to 6 months to utilize men effectively in a combat situation. They have relied on the Reserves, and there is nothing in this amendment, as I have stated before, which would impair the President's opportunity to call up the Reserves.

That has been the mechanism, even without the restriction that President Kennedy and President Johnson utilized to protect the national interest. That availability of power is still retained under the Selective Service Act, and there is nothing in the amendment that would encroach upon it.

Therefore, I think this really effectively meets the arguments which have been suggested by the Secretary of Defense in opposing this kind of limitation.

Mr. MANSFIELD. Mr. President, will the Senator yield me 3 minutes?

Mr. KENNEDY. I yield, without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the 3 minutes yielded to me by the Senator from Massachusetts.

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 distinguished manager of the bill (Mr. STENNIS) I yield myself 5 minutes, and I suggest the absence of a quorum, with the time to be taken out of my time.

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. KENNEDY. Mr. President, as I have said, the principal objection has been that this would provide severe handicaps to the President in seeking to protect the national interest. As I have mentioned, any restrictions on the use or draft which have been included in the past have been easily overcome in a matter of hours by Congress. This certainly was true at the start of the Second World War.

Also, it is unwise for any President to rely upon draftees in true national emergencies, since the training period is 4 to 6 months. When recent Presidents—Presidents Eisenhower, Kennedy, and Johnson—have felt that there was an emergency threat to national security, they looked to the Reserves, as they should.

There is wide authority for the President to activate the Reserves. He has the authority to call up 1 million Reserves for a period of 24 months.

Perhaps at a later time we will be able to work out the inclusion of certain language which I would like to see in the proposed legislation. I will ask the chairman of the committee in a few moments whether he will be willing to modify the language in terms of the total force size to emphasize that the President should look to the Reserves in a national emergency situation. I think this would be useful.

Anytime these men were called into action—certainly, the various times they have been called in past several instances by the respective Presidents—the American people understand that it was a national emergency. We would not want to create a set of circumstances in which the President would be able to call them up without such a national emergency existing.

If we are successful in this amendment, I hope the chairman of the committee will be willing to accept that concept.

Mr. President, this concludes the remarks that I would make at this time. I would sum up by saying that the fundamental issue before the Senate is whether we will set the ceilings in terms of the number of draftees and the size of the Armed Forces or whether we are going to permit the President to do so. Looking back at constitutional precedents and looking at the earliest deliberations of the Constitutional Convention, we can see quite clearly that in terms of raising and supporting the Armed Forces, the prime responsibility resides with the Congress. I think that to date we have been somewhat neglectful in exercising this responsibility.

By this kind of amendment, we would reassert our constitutional authority, and in no way would it reflect adversely on the President's power to protect the national interest in times of national security crises, because he would have the availability of the Reserves. For this reason, I hope we might be able to have strong support from the Senate for this amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally against both sides.

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

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

Mr. STENNIS. Mr. President, how much time do I have remaining on the Kennedy amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 50 minutes remaining.

Mr. STENNIS. Mr. President, I yield

myself 15 minutes or so much time thereof as I may use.

Mr. President, I direct the attention of the Senate to page 24 of the bill as reported by the Committee, beginning on line 4. We have the provision there to which the amendment offered by the Senator from Mississippi applies.

Mr. President, I propose now to give the background of this provision beginning on line 4 of page 24. This was an effort by the Committee to enter into the field for the first time and put a ceiling or a limitation on the number of men that could be inducted into the armed services for any fiscal year. In other words, it would be a limitation on the power of the President of the United States to induct, and that provision of the bill as we reported it did have in it what is called an escape clause.

That escape clause provides in substance that even though we put in the ceiling of 150,000 for the fiscal year, the President could increase that number if he makes the specific finding that a number greater than 150,000 must be inducted in such fiscal year because of urgent national security reasons and issues an Executive order suspending for such fiscal year the limitation provided and promptly notifies the Committees on Armed Services of the House and Senate of the reasons for his action.

The amendment of the Senator from Massachusetts does not disturb the numbers in this ceiling, but it does propose to strike out what we ordinarily call the escape clause.

It happens that I offered this amendment in the committee as an amendment to the pending bill, prescribing a ceiling and then prescribing the escape clause. I first collaborated with the Senator from Maine (Mrs. SMITH), who fully agreed with the purposes of the amendment and supported it. I am authorized to speak for her now in what I am about to say.

Mr. President, I am still very strong for the ceiling, but the facts have changed some as to the number since this bill was written up and reported by the committee. The estimates by the Department of Defense have changed some as to the number of men who probably would be needed for induction through the draft for fiscal years 1972 and 1973.

I want to make clear I do not think anyone can make a very accurate estimate as to the numbers that may be needed. There is no way to tell what this so-called volunteer army concept is going to do to the three services. There is no way to tell what the renewal of this law is going to do so far as being a continuing inducement for volunteers. So I think we must have a margin of safety.

The Department of Defense estimates figures a little lower than the ones I am going to refer to in a few minutes. But I know in commonsense and reason there must be a margin for these 2 years, just as we put in a margin in the bill as we wrote it, based on the facts as they existed then.

I want the legislative branch of Government to enter this field, as it does, through the original amendment, and put a ceiling on this number that can be inducted.

I do not think, though, that the escape clause suspending that limitation by the Executive is anything near as important as it was when we wrote the bill. Conditions have changed. This legislation has been substantially modified. I am not complaining about that. The figures have been more closely scrutinized by the Department of Defense; and on the facts we have before us now it will not be necessary for the President to have this escape clause. If anything extraordinary should arise, such as trouble in the Middle East, or anything that could not be reasonably met otherwise with the manpower, the President naturally would want to come to Congress anyway. I do not think the escape clause as to the inductees is of major importance any more.

I want to point out that the committee also reduced the number of men in the regular services. I will not go into detail in that connection but I am referring to the setting of manpower levels in the regular services, which appears on page 40 of the bill that is now before the Senate.

We also had an escape clause there that provided these would be the ceilings, except when the President of the United States determines that the application of these ceilings would seriously jeopardize the national security interest of the United States and informs Congress of the basis for such determination.

That pertains to the men already in the services. I would strongly oppose changing that exception or that escape clause. I think it is necessary to have it there to give the President the flexibility that he might need.

Coming back to the amendment proposed by the Senator from Massachusetts in the present form, I think that the 150,000 figure, to be frank about it, for each of the fiscal years 1972 and 1973, in view of these new facts, should be safely reduced somewhat.

Therefore, I propose an amendment to amendment No. 75 offered by the Senator from Massachusetts and I send it to the desk.

The amendment would strike out on line 4 of page 24 of the bill "not more than 150,000 persons may be inducted into the Armed Forces under this Act in the fiscal year" and insert in lieu thereof the following:

Not more than 130,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, nor more than 140,000 in the fiscal year ending June 30, 1973.

Mr. President, I send to the desk the amendment to the amendment proposed by the Senator from Massachusetts and ask that it be stated.

The PRESIDING OFFICER (Mr. BENTSEN). The amendment is not in order, unless unanimous-consent is obtained, until the time has been expended on the original amendment.

Mr. STENNIS. I would like the amendment kept at the desk. I understand it is not in order to be taken up now. Is that the ruling of the Chair?

The PRESIDING OFFICER. Not without unanimous consent.

Mr. STENNIS. Mr. President, I offer the amendment and ask that it lie at the desk and when it is in order it will be taken up.

The PRESIDING OFFICER. Does the Senator from Mississippi desire to ask unanimous consent that it be taken up at this time?

Mr. STENNIS. Yes. I ask unanimous consent that the amendment to the amendment of the Senator from Massachusetts be taken up at this time.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, I would just like to clarify somewhat the parliamentary situation in this regard.

I understand the amendment lies at the desk. If it is brought up now by unanimous consent it would not in any way jeopardize bringing up Amendment No. 90 introduced by me, at a later time, in accordance with the unanimous consent request, would it? I make that parliamentary inquiry of the Chair.

The PRESIDING OFFICER. It would not preclude the subsequent consideration of the amendment of the Senator from Ohio.

Mr. TAFT. I withdraw the objection.

Mr. STENNIS. Mr. President, I understood the Senator to say he withdraws his objection?

Mr. TAFT. Yes. I withdraw my objection.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Since that matter is up now, how much time is allotted to each side on the amendment?

The PRESIDING OFFICER. Is the question as to the amendment to the amendment of the Senator from Massachusetts?

Mr. STENNIS. Yes, the amendment to the amendment.

The PRESIDING OFFICER. There would be 20 minutes on the amendment to the amendment, with 10 minutes to each side.

Mr. STENNIS. Mr. President, I will make my remarks very brief. The Senator from Massachusetts would, of course, control the other time.

Mr. President, let me say briefly that we could debate all day back and forth the number in the draft. There have been various estimates released by the Department of Defense at various times in the last several months. As I said, conditions have changed and I think these two amendments, so far as the draft is concerned, bring the whole matter into focus. I refer to the Kennedy amendment and the amendment I have offered to the Kennedy amendment. They bring the entire matter into focus in a nutshell.

I have already said the substance of the Kennedy amendment is something I think could very well apply and the escape clause here is not any longer necessary.

As to the numbers, in trying to keep a ceiling that is realistic and also has a cushion, here is a letter from Secretary Laird dated May 19:

While the Army has the most severe problem, there are quantitative and qualitative gaps in other services between their man-

power needs and the supply of true volunteers. These gaps could be greater in fiscal year 1973 than in fiscal year 1972 for two reasons. One is that Army force reductions scheduled for fiscal year 1972 reduce the need for new entries in that year. The other is that fiscal year 1969 and fiscal year 1970 were big enlistment years for all Services, and the vast majority of these enlistments will have to be replaced in fiscal year 1973.

That is the reason why I put figures in this amendment that are higher for 1973 than they are for 1972, and that will still be true even though the volunteer army plan may have some impact, but no one knows what effect upon these figures, on the number that have to come in 1973.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I expect to vote in favor of the Stennis amendment, so I am not sure that I ought to be controlling the opposition time. I understand the Senator from Ohio (Mr. TAFT) has reservations. I would be glad to yield to him whatever time he requests, but I would like to reserve some time to myself to make some comments on the amendment. So I will yield whatever time the Senator requires.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes.

Mr. KENNEDY. If I could yield myself 3 minutes, I shall then be glad to yield the balance of the time to the Senator from Ohio.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold for a moment to clarify the parliamentary situation? There is a question on the form of the amendment that was offered to the pending amendment, and until there is a clarification thereon, the original amendment is still before the Senate, with the time being left to the Senator from Massachusetts being 20 minutes.

Mr. KENNEDY. Mr. President, a parliamentary inquiry. If it is a question of perfecting the amendment, while the clerk is perfecting it, I shall be glad to yield time to myself.

The PRESIDING OFFICER. It is a question of perfecting the amendment to correct the terminology.

Mr. KENNEDY. Mr. President, I would like to yield myself 3 minutes, and then yield the balance of the time to the Senator from Ohio if he wants the remaining time.

The PRESIDING OFFICER. The Senator has 51 minutes and has yielded to the Senator from Ohio.

Mr. KENNEDY. Is this on the amendment to the amendment?

The PRESIDING OFFICER. No; this is on the amendment of the Senator from Massachusetts.

Mr. KENNEDY. I will speak on the amendment and yield myself such time as I may need.

Mr. President, the soon-to-be-considered Stennis amendment proposes a reduction in the ceiling levels——

Mr. STENNIS. Mr. President, could the gentlemen have their conference somewhere else? This is an important matter, and I need to hear the Senator's words.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, in January of this year, at the time of my appearance before the Armed Services Committee, I recommended a ceiling of 150,000 for the number of draftees, and also recommended that there be an absolute ceiling. I proposed a requirement that the President return to Congress with any request to remove that ceiling.

Now we have seen dramatic changes achieved in the bill before us: First, a reduction in the total needs of manpower reduced by 100,000; second, an increase in pay voted in the Armed Services Committee, and third, rather dramatic increases which were passed yesterday. All of these factors are going to reduce the numbers necessary to be drafted into the Armed Forces.

I think all of us who have had an opportunity have talked with the Defense Department as to what their very best judgment on draftee needs would be, if one subscribes, as I do, to a continuation of the Selective Service Act.

Unfortunately, we receive differing and varied opinions from the Defense Department. In light of what happened yesterday, we may find that whatever studies were done prior to yesterday will be of little avail.

The amendment of the Senator from Mississippi seeks to make some of these changes.

I would hope the figures could be somewhat modified downward even further, but this is a matter of judgment. I think the significant fact is that there is a reduction to some 130,000 in the first year and 140,000 in the second.

When we balance that against the number of draftees going back to 1966 which, for example, was 354,000, and in excess of 200,000 in 1966, 1967, and 1968, we realize that we have made very significant reductions in the authority and power that we are giving to the President to commit the Nation to foreign policy adventures.

It would certainly appear to me, with these kinds of restrictions and limitations on the draft, that it would virtually tie the hands of the President to escalate our involvement in Southeast Asia. Yet there is nothing in this amendment which would preclude the President from pursuing the vital self-interests of our country, if there were to be an emergency in the Middle East or other parts of the world, by calling up the Reserves. Nevertheless, in terms of the draft, it would have a very significant impact.

So, for those reasons, though the amendment does not go as far as I would like it, I think it is a modification of some importance, and I intend to support it.

I will yield 7 minutes to the Senator from Ohio out of my time on the amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. TAFT. Mr. President, I thank the Senator for yielding, and I would like at this time to make a parliamentary inquiry as to exactly what the situation before the Senate is at this time.

As I understand it, the Senator from Mississippi has an amendment to the amendment pending. My inquiry would be as to whether or not an amendment offered at this time to the amendment of the Senator from Mississippi would be in order.

The PRESIDING OFFICER. May the Chair clarify the point that the amendment to the amendment offered by the Senator from Mississippi has been held at the table while the language was being clarified, and is, therefore, not before the Senate.

Mr. TAFT. Presumably, I would be talking about something which is not before the Senate at this time. Would that be correct?

The PRESIDING OFFICER. The Senator is technically correct.

Mr. TAFT. I take it I have the floor?

The PRESIDING OFFICER. The Senator has been recognized and has the floor.

Mr. TAFT. I will make the assumption, therefore, that, without further clarification of the parliamentary situation, the subsequent proposal to be included in the amendment as described by the distinguished chairman is before us, and that is that the total limitation upon the number of men to be drafted in fiscal 1972 would be 130,000 and that the limitation of the number of men who would be drafted in fiscal 1973 would be 140,000.

With regard to that, while I would say that I think it is preferable to the 150,000 limitation, the basic issue that we have before us—and let us not forget it—is, Are we or are we not going to phase out involuntary military service, or are we going to move in the direction of a volunteer army?

If so, I think that the 150,000 limitation is meaningless, because I feel that, continuing the present draft levels relatively, we certainly are going to be able to have a far lower figure than that, and if, on the other hand, we do not continue the present draft levels, it seems to me that we will have no difference 2 years hence from the situation that exists today.

If we are against that—and many Senators, I recognize, are against the whole question of phasing out Selective Service—that is one decision. But if this limitation is really to mean anything with regard to the phasing out, the figure should be far lower, and I think actually the maximum figure that we ought to have, on the basis of the studies and reports that I have received from the Defense Department, to keep any pressure on the Defense Department to move in the direction of a volunteer army, is the 100,000 the first year, which I am sure will be more than ample, with the 60,000 figure for the second year, which I think will be adequate to supply the forces which the Department of Defense has presently projected will be needed, provided in my amendment No. 90—and just exactly how amendment No. 90 is to be brought up remains to be clarified, in the parliamentary situation before us, but the point I make is that the 130,000 or 140,000 limit I shall probably vote for, if it comes to that, because they are smaller than 150,000, but they still are meaningless as far as putting any heat on the Department of Defense to move in the direction of an all-volunteer force is concerned.

I thank the Senator for yielding, and yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield the Senator from California such time as he may require.

Mr. TUNNEY. I thank the Senator from Massachusetts for yielding to me. I congratulate the Senator for offering this amendment. I want to commend also the Senator from Mississippi, the chairman of the Armed Services Committee for his perfecting amendment, which I think improves the amendment of the Senator from Massachusetts.

I think this amendment to impose a congressional limitation on draft calls is perhaps one of the most important amendments that we have to the pending legislation. I do not think that there is any doubt that what we are dealing with here is a much needed reassertion of congressional authority to limit the power of the Chief Executive to raise an arm and send it overseas on his own initiative and without congressional sanction. It seems clear to me that an essential element of the assertion of this power by the President has been the ability to make enormous increases in draft calls without the scrutiny of Congress.

I, for one, believe that it is absolutely wrong for the Chief Executive to assume unto himself this unilateral power to commit the country to war in fact, if not in formality. And I think that this conclusion is confirmed by our own history as a nation. Beginning with the debates in the Constitutional Convention at the very founding of this Nation, it was clear that the framers of the Constitution in no way intended to shift from the legislature to the Executive the general power to engage the country in war.

Yet it is also clear that with passage of time the Chief Executive has attempted to take increasing power unto himself in the decision to send American troops into battle. I think the lesson of the past decade is that that trend must not continue. If we have learned nothing else from the Vietnam war, I trust we have learned that never again shall the country be committed to make war on another country without a national judgment through the Congress in favor of that commitment. And it is for that reason that I believe it is essential that Congress now act to assure such a national judgment by limiting the power of the President to conscript unilaterally our children.

I think it is clear to us all that we have the right and the duty to impose this limitation. In fact, the early years of our history confirm the fact that the legislature possesses such power. During our earliest years, President Jefferson was faced with a situation where war was declared on the United States by the Bey of Tripoli. Jefferson sent a squadron of frigates to the Mediterranean to protect American shipping there but, doubtful of the extent of his power to act without congressional approval, instructed his commander to release any prisoners taken, and to release any vessels captured after disarming them.

Yet when we look at the Korean war and the Vietnamese war, we see perfect examples of situations in which the Congress has been presented with a fait accompli. The issue is always presented to Congress after the troops are over there: "Will you vote the money to supply the ammunition for our troops to defend themselves? Will you vote money for rations to feed them in battle?"

The issue can no longer be allowed to be put in those terms. Rather, the issue, quite clearly, is whether or not Congress has the right, in the first instance, to make the decision to commit the country to the legal and moral consequences of the use of force against another nation.

I am convinced that the amendment the Senator from Massachusetts has offered will go a long way toward preventing a President from committing the country to a war like the Vietnamese war on his own initiative. Look at the troop commitments that we have had in Vietnam, and the number of draftees that were inducted to fulfill those commitments. In 1964 there were 107,000 men called by the draft, yet in 1966 that figure had been tripled to 364,000. It is my belief that if this amendment offered by the Senator from Massachusetts is accepted with the amendment suggested by the Senator from Mississippi, we will have struck a blow to return to the Congress an essential part of the power granted to it initially by the Constitution.

So I congratulate the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself such time as I may require.

The Senator, I am sure, is aware of title III, concerning the active duty strength levels for fiscal year 1972, at the latter part of the act, which permits the President to be able to remove the ceilings which have been established on manpower force levels if he finds that not to do so would seriously jeopardize the national security.

That is not before us today, but it will be soon. As we move farther and farther down the road of the volunteer army, and with the combat bonus included, we may see that even with the limitation on the draft there may still be opportunities for the President to increase force levels without congressional authorization—not for emergencies but simply to fulfill his foreign policy objectives.

I suppose the Senator from California agrees with my concern about that as well?

Mr. TUNNEY. If the Senator will yield, I certainly do. In fact, that is one of the reasons that I support the amendment by the Senator from Mississippi, which I hope will soon be before us, to require congressional action within 30 days of the time that any forces are moved to a foreign country.

I think that proposal is also an excellent one for it also would have the desirable effects of returning to Congress powers that the Constitution originally conferred upon it, powers that, over a period of time, have slipped away. I think it is about time that Congress reasserted itself.

Mr. KENNEDY. I thank the Senator for those helpful comments.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, what is the time being yielded on now, the Kennedy amendment?

The PRESIDING OFFICER. Time is being yielded on the pending Kennedy amendment.

Mr. STENNIS. Mr. President, how much time remains on that amendment, for each side?

The PRESIDING OFFICER. The Senator from Mississippi has 36 minutes remaining.

Mr. STENNIS. Mr. President, there is some kind of a question here about a technical point as to the amendment to the amendment. On my own time, I suggest the absence of a quorum, during which time I hope they can confer with the Parliamentarian and straighten it out.

The PRESIDING OFFICER. In further answer to the question of the Senator, the Senator from Massachusetts has 36 minutes remaining and the Senator from Mississippi has 36 minutes remaining.

The absence of a quorum has been suggested; is it the Senator's intention that the time be charged equally?

Mr. STENNIS. It will be all right to charge the time equally.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. I have sent to the desk an amendment to the Kennedy amendment. We have had some debate thereon, with the time for that debate charged to the time on the Kennedy amendment. This amendment I have sent up is a perfecting amendment, or an amendment to the Kennedy amendment, and I call that up now, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The amendment would strike out the period and quotation mark at the end of the pending amendment No. 75, as modified, and insert the following:

"*Provided, however,* that in no event may more than 130,000 persons be inducted in the fiscal year ending June 30, 1972, nor more than 140,000 in the fiscal year ending June 30, 1973."

The PRESIDING OFFICER. Twenty minutes' time on this amendment has been allocated.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the

Senator from Mississippi yield for that purpose?

Mr. STENNIS. I am happy to yield the Senator some of my time—5 minutes?

Mr. TAFT. I am asking for a parliamentary inquiry.

Mr. STENNIS. I yield 2 minutes to the Senator for that purpose—more time if he needs it.

The PRESIDING OFFICER. The Senator from Ohio will state his parliamentary inquiry.

Mr. TAFT. I thank the Senator from Mississippi very much for yielding.

Mr. President, as I understand it, I have an amendment pending to the bill, under the unanimous consent agreement, and this amendment would still remain in order after the amendment presently before the Senate and the amendment to that amendment as proposed to be offered has been acted on; is that correct?

The PRESIDING OFFICER (Mr. STEVENSON). If the Senator from Ohio calls it up after action on these amendments, it would be in order.

Mr. TAFT. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. TAFT. Is unanimous consent required to consider for any length of time the amendment offered by the Senator from Mississippi?

The PRESIDING OFFICER. Unanimous consent is not required, the Senator having already obtained unanimous consent to call it up before the time on the Kennedy amendment expired.

Mr. TAFT. In regard to that ruling of the Chair, I would point out that I was advised by my last parliamentary inquiry that the amendment of the Senator from Mississippi was not pending before the Senate. Was that ruling in error?

The PRESIDING OFFICER. It was not at the time the Senator from Massachusetts asked for unanimous consent that it be brought up before the Senate, before the time on the Kennedy amendment had expired. The amendment is otherwise in order.

Mr. TAFT. Mr. President, an additional parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Mr. President, would an amendment in the nature of a substitute to the Kennedy amendment and the pending perfecting amendment of the Senator from Mississippi be in order?

The PRESIDING OFFICER. Will the Senator please restate his inquiry?

Mr. TAFT. Mr. President, would an amendment in the nature of a substitute to the amendment of the Senator from Massachusetts and the amendment as amended or as proposed to be amended by the amendment of the Senator from Mississippi be in order?

The PRESIDING OFFICER. It would not be in order at this time, because the amendment of the Senator from Mississippi is a perfecting amendment and it takes precedence over a substitute.

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

The PRESIDING OFFICER. The Senator has used 4 minutes of his time.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber? Will the Chair clear the well? I think that any Member of the Senate is entitled to be where he can see the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I have already given my reasons. I shall support the Kennedy amendment which strikes out the escape clause which would permit the President to exceed the ceiling on the inductees that we wrote into the committee bill.

My reason is that the bill was changed and the circumstances have changed and I no longer support it, even though I was the author of the amendment.

I do offer this amendment to reduce these figures somewhat. I want to establish here a legislative ceiling on the inductees as they refer to the total forces in the armed services.

I think we can reasonably reduce this ceiling some from the amount we had in the bill, the 150,000 for each fiscal year. My amendment proposes to reduce it to 130,000 for fiscal year 1972 and 140,000 for fiscal year 1973.

The reason for the increase—and these are estimates and probabilities, because no one can be certain—in 1973 over 1972 is summed up in a good way by the letter from the Secretary of Defense addressed to me under date of May 29 as chairman of the committee.

Among other things, he says:

> While the Army has the most severe problem, there are quantitative and qualitative gaps in other Services between their manpower needs and the supply of true volunteers. These gaps could be greater in FY 73 than in FY 72 for two reasons. One is that Army force reductions scheduled for FY 72 reduce the need for new entries in that year. The other is that FY 69 and FY 70 were big enlistment years for all Services, and the vast majority of these enlistments will have to be replaced in FY 73.

It is as simple as that. There will be an ascending number proposed in spite of the fact that the volunteer concept may work very well.

I submit the amendment on that basis.

The yeas and nays have already been ordered on the Kennedy amendment. Mr. President, I ask for the yeas and nays on the perfecting amendment.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I will renew my request later.

I yield the floor.

Mr. KENNEDY. Mr. President, as I have indicated before, I will support the amendment of the Senator from Mississippi. I think it reflects a modification in the number of draftees that can be drafted under the Selective Service Act. It is in harmony with the basic amendment which would take away from the President free rein to increase the number of draftees. I think we are making substantial improvement to the legislation.

The total number of draftees drafted in 1966 consisted of over 360,000. In the last 3 years it has been over 200,000. We are moving down to 130,000 and 140,000. I think it is a significant step forward. I support the amendment and I hope that it passes.

I am prepared to yield back the remainder of my time.

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

Mr. PASTORE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. KENNEDY. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I asked if the Senator would yield time on the amendment.

Mr. KENNEDY. Mr. President, I would be glad to. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. KENNEDY. Mr. President, I yield the Senator 2 minutes.

Mr. TAFT. Mr. President, I thank the Senator.

Mr. President, I take this time to try to acquaint the Senate somewhat with the parliamentary situation by way of comment on my position on the Kennedy amendment and the Stennis amendment.

With regard to the Kennedy amendment, I share fully in the objectives and the principles behind the amendment. I feel that Congress should participate in the decision as to the number of draftees. If we have a draft, certainly it seems to me to be a worthless thing to open up the matter the way the bill in its original form opens up the question, leaving it entirely to the Executive without any proper check by Congress.

Mr. President, I feel there is no policy decision for an important decision from the point of view of whether and the extent to which we use the compulsory military service. There is no single activity of Government that interferes more fully with the rights of the individuals.

I strongly support the Kennedy amendment. However, I feel it is unfortunate that the question of discretion or indiscretion of violating the limitation we put on be brought up for a vote at the same time we are attempting to set a limit on the total numbers that may be brought in in fiscal year 1972 and in fiscal year 1973.

This is one question, it seems to me, that is directly related to the question of whether we are going to have a volunteer army or not.

It is suggested that we put on a limitation of 130,000 in fiscal year 1972 and then go up—not down—to 140,000 in fiscal year 1973.

It seems perfectly clear that rather than going in the direction of a volunteer army, we are building into the situation the same situation we face here today and that 2 years hence we will be here talking about whether we should extend the draft.

Unfortunately under the parliamentary situation which exists today, this is the fact. I think it is unfortunate in that the amendment which I have already received unanimous consent to offer would place a limit of not more than 100,000

persons in the fiscal year 1972, and not more than 60,000 in the fiscal year 1973. That will not be brought up for a vote, even though we are voting on a limitation in the number of draftees in the amendment of the Senator from Mississippi. I would prefer that this confrontation be direct. That does not mean that I will not be able to call up my amendment. Indeed, I will call up amendment No. 90 as the pending amendment after the Kennedy amendment is disposed of.

However, if my amendment is agreed to at that time, as I understand it we would have directly conflicting language in the bill. This amendment would go at the end of the Kennedy amendment while my amendment would go immediately preceding the language proposed to be amended by the Senator from Massachusetts. I think it is unfortunate this matter is brought up in this way. I hope the Senate rejects the Stennis amendment to the Kennedy amendment because the same issue may be better brought up, unconfused by the discretionary power of the President, when amendment 90 comes before the Senate.

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

Mr. TAFT. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. KENNEDY. I yield 1 additional minute to the Senator from Ohio.

Mr. TAFT. Mr. President, just to conclude, the proper procedure, it seems to me, and the procedure by which the Senate should work its will on this question of limitation of the number of draftees should come up by an amendment to my amendment No. 90 when it comes before the Senate rather than by confusing the matter with discretionary power of the President, which we are voting on in the Kennedy amendment.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

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

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. STENNIS. Mr. President, the amendment offered by the Senator from Massachusetts, and the amendment to that amendment offered by me would settle this entire manpower matter with reference to the inductees for the 2 fiscal years and eliminate the escape clause, so-called, which was put in originally under different facts regarding the President's power. This matter is clear cut and presents a real issue to this body.

As I said, I do not ignore what the Senator from Ohio said, but I was the author of the amendment in the committee with reference to the ceiling. The Senator from Massachusetts had a proposal before us which placed a limit of 150,000 men; but I was the author of the escape clause so I feel I am in order in offering the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Mississippi to the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this amendment the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAVEL (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Montana (Mr. MANSFIELD). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are 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 Indiana (Mr. BAYH) would vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from the Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New Jersey (Mr. CASE) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 67, nays 11, as follows:

[No. 90 Leg.]

YEAS—67

Allen	Ervin	Muskie
Allott	Fong	Nelson
Anderson	Gambrell	Packwood
Baker	Gurney	Pell
Bentsen	Hart	Percy
Bible	Hatfield	Prouty
Boggs	Hollings	Proxmire
Brock	Hughes	Randolph
Buckley	Humphrey	Roth
Burdick	Inouye	Saxbe
Byrd, Va.	Jackson	Scott
Byrd, W. Va.	Javits	Smith
Chiles	Jordan, N.C.	Sparkman
Church	Jordan, Idaho	Spong
Cook	Kennedy	Stennis
Cooper	Magnuson	Symington
Cotton	McClellan	Thurmond
Cranston	McGee	Tower
Curtis	McIntyre	Tunney
Dominick	Metcalf	Weicker
Eagleton	Miller	Williams
Eastland	Montoya	
Ellender	Moss	

NAYS—11

Beall	Mathias	Stevens
Bellmon	Pastore	Stevenson
Dole	Pearson	Taft
Goldwater	Schweiker	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Gravel, against.

NOT VOTING—21

Aiken	Fulbright	Mansfield
Bayh	Griffin	McGovern
Bennett	Hansen	Mondale
Brooke	Harris	Mundt
Cannon	Hartke	Ribicoff
Case	Hruska	Talmadge
Fannin	Long	Young

So Mr. STENNIS' amendment to the amendment (No. 75) of the Senator from Massachusetts (Mr. KENNEDY) was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. What is the matter now before the Senate, Mr. President?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Massachusetts as amended by the amendment of the Senator from Mississippi.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 34 minutes remaining, and the Senator from Mississippi has 20 minutes remaining.

Mr. KENNEDY. I thank the Chair.

Mr. PASTORE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. KENNEDY. I yield.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Does the adoption of the Stennis amendment preclude the amendment of the Senator from Ohio to reduce the number to 100,000?

The PRESIDING OFFICER. The part of the bill on page 24, line 4 through line 7, is open to amendment. That is where the amendment of the Senator from Ohio lies.

Mr. PASTORE. I thank the Chair.

Mr. KENNEDY. Mr. President, I would like to make some very brief remarks, no longer than 4 or 5 minutes, and then I am prepared to yield back the remainder of my time, if I may receive some assurances from the chairman of the committee that this way of proceeding is satisfactory to him, and he is prepared to yield back his time.

Mr. STENNIS. Yes; how much time?

Mr. KENNEDY. Five minutes, Mr. President.

Mr. STENNIS. Yes, Mr. President, for my part I agree, unless there is someone else who wishes to speak.

I shall be supporting the Kennedy amendment, as amended. I think, though, that we ought to offer time to

anyone else who wishes to speak, but I am willing to reduce it to 5 minutes, Mr. President.

Mr. KENNEDY. This is principally as a matter of information for Senators, so that they may expect another vote in approximately 8 or 10 minutes.

Mr. President, this amendment which I had introduced was to reach the question of what authority in the Government was going to bear the responsibility for raising the Armed Forces through inductees; the Congress or the President.

Now the amendment has been amended by the chairman of the Armed Services Committee to reach the figures of 130,000 in the first year and 140,000 in the second year, lower figures that I support. But the question which still remains is whether we are going to strike from those limitations the power of the President which is written into the present Selective Service Act which would permit him to go above those figures if he felt there were urgent national security reasons to justify such a decision.

The purpose of this amendment is to bring back to Congress the responsibility for raising the Armed Forces, by setting a congressional limit on the numbers of people who could be inducted under the Selective Service system in any fiscal year. It would strike the ability of the President to lift that ceiling.

The principal objection to this no doubt has been, Mr. President, that for national security reasons we ought to provide such an escape clause for the President. But the fact remains as follows: Even if the President were able to waive this ceiling and induct more men into the Armed Forces to meet a national crisis—it would still take 4 to 6 months to be able to bring them into combat readiness.

Also, if there were a true emergency, we would certainly be able to have Congress meet and eliminate any restrictions as occurred to World War II. I am sure that Congress, if there were truly a national emergency, would respond.

This has been the record of the past. It was the record in World War II, when we did remove ceilings and other restrictions on the Presidential authority 6 days after Pearl Harbor.

Finally, there is nothing in the act which affects the power of the President to call up the Reserves—a 1 million-man reserve force, which has been called up some three times during the tenures of the last two Presidents; twice under President Kennedy during the Cuban and Berlin crises, and once under President Johnson, during the *Pueblo* crisis.

This is the device Presidents use when we really have emergency threats to our national security. The statute provides that the men can be held on active duty for some 24 months, which may be too long.

Certainly, there are sufficient reasons to protect the national interest and to insure that the President's responsibility in the conduct of foreign affairs is adequately protected. What it would do would be to restore to Congress one of the most basic, fundamental constitutional rights, the right to raise the Army. I think this amendment can be meaningful in restoring the balance of power between the Executive and Congress. For those reasons, I hope the amendment will be adopted.

Mr. President, I am prepared to yield back the remainder of my time, unless other Senators wish to speak.

Mr. STENNIS. Mr. President, we have a parliamentary situation here. I am supporting the amendment of the Senator from Massachusetts with the amendment that has just been voted on.

I yield time to the Senator from Ohio, if he wishes time at this point.

Mr. TAFT. I thank the Senator. I do not want to take much time. I have already expressed my support of the Kennedy amendment.

However, I should like to make it perfectly clear that this will not preclude the bringing up of my amendment, No. 90, which would be contrary in its terms to the Stennis amendment provisions of the Kennedy amendment, if the Kennedy amendment is adopted, and I expect that it will be. I think, however, that my amendment No. 90, if brought up and acted upon at a later time, the Stennis amendment having been acted upon in a different context, not being an amendment to the Kennedy amendment, would prevail as to the number of limitations, if adopted. I intend to present it on that basis.

Mr. STENNIS. I yield myself 5 minutes.

Mr. President, in the committee mark up, I was the author of the amendment that put the ceiling on the number that could be inducted each year and of that part of the amendment that gave the President this so-called escape power.

However, now, in view of the changed facts and the changed figures as to the needs, and in view of the present form of the bill, I offered the amendment to the amendment of the Senator from Massachusetts with reference to the new ceilings which have just been adopted by such an overwhelming vote that I would certainly think that those ceilings would stand. In view of those ceilings, high enough for some discretion to be used by the President, I am supporting the Kennedy amendment as amended.

Let me point out that we leave untouched the last page of the bill, page 41, which sets the power levels for all the services and gives the President the power to increase those ceilings should he feel that the ceilings would seriously jeopardize the national security interests of the United States. He does not have to ask anybody. He just informs us of the basis of his increase. So he can take them in as volunteers, and so forth, and he can go to the ceiling now that was in my amendment, which was just adopted, with the inductees. I think that is a very fair and fine adjustment, everything considered.

We must have a Selective Service Act. I favor the idea of having a legislative ceiling on it. I do not think the escape clause is needed any longer, and I am going to support the Kennedy amendment, which strikes it out.

I can assure everyone that, first, we do not touch the ceilings on the total number in the services. We allow here a good margin beyond what would probably be needed by the President when we set these figures at 140,000 and 130,000. So I have no doubt about the safety of those figures but I do emphasize that some authority is needed here.

I read from Secretary Laird's letter:

> We cannot look only at the number of new military entries required in FY 72. We must look also at FY 73. Without the draft in FY 73, and even with strength reductions, the Army could fall 100,000 short of its needs.

This is well above the possibility that the Secretary mentioned. So we are not taking any chance.

I read further:

> While the Army has the most severe problem, there are quantitative and qualitative gaps in other Services between their manpower needs and the supply of true volunteers. These gaps could be greater in FY 73 than in FY 72 for two reasons.

That is why I put the figures higher.

> One is that Army force reductions scheduled for FY 72 reduce the need for new entries in that year. The other is that FY 69 and FY 70 were big enlistment years for all Services, and the vast majority of these enlistments will have to be replaced in FY 73.

In other words, these were volunteers for 3 years and some for more. But with men coming in that year, they will be going out in 1973 and there will be a large number of replacements. That is why it is fixed at 140,000 in my amendment, and it makes a safe margin there; and, as I see it, there is no longer any necessity for the escape clause, which the Kennedy amendment strikes out.

So the Kennedy amendment as amended by the last vote is a safe course. At the same time, it preserves the constitutional arm in its right to set these ceilings if in our wisdom we think we should. I hope the amendment as amended will be adopted.

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

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are 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 Indiana (Mr. BAYH), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea."

Mr. SCOTT. I announce that the Sen-

ator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New Jersey (Mr. CASE) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 78, nays 4, as follows:

[No. 91 Leg.]

YEAS—78

Allen	Gambrell	Nelson
Allott	Gravel	Packwood
Anderson	Gurney	Pastore
Baker	Hart	Pearson
Beall	Hatfield	Pell
Bentsen	Hollings	Percy
Bible	Hruska	Prouty
Boggs	Hughes	Proxmire
Buckley	Humphrey	Randolph
Burdick	Inouye	Roth
Byrd, Va.	Jackson	Saxbe
Byrd, W. Va.	Javits	Schweiker
Chiles	Jordan, N.C.	Scott
Church	Jordan, Idaho	Smith
Cook	Kennedy	Sparkman
Cooper	Magnuson	Spong
Cotton	Mansfield	Stennis
Cranston	Mathias	Stevens
Curtis	McClellan	Stevenson
Dole	McGee	Symington
Dominick	McIntyre	Taft
Eagleton	Metcalf	Talmadge
Eastland	Miller	Tower
Ellender	Montoya	Tunney
Ervin	Moss	Weicker
Fong	Muskie	Williams

NAYS—4

Bellmon	Goldwater
Brock	Thurmond

NOT VOTING—18

Aiken	Fannin	Long
Bayh	Fulbright	McGovern
Bennett	Griffin	Mondale
Brooke	Hansen	Mundt
Cannon	Harris	Ribicoff
Case	Hartke	Young

So Mr. KENNEDY's amendment as amended was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 90

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I call up amendment No. 90 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 24, strike out lines 4 through 15, and insert in lieu thereof the following:

(e) Notwithstanding any other provision of law, not more than 100,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, and not more than 60,000 in the fiscal year ending June 30, 1973.

Mr. TAFT. Mr. President, I ask unanimous consent that the name of the Senator from Illinois (Mr. STEVENSON) be added as a cosponsor of my amendment No. 90.

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

WAIVER OF RULE OF GERMANENESS

Mr. BYRD of West Virginia. Mr. President, would the Senator from Ohio yield for a unanimous-consent request only?

Mr. TAFT. I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, if there is no objection on the part of the distinguished author of the amendment and the manager of the bill, I ask unanimous consent, in view of the fact that the time is divided and controlled, that the Pastore rule of germaneness be waived during the debate on the amendment.

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

Mr. TAFT. Mr. President, since the Kennedy amendment has been agreed to, I ask unanimous consent that I may be permitted to modify my amendment in a technical manner. I send my modified amendment to the desk and ask that it be stated. Inasmuch as there are two different lines to consider, I ask that they be considered en bloc.

Mr. STENNIS. Mr. President, reserving the right to object, I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The modified amendment was read, as follows:

On page 24, line 5, strike out "150,000" and insert "100,000".

On page 24, line 7, strike out "or" and insert in lieu thereof the following: "and not more than 60,000".

The PRESIDING OFFICER. Is there objection to the modification to the amendment?

Mr. STENNIS. Mr. President, reserving the right to object, I would like to call on the Senator from Ohio to explain the effect of his amendment.

Mr. TAFT. The only effect of the proposed change in the amendment is to eliminate the striking of the language which the Kennedy amendment has already stricken. The limitations on the draft calls in the individual years would remain the same as in amendment 90, as originally proposed.

Mr. STENNIS. Mr. President, reserving the right to object, an unusual situation is presented here by this language in the bill on page 24.

By way of parliamentary inquiry I would like to ask what would be the effect of the Senator's unanimous-consent request. I would like to ask the Chair to rule on that request.

The PRESIDING OFFICER. The effect would be to allow the Senator to make a modification to his amendment in those four lines rather than to strike out the entire section and put new language therein.

Mr. STENNIS. Mr. President, will the Chair indulge me for just a moment.

Mr. President, reserving the right to object—and I shall object—until there is time to confer in conference with the Parliamentarian, I do object.

The Senator could proceed with his amendments on the merits of the matter and we could proceed further after consultation with the Parliamentarian.

Mr. TAFT. Do I understand the objection is heard?

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Yes; I object at this time.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. TAFT. Mr. President, I will proceed, if there is no objection, to the discussion of the proposal, subject to later discussion of the objection.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. TAFT. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

Mr. TAFT. Mr. President, this Nation has adopted the policy of proceeding toward an all-volunteer army, at least so far as the suggestions made by the administration are concerned.

It is true that Congress has not acted on the all-volunteer army concept yet but daily we see more indications that this is the true issue before us in this extension of the draft law.

I realize, of course, there are many in the Senate and in the Pentagon who still disagree with this proposition. I think it has become abundantly evident that the distinguished chairman of the Committee on Armed Services disagrees with this proposition.

I think that the thing we should recognize about the amendment I have called up today is that this really is the issue. The limitations that have been put upon the number of draftees in the amendment that has just been agreed to by the Senate of 130,000 the first year and 140,000 the second year, for all practical purposes, would not in any way require the Department of Defense or the administration to move in the direction of an all-volunteer army.

They could continue the current operation under the draft without any inconvenience or any changes in policy that are necessary to eventually bring about an all-volunteer army within those limitations, but my amendment would put a limitation on the number which is reasonable.

The fact that the Senator from Mississippi increased the number of draft calls in the second year is testimony of the fact that he does not agree with the concept of all-volunteer army and, indeed, he hopes we will not move in that direction. That is the key issue we will vote on in this amendment.

There was testimony as to the position of the administration in regard to phasing out the draft, regardless of how we may move in the particular numbers of draftees planned to be brought in.

Mr. President, I wish to quote from a letter from a good friend of mine, a man for whom I have great respect, Secretary of the Army Stanley Resor. The letter is dated May 21, 1971, and states:

In summary, every effort is being made to end reliance on the draft as quickly as feasible.

The only question, then, I believe, ought to be how we should phase out the draft as we proceed toward an all-

volunteer army. I believe that passage yesterday of the Allott amendment increasing pay levels to about the point recommended by the Gates Commission report has laid the groundwork in that direction.

The Kennedy amendment removing the escape clause which was in the bill has moved further in that direction. By the adoption of the Kennedy amendment the Senate was very clearly saying that Congress should make the decision how the draft is to be used in the future. if it is to be used in the future.

The Gates Commission report estimated a 2.5 million man force, to be maintained with $2.1 billion pay increase. The Allott amendment increased the amount very considerably.

It seems a fortiori we could provide the smaller 2.4 million force recommended by the Committee on Armed Services with the larger $2.7 million pay boost in the Allott amendment, and also in the provisions of the bill as it came from the House.

So we are at a level which will have a major effect upon the number of volunteers we receive and, as I discussed yesterday, also in the quality of men we get. There is bound to be an upgrading in quality.

I believe we do not need the draft at all. I would be happy to vote against continuing the draft if I did not believe it would take a period of a couple of years, perhaps somewhat less to properly phase it out in an orderly manner.

I expect to continue the draft, because we are not certain how fast we can implement an all-volunteer army. We have sufficient data to show we can implement it meaningfully in the next 2 years. To what extent do we need the draft during the next 2 years?

I have five different tables and sets of figures from the Defense Establishment at the present time with differing figures almost daily, and all of them go in the direction that we need less and not more men from the draft to meet our military manpower requirements.

My amendment, therefore—and it is a guess, admittedly, but it is a guess based on the best information we have been able to get and, as I have said, events have turned in our favor—sets the number of draftees for 1972 at 100,000 and in fiscal 1973 at 60,000.

For fiscal 1972, it will be agreed by almost every one, we will have no problem during that year.

As stated by the distinguished Senator from Oregon (Mr. HATFIELD) on the floor on June 2:

> If the Congress adopts the 2.4 million end strength recommended by the Senate Armed Services Committee, the shortfall would be only 38,000—again, with no increase in incentives. However, if increased incentives are forthcoming, as there is ample reason to believe, the maximum shortfall estimated by Assistant Secretary Kelley would be only 55,000 for the 2,505 million man end strength—or no shortfalls for the Senate Armed Services Committee's recommendation.

I point out that since those words were spoken by the Senator from Oregon, we have passed the Allott amendment and, no matter what comes out of conference, the salaries cannot go below the House-Senate figure, and we have frozen them at the relatively higher level of increase in pay.

So we have no worry about the 100,000 level for 1972. It will be far in excess of the requirements for military manpower. And as for the 130,000 just adopted by the Stennis amendment to the Kennedy amendment, that is even more true.

For fiscal 1973, Assistant Secretary Kelley has stated that he would not expect shortfalls in fiscal year 1973 to be much different from the shortfalls of fiscal 1972. That was stated by the Senator from Oregon (Mr. HATFIELD), at page 17615 of the RECORD for June 2.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. TAFT. I yield myself an additional 10 minutes.

If this is correct, clearly there would be no problem with the amendment, which provides 60,000 for fiscal 1973.

We note also that the administration has set early 1973 as the target date for zero inductions. This puts a practical limit on the number of men that can be inducted if this policy is maintained.

But let us look at the most pessimistic figures for 1973 to see if there would be any manpower shortfalls under the amendment I am proposing.

The accession figures are available in a letter from Secretary Resor dated May 21, 1971. The Army accessions required for fiscal 1973 are put at 285,000. We take these figures with the most recent figures I have had, more optimistic ones in some respects, figures from the Department of Defense, which I understand the Senate Armed Services Committee has in a part of a classified report—these figures are not classified; they are figures provided me yesterday by the Defense Department—and they show that the accessions required under the moderate strength reductions for fiscal 1973 amount to 263,000. We take the strength level after committee reductions in fiscal 1972—in other words, the 2.4 million for the Army—and we find the number of accessions under those figures would be 316,000.

Having taken all these figures, let us look at the true volunteer figures and deduct them from those numbers. In the Resor letter, these figures are estimated at 130,000.

May I interpolate to say that in the services other than the Army there is no problem. The figures get to 2,000 or 3,000 men, which is not the problem in the Army.

The true volunteers in the Army, according to the Resor letter of May 21, 1971, would amount to 130,000, without any adjustments that I shall refer to later.

Under the Department of Defense moderate strength reduction figures, from the accessions of 263,000 should be deducted the figure of 144,000 for true volunteers.

Out of the 316,000 accessions under the Department of Defense level strength after committee reductions should be taken 153,000 in true volunteers.

I am also informed that these men include not only enlisted men but officers as well.

Let us take the results. We find, according to the Resor letter, that the accessions of 285,000 are reduced by 130,000 true volunteers, resulting in a total of 155,000 under the Resor letter.

Under the moderate strength reductions of the Department of Defense, 144,000 true volunteers are deducted from the 263,000 accessions, for a total of 119,000.

What else do we find? We find, from letters that have been put in the RECORD already, an estimate that there are something like 95,000 men at the present time in the Armed Forces who are being used in nonmilitary functions—grass cutting, leaf raking, taking care of KP, bartending. I have nothing against bartending, but people other than those in the Armed Forces should be used for bartending.

We find a difference, under the Resor letter, of only 60,000 that would be needed; a total of only 24,000 under the moderate strength reduction tables provided by the Department of Defense; and a need of only 68,000—approximately the figure in my proposed amendment—from the level strength after the committee reductions in 1972 with a 2.4 million man Army.

These projections, if anything, are overly cautious and overly conservative, for a number of reasons.

First of all, these projections do not include any draft-induced volunteers. In other words, these are figures without including the draft-induced volunteers. These are pure volunteers, in the tables I have already referred to. They do not include those, because the draft will be continued in 1972 and 1973 under this legislation. Still, there will be men who will be volunteering—draft-induced, as we call them, because they recognize they will be called and, because of that, they volunteer.

This number has been anticipated by Secretary Resor to be between 50,000 and 55,000 men for 1973.

So we take them off the 68,000, at the highest possible level, and it would mean only about 15,000 that would be needed.

These figures do not reflect the 25-percent reduced accession levels required for an all-volunteer force as determined by the Gates Commission at page 6 of its summary report. The Gates Commission estimated that, because of additional reenlistments, there would be this kind of reduction in needed accession levels, because of the career nature of the force.

Admittedly, it would take some time to get that into full swing, and that is a factor which should be considered.

Nor do these figures reflect the great success of the current recruiting program.

Some figures on recruiting have been put into the RECORD, but they indicate that there has been a considerable increase in the last couple of months under the Army's new program, and basically, over the last year, the figures showing volunteers in the Army indicate the Army was able to meet and exceed its quotas.

Senator HATFIELD has pointed out that the most conservative Pentagon figures indicate that new combat unit enlist-

ments have doubled, and perhaps tripled, in the last 2 months during the new recruiting program of the Army.

Note also that during the last 12 months commencing June 1, 1970, and ending May 31, 1971, the Department of the Army program called for 141,000 enlistees. During that same time there were 156,000 enlistments, and enlistments exceeded the Department of the Army program for 10 of the last 12 months.

These figures do not reflect the saving of 16,000 to 20,000 men who could be reassigned to operating units from training service as we proceed toward an all volunteer army.

Again, this has already been shown at page 17614 of the RECORD.

These figures do not reflect the 7,000 to 15,000 men who could be retained if the current ban against reenlistment for those in the new standards category could be lifted, as shown at page 17614 of the RECORD.

Also, as has been mentioned already, if an extraordinary need should arise, it is perfectly clear that Congress could be called back in session if it were not in session, and if a real need were shown, Congress could and should be called upon to participate in the decision to go over meaningful limits.

The policy decision we are talking about here today is the policy decision of moving toward a volunteer army, and unless we provide meaningful limitations, we are opening a road for turning in the other direction that I think is big enough to drive a truck through. But the important thing is the policy decision. The important thing is not the numbers game, although I think it is important that we look at the numbers.

It is said to be a bad thing to cut the suit to fit the cloth. I do not believe in this case it is a bad thing to cut the suit to fit the cloth. I believe the number of men we are taking into the armed services is so vast and the direction in which we are moving is so clear that we are easily going to meet the requirements we set for ourselves in any normal military circumstances we can foresee.

If circumstances arise that we cannot foresee, we have already made the decision, in voting on the Kennedy amendment and other amendments here today, to indicate that Congress ought to be called into the decision and asked to help make that decision, along with the Executive.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TAFT. I yield myself 1 additional minute.

Mr. President, if we want to extend the entire program, let us be courageous enough to face up to it and put the issue on that basis. Let us not leave an out clause, an escape clause. We have taken one of those out now, but the limitation, unfortunately, simply amounts to another. If we want to extend the draft, let us have a vote on this floor as to whether we will extend it for another 4 years, rather than try to have it appear that we are attempting a phaseout of compulsory military service, and really, in effect, not be doing that.

I do not think we need go beyond the 100,000 and the 60,0000 proposed in this amendment, and I think if we do not adopt the amendment, unfortunately we are quite likely to find ourselves right back here again 2 years hence, facing the same issue.

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

The PRESIDING OFFICER. Will the Senator withhold while the Senate receives a message from the House of Representatives?

Mr. TAFT. I withdraw the suggestion.

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. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1680. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn or silk;

H.R. 4590. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore;

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap;

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes;

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; and

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad.

HOUSE BILLS REFERRED

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

H.R. 1680. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn or silk;

H.R. 4590. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore;

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap;

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H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; and

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. Does the Senator wish to renew his suggestion of the absence of a quorum?

Mr. TAFT. Mr. President, I yield myself 5 additional minutes.

As convincing as these statistics are I do not believe that we should become involved in a numbers game on this issue. The question should simply be how we can best phase out the draft as we proceed toward the all-volunteer army. I believe we must put the Pentagon on notice that it must move vigorously to implement the all-volunteer army approach. The recent success of the recruitment program confirmed the Gates Commission estimate that this is possible. If we do not phase out the draft over this 2-year period, as I have stated. We will be faced again with precisely this same situation 2 years from now.

Continuation of the draft in its present form will only continue to undermine the respect which the American people have for our Military Establishment. The use of the draft to fight a war in South Vietnam may prove to have been a very costly mistake in American history. Certainly I do not think anything has been more divisive of America, between the generations and even within the generations, than this decision that was made to use draftees.

Mr. Walter Lippmann said this extremely well in what I believe was the last article he wrote last year, published in the Columbia Journalism Review, in which he stated:

> Now, drafting men to fight a war 10,000 miles away is something that no sensible great power has ever attempted. The British, in all their period of imperial rule in the nineteenth century, never conscripted Englishmen to fight in Asia. They always relied on volunteers, professional soldiers, and on mercenaries. They hired the Indians, the Gurkhas; regiments of Iranians and other people from the Middle East, and so on; but there were no Englishmen conscripted to fight around the world.

Mr. President, I hope we never do again find ourselves fighting around the world, but I think we ought to recognize that if by some unfortunate and unavoidable circumstance, in the cause of freedom, with a threat to our own freedom involved, we should find ourselves in that circumstance, I think that having a draft would be a handicap rather than of assistance. I spoke yesterday on this subject. I think the increasing professionalism, or the requirements of professionalism of our armed services today, with the many complex weapons systems that we have, militates in favor of a career-type training of men, not just coming in for 2 years.

I have heard the arguments of the distinguished chairman of the Armed Services Committee to the effect that somehow the draftees were on a higher military level, with higher ability, than those who volunteer. Judging just from

the enormous volume of men who come in every year, this might be true if we consider only the IQ, or the intelligence test examination given on initiation into service. But in the long run, I cannot and do not believe that this country would be well served to believe that men who are in the service for merely a temporary period of 2 years will be as skilled and can better provide the necessary requirements for operating the complex weapons systems that we have today.

Mr. President, I believe the Army can successfully undertake its remaining military missions in Southeast Asia without the massive use of draftees. Indeed, Joseph C. Harsch in an article entitled, "Draftees Eased Off Front Lines," which appeared in the February 16, 1971, issue of the Christian Science Monitor, has reported that most draftees are no longer actively involved in combat roles in Vietnam. Mr. Harsch also stated:

The Pentagon is doing all it can to delay the day when there will be no more draftees. The conclusion of the tussle between the White House and the Pentagon is not yet in sight.

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

[From the Christian Science Monitor, Feb. 16, 1971]

DRAFTEES EASED OFF FRONT LINES

(By Joseph C. Harsch)

WASHINGTON.—Roughly a year ago President Nixon was advised by one of the top military experts of Washington to get drafted soldiers out of combat in Vietnam, leave whatever fighting remains to be done to long-term professionals, and tell the world he had done it.

It can be reported that Mr. Nixon has acted in accord with that advice in all respects except the last. He has not announced what he has done.

But it is one of the most important facts of the moment about the Vietnam war that with rare exceptions drafted Americans are no longer getting hurt in it.

Whatever may be the targets of the various offensive operations being conducted by the armed forces of South Vietnam, American support is from behind the frontiers of that country, and being provided almost exclusively by the professional long-service branches of the American armed forces.

The United States Air Force is an all-professional service. The Navy is almost entirely professional. The artillery is one of the most professional branches of the Army. There will be draftees lugging shells to the gunners and driving the trucks, but by and large the men who direct work on the big guns of the U.S. artillery are highly trained, long-service regulars.

Therefore, as of today (and this has been increasingly true over the past year) the bombs and shells being used to support South Vietnamese troops in combat operations are carried, delivered, or fired by the professional military people of the United States.

So far as I can find out neither the President nor Secretary of Defense Melvin Laird has ever issued an explicit order to get all drafted men out of combat and keep them out. But the effect is the same. American infantry is no longer being used in Vietnam in the kind of combat in which a lot of people tend to get hurt. In fact, American infantry is not being used in Vietnam any more except in defensive operations.

Another way of putting all this is that under Mr. Nixon the drafted man has, in effect, been taken out of combat. Instead of waging the war primarily with draftees, Mr. Nixon is waging it almost exclusively with those weapons which are manned by professionals. He has professionalized American military operations in Vietnam.

One measure of this is that those least willing to go to war are no longer carrying most of the load. Army manpower policies had in fact put the main burden on the draftee. By 1969, draftees provided 88 percent of all infantry riflemen serving in Vietnam. Only 2 percent of the riflemen were long-service regulars. The other 10 percent were first-term enlisted volunteers.

Obviously, if 88 percent of all infantry riflemen were draftees they must have been taking the bulk of the casualties. The Army is reluctant to give out precise information on this matter. But it is known that during the entire period of American involvement in Vietnam roughly twice as many draftees have been killed as volunteers.

That proportion must have been much higher by 1968 and 1969. In the earlier years the percentage of regulars was higher. When 88 percent were draftees this type must have been taking more than two-thirds of the casualties. A draftee does not know how to protect himself as well as a regular.

President Nixon's declared goal is a volunteer armed service with a "zero draft." That is still some distance off.

The Pentagon is doing all it can to delay the day when there will be no more draftees. The conclusion of the tussle between White House and Pentagon is not yet in sight. But so far as the fighting in Vietnam is concerned Mr. Nixon has already got the substance of what he wants.

Obviously, the American public at home must sense all the above without having been publicly told. It is the only possible explanation of the quiet on the home front. The civilian mass at home is no longer distressed by the fact of the unwilling conscript suffering the majority of the casualties.

Mr. Nixon could take credit for a popular achievement.

Mr. TAFT. 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. 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.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending amendment by the distinguished Senator from Ohio (Mr. TAFT) is apparently designed to force the Defense Department into an all-volunteer armed force ahead of an already over optimistic schedule. I have the highest regard for the distinguished Senator from Ohio, but I cannot go along with this amendment.

The amendment of the Senator from Ohio would set a limit on the numbers of men who could be drafted in fiscal year 1972 at 100,000 and in fiscal year 1973 at 60,000.

The Senate Armed Services Committee has placed a limit of 150,000 for both of these years, but the Senate has just accepted an amendment to limit inductions to 130,000 in fiscal year ending 1972 and 140,000 in fiscal year ending 1973.

The Defense Department cannot say exactly what the needs of the services will be until some results from volunteer armed forces incentives begin to take effect. However, based on the most optimistic results, it is expected that around 115,000 men will be needed in fiscal year 1972 and up to 150,000 men in fiscal year 1973.

The administration advises that the Taft amendment would seriously restrict the services in meeting the minimum numbers of men needed, especially in fiscal year 1973.

Mr. President, if the Senate accepts this amendment, the result would possibly defeat the all-volunteer concept even before it has had a chance to prove itself.

The administration is the originator and advocate of an all-volunteer armed force. The President and his advisors are anxious to reach this goal as fast as possible. However, even as advocates, they recognize that this goal cannot be achieved overnight.

The number of inductions permitted by the Taft amendment together with the estimated number of volunteers to be obtained would not be sufficient to provide the military services with men to replace those scheduled for separation in fiscal year 1973. There is no guarantee that voluntary programs will be as successful as we hope. The proposed limitation, therefore, may prevent the maintenance of adequate military strengths.

The proposed amendment is not needed for the purpose of minimizing draft calls, because in practice the draft is only used to obtain sufficient new accessions to make up the difference between authorized military strengths and enlistments. The administration is firmly committed to reducing draft calls to zero as soon as possible, consistent with national security requirements.

There is a current statutory requirement that the average annual military strength be authorized by Congress. After Congress has determined the military strengths to be authorized, additional statutory constraints, such as the limits on draft calls proposed in the amendment, should not be enacted because they might limit the Department of Defense in meeting the strengths authorized by Congress.

For these reasons, Mr. President, I urge the Senate to reject this amendment.

The PRESIDING OFFICER. Who yields time?

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, what is

the pending matter before the Senate, please?

The PRESIDING OFFICER. Amendment No. 90 of the Senator from Ohio (Mr. TAFT).

Mr. STENNIS. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 84 minutes.

Mr. STENNIS. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. ALLOTT. Mr. President, a parliamentary inquiry. Is it in order to introduce a bill at this time?

The PRESIDING OFFICER. Yes. Germaneness has been waived.

Mr. ALLOTT. I thank the Chair.

(The remarks of Mr. ALLOTT when he introduced S. 2028 are printed in the routine morning business section of the RECORD under (Statements on Introduced Bills and Joint Resolutions.)

Mr. STENNIS. Mr. President, with reference to the pending amendment of the Senator from Ohio (Mr. TAFT), he and I differ largely on the manpower levels. We differ as to what the probabilities will be as to the needed manpower during the 2-year life of the bill.

Let me make it clear that no one knows how many men will be needed by the different services. These are all estimates, but they are fairly definite guidelines which have been established over the years upon which estimates can be made.

Today, on a rollcall vote of the Senate, we made a slight change in the ceilings of those that could be inducted each year during the life of the 2-year bill from what the committee had recommended. That was on an amendment I offered, which I had offered in committee calling for the 150,000 ceiling each year. I also offered one that carried the escape clause where the President could increase that number if he saw fit.

A great many things have happened since we wrote up that bill. The estimates now as to the number likely to be necessary have been lowered some. The bill has taken a turn where there will be more money available in the bill for the pushing forward of the so-called volunteer army concept which will apply to the Air Force, Navy, Marine Corps, and the Army. Still, there is a lot of uncertainty as to how fast that can move, and a difference of opinion as to how fast it should move.

We have to make the best estimate we can. I have here an estimate from the man who is most likely to know what those needs may be—Secretary of Defense Laird.

This morning, I offered an amendment to the Kennedy amendment in which I considered the estimate by Mr. Laird and then added some margin to it, as a cushion, because no one knows the exact facts. I asked the Senate to vote on that amendment which I offered. It added a 130,000 ceiling for fiscal year 1972 and a 140,000 ceiling for fiscal 1973.

After some debate on the amendment, the Senate voted 67 to 11 in favor of that figure which I have just enumerated; so, with all deference to the distinguished Senator from Ohio, the Senate has taken a firm stand within the past 2 hours in adopting an amendment that will place the ceiling at 130,000 and 140,000 for fiscal years 1972 and 1973, respectively. The reason for that being a little high for 1973 is that the 3-year enlistments which occurred in 1970 were heavy, indeed. Those 3-year enlistments will be going out in 1973 and those places will have to be replaced. Thus, even if the volunteer army does succeed to a degree in bringing in additional manpower, there will be a larger than usual exit of those forces in 1973, so that we must have a means set up in advance for those replacements.

So, basing my estimates and figures upon the estimate of Mr. Laird in his letter of May 19, 1971, I drafted that amendment, explained it, it was argued and, as I say, the Senate agreed to it by a vote of 67 to 11. It was added to the pending amendment of the Senator from Massachusetts (Mr. KENNEDY), and then, after debate on the Kennedy amendment, as amended by my amendment, the Senate took another rollcall vote and voted 78 for the amendment as amended, and 4 against.

Therefore, twice within the past hour and a half, the Senate has voted by two overwhelming votes of 67 to 11 and 78 to 4 in favor of the figures in my amendment—the 130,000 for 1972, and the 140,000 for 1973.

Thus, in spite of the logic and the strong appeal the Senator from Ohio always makes in what he says and does, I think that this is no time for it, as the matter has already been decided and I do not believe there are any substantial, new facts to be presented.

Secretary Laird, as I say, has pointed out that 1970 was a big enlistment year and, therefore, there will be a larger number of inductions in fiscal year 1973 than in fiscal year 1972. That is what he says about it, and he gives his reasons because of those expiring enlistments of 3 years.

The best estimates we have for 1973 indicate that even with some strong reductions, 140,000 may be needed if the pay increases are ineffective.

There is a great difference of opinion about how much this increase in pay will do and how effective and rapid it can be within the span of a year. The effectiveness of pay increases in enlistments is still a very uncertain matter. There is a wide range of estimates of the effectiveness of the pay increases because of that uncertainty.

Mr. President, I have said many times in this debate that I just do not believe it is going to bring in anything like enough of the needed type of men, that it is an ideal situation, that it is being given a real chance. The President is for it. However, at the same time he is saying, "I must have a bill that gives 2 years' authority to induct." The bill the President sent here does not have any limitation as to the number that could be taken in, in 1 year.

This is a matter that Congress got up. The committee passed it. The Senate passed on it twice within the last hour and a half. The Senate has voted by a large majority for the very figures that were submitted.

I do not think it is necessary to emphasize how uncertain it is as to time and the effect of this new way of trying to recruit necessary manpower for all our services. Anyway, it is certainly at the present time unproven. We could well need in fiscal 1973 the 140,000 draftees that year.

I warn the Senate now that it would be highly dangerous to try to set a figure here as proposed by the Senator from Ohio. The President and the Department of Defense have to know in advance what the figures are so that they will know what they can do for the next 2 years.

I believe that the ceiling now of 140,000 in the second year of the bill, fiscal year 1973, is sufficent alone to constrain any kind of buildup through the draft such as that which occurred in 1965 for the war in Vietnam. I also believe that the very low level of 60,000 for that year, as proposed in the amendment of the Senator from Ohio is far lower than we could sustain without a significant disruption of our manpower policies.

The Senator from Massachusetts has been interested in this subject for more than a year. We have talked about it many times. His idea was to set this ceiling of 150,000. The committee agreed to his suggestion in that matter. I offered the amendment, as I said, but it was the figure that he had proposed in the bill he introduced. Now we have gotten together on these figures as support levels. The Senator from Massachusetts voted for them in the passage of the amendment that I had offered to his amendment. So, we stand together on these figures.

I want to read two paragraphs from Secretary of Defense Laird's letter and I will be through for the time being. I will read from the letter of Secretary of Defense Laird addressed to me as chairman on the date of May 19. I will skip over part of the letter and will only read two paragraphs, but I will have the entire letter printed in the RECORD later.

The letter reads in part:

> We cannot look only at the number of new military entries required in FY 72. We must look also at FY 73. Without the draft in FY 73, and even with strength reductions, the Army could fall 100,000 short of its needs.

That is just being frank about this, even with these strength reductions and the calls home and the winding down of the war and everything else, in 1973 the Army could fall 100,000 short of its needs. That is the Army alone.

Mr. President, I read another paragraph from the letter:

> While the Army has the most severe problem, there are quantitative and qualitative gaps in other Services between their manpower needs and the supply of true volunteers. These gaps could be greater in FY 73 than in FY 72 for two reasons. One is that Army force reductions scheduled for FY 72 reduce the need for new entries in that year. The other is that FY 69 and FY 70 were big enlistment years for all Services, and the vast majority of these enlistments will have to be replaced in FY 73.

Why is that? It is because their terms would have expired. That is why. Al-

though we hope that some of them will reenlist, a great many of them do not, as is proven year after year after year.

So there will be an upsurge of these vacancies created in fiscal 1973 because there was an upsurge of volunteers in 1970, some for 3 years, and some for 4 years. They occurred as early as 1969.

The figure submitted by the Senator from Ohio in his amendment is hopeful, but it is far below the hard knuckle estimates here of the men who carry the responsibility for making these hard decisions and calculations in advance. Secretary of Defense Laird says they could fall 100,000 short of what is needed in the Army alone. He then refers to these other circumstances where manpower replacements will be necessary.

So, when we add up all of these factors, we have a very large figure, more than double the amount which the Senator from Ohio has proposed in his amendment.

Mr. President, I trust that it is clear here to the membership of the Senate that the decision has already been made, that the need is there and proven, and except in a speculative, argumentative way, it has not been detracted from. The realism of it is demanding. These figures were accepted here this morning. I believe they will be accepted again.

Mr. President, I know that the Senator from Massachusetts is on his way to the Chamber. However, he has been detained in some way. He will speak for himself on this matter.

Of course, he has already spoken. He favors the Kennedy amendment as amended, without further amendment.

Mr. TAFT. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I wish to comment on the parliamentary situation again as referred to by the distinguished chairman of the Committee on Armed Services. It is true that the Senate acted on an amendment to the amendment of the Senator from Massachusetts (Mr. KENNEDY), that amendment having been offered by the Senator from Mississippi.

However, I would point out that the nature of the amendment by the Senator from Mississippi was one of reduction of the 150,000 limit present in the bill. Just because the Senate has moved from 150,000 to 140,000 for the year 1972, which is the key year, everyone seems pretty well agreed, including the Department of Defense, that the 100,000 is a real limit and one which they would not be required to face.

Then, we come to 1973. I believe the Senate should have the opportunity to express its desire on the matter. I sent a letter to each Senator several days ago discussing the amendment and giving the figures. They have had time to consider it. Many Senators have expressed an interest in supporting the amendment.

The amendment of the Senator from Mississippi did not come to the attention of many Senators until this morning. Indeed, when they came to the Chamber many of them were not fully aware of the amendment to the amendment we were considering at that time.

Under the circumstances I think it is incumbent upon me to give the Senate the chance to express its will with regard to the 60,000 limitation figure in the second year. For the purpose of the RECORD I want to say, and I hope this will be clear for the purpose of conferences or other action on the bill, that if the Senate should agree to amendment No. 90, and should indicate at this time in a separate consideration, aside from the Kennedy amendment, that they desire to set a limit of 100,000 for 1972 and 60,000 for 1973 that would be the express prevailing will of the Senate on the subject, regardless of what might have been acted on before.

The choice the Senate has is in adopting or not adopting the Stennis amendment which is for the 150,000 and 130,000 in 1972, and 150,000 and 140,000.

We have the Senate moving in the right direction. I hope we can keep it moving in that direction.

The real issue is whether we are going to go to an all-volunteer army or not. I do not know the exact position of the Senator from Mississippi on this subject. I rather suspect while he indicated the administration is committed to this position he does not feel himself committed to the concept of a volunteer army nor do I think the limitations he placed in the bill would bring about that end unless the administration decides it wants to do it. If the administration turns around and backs the all-volunteer concept, the limitation of 130,000–140,000 may be plenty of room within which they could continue the draft and bring us the same manpower requirement situation, or perhaps worse, 2 years hence. I do not want to be back here debating the issue.

The Senator from Mississippi raised other issues on which the Senate should be informed. He indicated he has figures from Mr. Laird, Secretary of Defense, for whom I have great respect. The Senator from Mississippi said that in addition to the Laird figures he has a margin above those figures. I would like to know what the Laird figures were and the margin that we add. The Senate would like to know the Laird figures and the margin and the accession of draftees through 1972 and 1973—whether there is a reduction of 50,000 to 55,000 of draft-induced volunteers, which the Secretary of the Army assures me he feels he will have during these 2 years in question for the Army; and whether these figures take into consideration the reduced accession of perhaps 25 percent indicated in the Gates report.

I would like to ask what adjustment the Senator from Mississippi made in the figures in view of the unexpected but happy passage of the Allott amendment yesterday, which is bound to happen because of the large increase in pay involved. It is bound to have a major impact on the number of men coming in to volunteer. These are unanswered questions and questions we must consider.

I have been in constant communication with the Department of Defense trying to get the most accurate figures and the latest figures. The 100,000 figure and the 60,000 figure are based on that.

I think these are factors that should be considered by the Senate.

At this time I will be glad to yield to the Senator from Mississippi for whatever comment he may wish to make.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I have been going through these figures for months and months. I started work on this bill last October or November, and the situation is constantly changing. There are no real, hard, new facts beyond these estimates that have happened since the Secretary of Defense wrote these letters and made these estimates.

Everyone has been estimating what the need would be. There was a great deal of effort in the Pentagon over a year ago to make this volunteer Army concept appear favorable. They decided all of a sudden they could not do without selective service and that they would need selective service for 2 years. The emphasis then started toward getting an extension of the draft.

The bill has taken a form that really asks for more money than the President asked for. I do not have much doubt about it. He asked for the money he thought he could get. On reanalysis we decided the volunteer Army would not work that fast at best. It cannot be done all of a sudden. Mr. President, you cannot go down to the corner and buy an army like a watermelon or a sandwich, or something like that. It takes time and planning, and they have been having a lot of trouble with it. That is not talking out of school; everyone knows it.

I do not think there is a chance for it to work that fast at best, but I know they have to have this manpower. Those terms are going to expire. I refer to the terms of the men and even the volunteers. Their terms are going to expire as certain as night follows day as the months come and go.

These manpower replacements must be met and I hope we can continue the reduction of the total number in the services. We placed a ceiling on that for the first time ever in this bill. But even with the best circumstances I know it will take time. This will not be a runaway matter.

I wish we could reduce all services more rapidly, but it is not an easy thing and it is not a safe thing to do. We have to have seasoned men and men who know what they are doing. I think we have taken enough chance already with these ceilings we have reset here, which are lower than they were when we marked up the bill about 2½ months ago.

It will swing back and forth somewhat, but we must have this margin of safety.

There has been a growing apprehension in the military about the workability of the concept of all-volunteer. It looks good on paper. It is fine to debate, but in an audience recently where everybody said he favored a Volunteer Army, when volunteers were called for, only one hand went up, and that was from a boy in the eighth grade.

I do not think we would be fulfilling our obligation to our country unless we

put these figures in the bill. I think the membership realized that by indicating its strong vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I express my thanks to the Senator from Ohio for yielding to me. I asked for this opportunity because I wish to associate myself with the amendment introduced by the Senator from Ohio. I consider it to be a most important amendment, and one which comes at a most appropriate time.

Yesterday we adopted the Allott amendment, which substantially increased compensation for members of the armed services, particularly in the lower grades. That amendment should have the positive effect of encouraging volunteers. I think it goes a good way toward implementing the recommendations of the Gates Commission.

The Senator from Ohio has offered another amendment which lends itself to a phased movement toward a Volunteer Army. The Senator has not acted precipitously either in offering his amendment or in its direction or purpose. The amendment provides that no more than 100,000 persons may be inducted into the Armed Forces under this act in the fiscal year ending June 30, 1972, and no more than 60,000 in the fiscal year ending June 30, 1973.

Of course, these two figures are related to what appears, in the light of votes taken thus far, to be the decision of the Senate, with respect to an extension of the Selective Service Act for a period of 2 years. There were those of us who felt that was too long, that a 1-year extension was adequate. There were others who felt that it should not be extended at all.

What the Senator from Ohio has done is say that if the act is to be extended, there must be some limitation upon numbers of persons subjected to the provisions of Selective Service insofar as induction into the Armed Forces is concerned; he relates a conservative reduction of draftees to the Senate's acceptance of the amendment offered by the Senator from Colorado (Mr. ALLOTT).

I do not believe that we could hope to effectuate the Taft amendment without the action that we have already taken insofar as increasing compensation is concerned; but with the increase in compensation, and with the expressed intention of the Department of Defense to step up the volunteer force and recruitment efforts, it would seem to me that an induction level of 100,000 men, for the fiscal year ending June 30, 1972, is more than adequate.

Mr. President, there are two other reasons for accepting the Taft amendment. I cannot imagine that we will still be involved in Indochina beyond the period of time referred to in the Taft amendment. I would add that whatever the date of our withdrawal no more draftees should be sent to Vietnam. There ought not to be conscripts in Vietnam.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HUMPHREY. Will the Senator from Ohio yield me 2 additional minutes?

Mr. TAFT. Yes.

Mr. HUMPHREY. There ought not to be conscripts in Vietnam, and we would hope that this particular amendment would slow down the accession rate used for combat and other purposes in Indochina.

Second, the Senate has made it very clear to the executive branch of the Government that it wants a reduction of forces in Western Europe. This morning the General Secretary of the Soviet Communist Party, Mr. Brezhnev, again stated that the Soviet Union was serious about mutual troop reductions in Europe. There is, therefore, some hope and optimism of reducing troop levels in Western Europe.

Mr. President, with the reduction of troop levels in Western Europe as an objective, which will come about either by negotiation or by action of Congress—and I hope through negotiation—Senator TAFT's amendment is perfectly realistic.

Second, considering our withdrawal from Vietnam—officials from the Department of Defense say that there will be ever fewer conscripts, ever fewer numbers under Selective Service going to Vietnam—hopefully, none—there is no reason at all why 100,000 is not more than adequate. In fact, I think it is more than adequate for the fiscal year ending 1972.

I support the amendment. I wanted the Senator from Ohio to know that there was support on this side of the aisle for what I consider to be a very constructive proposal.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes. I intend to use 2 or 3 minutes and then will be ready to yield back the remainder of my time if the Senator from Ohio will.

Mr. TAFT. It is my understanding that the Senator from Illinois desires some time upon his arrival in the Chamber.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes, just to make one point.

I invite the attention of Senators who were not in the Chamber a few moments ago to the fact that the amendment adopted this morning setting the troop levels at 130,000 for fiscal year 1972 and 140,000 for fiscal year 1973 was adopted on a rollcall vote of 64 for the amendment and 11 against. Then, the Kennedy amendment, which included the same figures, resulted in a rollcall vote of 78 for the amendment as amended and 4 against.

Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the reservations I have about this amendment are as stated by the Senator from Minnesota and the Senator from Ohio—that is, the efforts which are being made to limit the opportunity of utilization of conscripts, as the Senator from Minnesota said, in Vietnam and eventually to go to a volunteer army.

I am hopeful that we will see an end to the war by next spring. If we are not successful, I hope we will have it with the adoption of the McGovern-Hatfield resolution.

But I have very serious reservations, with the kinds of pay increases this body has voted in the last 24 hours, which in effect have increased the pay for the lower grades approximately 150 percent, including the blood bonus, which is $6,000, for those who are going to go into the combat arms, who will have to go to Vietnam if the war is still going on.

It is for these reasons that I have very serious reservations about the approach that is being taken about the volunteer army. I have indicated this position in the past, and I have indicated that I would support a volunteer army in peacetime.

We are hopeful that we will see an end to the war in 1 year or before, and certainly in 2 years. But manpower authorizations come before the Armed Services Committee. We will have an opportunity to express our will on this question in another year. Then we can make whatever judgments we might so far as the second year period is concerned.

So I am hopeful that the amendment will not be adopted. I think it is really a question of judgment in terms of the first year. The 100,000 may achieve what the Senator from Mississippi is trying to do. The 100,000 figure may be very close, given where we are, with the expression of the will of the Senate, whether we like it or not. That 100,000 might be justified.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. I feel that the earlier votes, by which we would go to 130,000 now, are more in accord with the position of our security. There has been a significant step forward in reasserting the constitutional right of Congress to raise and support the armies.

I have perhaps a somewhat different point of view than the chairman of the committee in my reasons for opposing this amendment, but I wanted to have an opportunity to indicate why I stand with the chairman in opposition to the amendment.

Mr. STENNIS. I thank the Senator.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. I yield myself 2 minutes.

Mr. President, there is one further relevant point with regard to the num-

ber of draftees that may be needed in fiscal 1973. The Senator would reduce that number to 60,000. The best estimate that can be received from the Department of Defense is that approximately 90,000 draftees may be needed in fiscal 1973, for the Army alone, even if—and this is important—there is a 125-percent improvement in enlistments, with a 100-percent improvement in pay.

Even at this unrealistically high estimate of the effect that pay would have on enlistments, half again as many men would have to be drafted as are permitted by the 60,000-man ceiling which would be imposed under this amendment. Those figures are for the Army alone. We cannot afford to take a chance that does not comport with the actual facts and estimates and realities of life. We passed on this matter twice today by overwhelming votes, and I believe we should—I believe we shall—reaffirm the conclusions we reached this morning.

I yield the floor.

Mr. TAFT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 35 minutes, and the Senator from Mississippi has 47 minutes.

Mr. STENNIS. I yield back the remainder of my time.

Mr. TAFT. I shall only talk briefly, and then, in the absence of the Senator from Illinois, I expect to yield to the Senator from Kansas, briefly.

I do think that a case has been made that ought to be pointed out. The distinguished chairman of the Armed Services Committee has indicated that his information, in a letter from the Secretary of Defense, shows that with regard to fiscal 1973, the Army could fall 100,000 short. This letter, at another time, as I understood, was attributed to a date of May 21. As the distinguished Senator has said, many things have changed since that time.

I also posed at an earlier time some questions in arriving at that 100,000 shortage and whether certain factors brought out in the debate had been considered. As yet, I have received no assurance, and I make the assumption that they were not considered. I have had communications from the Department of Defense as late as yesterday which incate that that figure is absolutely correct, if we do not consider these other factors. One of the factors mentioned already here today is the Allott amendment.

Just what the effect of that amendment will be, we cannot exactly estimate. It is hard to imagine that it would not have a considerable effect upon the increased number of volunteers. The other factor that should be considered is, we have heard a good deal about the 95,000 men on KP, cutting the grass, tending bar, but I would point out to the Senate that recently the Comptroller General of the United States issued a report to Congress on the improper use of enlisted personnel in the Department of the Army, the gist and effect of which is that in domestic service in this country there are about 10 percent of improper use, and in personnel abroad in the Army there is more than 10 percent of improper use. So I do not see how the 95,000 is absolute. We cannot eliminate all these people, obviously. But when we are talking about the difference between 100,000 the Secretary of Defense has stated, and the 60,000 in my amendment, I think it is unreasonable to say that we can get that 40,000 with a more effective use of personnel and perhaps, at the same time, boost morale.

Another factor not mentioned, and I do not believe it has been included in the Defense Department figures, but which I have mentioned before and wish to mention again, is that during the next 2 years, even with the 100,000 and the 60,000 limitation also, we have to consider the number of draft-induced volunteers. The best estimate that I have been able to get from the armed services, and the answers to requests I have made to them, is that that will be in the neighborhood of 50,000 draft-induced volunteers. They have figures from the past on which they can base that estimate. Those figures are reliable and can be counted on for projections in the future. They have not deducted the 60,000 we would proceed by as recommended by the Gates Commission as being reassigned to certain training units in a more active and a more productive capacity. We could deduct the 17,000 men who could be retained against new standards.

I have already talked on the question of quality, but I am not going into the quality question again. The Allott amendment is not the best answer to the quality situation. We cannot expect to get good quality volunteers unless we are willing to pay. We have made that decision and will see an effect from it. We have not taken into account the new recruits or the record that is being made, faced with the possibility of having to phase out the compulsory military service. The armed services has been making a commendable effort to do something about more effective recruiting and there have been very much improved results from that.

It is inconceivable to me that the difference between the 100,000 figure of the Secretary of Defense which the distinguished chairman of the Armed Services Committee has indicated he is relying upon, and the figures for the Army and the other services. As I said, they are minimal, but when we are talking about 2,000, 3,000, or 4,000 men, over any projections which I have seen in the other services, it is inconceivable, with all these factors, that the requirements actually, if we take these into any consideration at all, indicate that the needs of the Defense Department and the needs of the Army are far below the 60,000 figure which I have allowed, and that the 60,000 figure and the 100,000 figure of the Department of Defense, are, really, in effect very much in line, if anything, and I think are given the benefit of the doubt.

Mr. HUMPHREY. Mr. President, will the Senator from Ohio yield at that point?

Mr. TAFT. I am happy to yield to the Senator from Minnesota and I thank him for his kind remarks.

Mr. HUMPHREY. I would say once again that the comments made by the Senator from Ohio are comments that do not get answered. These are evaluations and these are calculations that seem to be glossed over as we debate these issues. I think they merit either an answer or acceptance. I do not believe there is anyone—the President, nor anyone in Congress—no matter what their views are on Vietnam—who does not feel that sometime between now and June 30, 1972, the large body of our forces in Vietnam will be out—including those that say that there will be residual forces. Residual forces are spoken of in terms of Air Force and Navy personnel-logistical forces, most of whom are volunteers.

It is the general feeling of those in high places that we will not be using selective service or conscripts for the Army in Vietnam beyond this coming year.

Let me repeat what I said earlier, while we still have conscripts being sent, they will be fewer in number, simply because there is a tremendous effort being made by the military to get volunteers for that assignment. In addition, there are the pay inventives to attract volunteers introduced by the Allott amendment.

Finally, the Coast Guard, Navy, Air Force, actually fill their ranks, with few exceptions, with volunteers—with enlistments.

What we are really talking about is the Army. If the Army is to have less of a role a year from now, which the Government says it will, and which this Congress has indicated it wants, that lesser role will be both in Southeast Asia and in Europe.

I think that the Senator from Ohio has offered not only an amendment that has appeal but an amendment that has sense, an amendment that has credibility and can be substantiated by the arguments which the Senator from Ohio has already given. The amendment merits consideration. It merits one of two things, either acceptance or they have to prove that it is wrong.

Mr. TAFT. I thank the distinguished Senator from Minnesota very much.

Mr. President, I yield 10 minutes now to the distinguished Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator from Kansas is recognized for 10 minutes.

FALSE CHARGES AGAINST THE PRESIDENT

Mr. DOLE. Mr. President, events and statements of recent days have forced me to the conclusion that some members of the other party are willing to exceed the bounds of partisanship, reason, and common decency in their efforts to downgrade the President and advance their own personal interests.

Accusations that the President of the United States has deliberately prolonged the war in Indochina and has used the lives of our men in Vietnam as political pawns are the meanest and most offensive sort of political distortion.

To say that it is the President's intention to play his last great card for peace at a time closer to November 1972, when the chances will be greater that the action will benefit the coming presi-

dential campaign, is as inexcusable as it is outrageous.

Mr. STENNIS. Mr. President, will the Senator from Kansas yield to me for 1 minute?

Mr. DOLE. I yield.

Mr. STENNIS. I was going to say to the Senator right now that this debate has been going on for 5 weeks without the least bit of partisanship about it, so far as I can see. The votes here this morning were overwhelming, with both sides joining.

If the Senator wants to come in here and make a political speech on this amendment, or any other amendment, I just think it is highly out of order. I have not heard of anyone saying those kinds of things.

I am the one who put in the amendment concerning the powers of the President. I fought for it. I do not claim any credit for it. But we must have votes beyond the Senator's side of the aisle in order to pass these crucial tests, as well as this bill in the end. I hope that the Senator will sound off to a different tune.

Mr. DOLE. Mr. President, I have great respect for the distinguished Senator from Mississippi, but the statement to which I refer was made; and I did check with the Senator from West Virginia and learned that the Pastore rule of germaneness is not in effect now.

I have supported the Senator from Mississippi, as he knows. What I am saying is that we should not play politics with the war in Southeast Asia. Regarding the statement referred to, I can quote it for the Senator. We do not want this to become a partisan proposition.

The statement was not made by the Senator from Mississippi, nor was it made by the Senator from Kansas.

Mr. STENNIS. If the Senator will yield further, if the Senator wants to take on the proposition of trying to get votes to assist this proposition here, he can have my place, but I do not appreciate his making a political speech.

Mr. DOLE. I appreciate that.

Mr. President, I continue my statement by saying that the charges made against President Nixon are erroneous and, in the second place, they violate the longstanding tradition in this country of keeping this and other conflicts out of the partisan political arena.

That is the very reason I make this statement at this time.

If the same tactics had prevailed in earlier years, members of the Republican Party just as easily could have charged that our involvement in Vietnam and the escalation which followed it were also motivated by partisan political considerations.

If this line of attack had been followed in 1964 and 1968, President Nixon's predecessors could have been accused by Republican office seekers of inaugurating and deepening our involvement in Vietnam to gain the low unemployment, increasing gross national product, and general prosperity which are the political benefits of a wartime economy. Such charges against Presidents Kennedy and Johnson would have been ridiculous and inaccurate, but they would have been no more uncalled for and out of place than those being made against President Nixon today.

But no Republican cries of "foul" or "politics" were heard when our commitments were made and when our involvement was escalated. Nor did Republican leaders object when President Johnson announced a halt to the bombing of North Vietnam 2 days before the 1968 elections.

I am proud that the Republican Party has always put the national interest above party interest, and that Republicans have steadfastly refused to place their personal ambitions ahead of our Nation's security and its bipartisan foreign policy.

It is the height of irresponsibility and blind personal ambition for members of the other party to attack President Nixon as they have done in recent days.

These attacks are all the more offensive when it is taken into consideration that in 1969 President Nixon inherited a war which had cost 14,000 American deaths and 28 billion American dollars the previous year, and that he has reversed the entire course of the war, cut combat fatalities by more than two-thirds, and withdrawn more than one-half the troops who were involved when he took office. It is interesting that the morning after these attacks on the President, a United Press International survey revealed our troops are being pulled out of Vietnam at a rate which is 40 percent faster than necessary to meet the President's announced December 1 goal of 184,000 troops. American forces are now leaving that war-torn country at a rate of more than 19,000 a month, and more than 22,500 have left in the past 35 days.

I say with all respect that anyone who has followed the progress of the President's program in Southeast Asia cannot question his sincerity or the effectiveness of his policies. The President is not the one who is playing politics with the war in Vietnam. Instead, it is the very individuals who are accusing him: those critics who are jockeying to take the lead in the race for the 1972 nomination to oppose him.

Now, at a time when we are seeing clear and irrefutable progress toward the end of American involvement in Vietnam, I call on all Americans—and especially members of the Democrat Party—to confine their criticism to the issues and to refrain from toying with the lives of America's fighting men for political gain.

I would agree with the Senator from Mississipi. It is time for all Americans to close ranks and for all Americans to understand that the war in Vietnam will be ended, the war is being ended, by President Nixon in a nonpartisan way.

I supported President Kennedy and President Johnson. Perhaps I was mistaken. But I say to the Senator from Mississippi that I share the views he expresses. There comes a time in America when we have a responsibility to our President and not to our party. But when we have statements made to the effect that the President is cynical, that President Nixon is waiting until 1972, until election eve, to end the war, as one Senator has done—I say that this is no partisan measure. The President is not being cynical. He is using every effort to end the war today, next week, next month, or as quickly as he can.

That is the way it should be, and that is the way the Senator from Kansas will respond.

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

Mr. STENNIS. I yield the Senator from Minnesota 3 minutes.

Mr. HUMPHREY. Mr. President, would the Senator be more specific on the charge? I say to the Senator that I shall have some commentary to make about it. But I do not think he will be displeased with what I have to say.

To whom is the distinguished acting Republican leader referring?

Mr. DOLE. Mr. President, I find in the RECORD of yesterday, on page 18783, the RECORD of June 8, 1971, an address by the senior Senator from Massachusetts (Mr. KENNEDY) that was put in the RECORD by the senior Senator from Michigan (Mr. HART).

I will quote from the address so that there will be no misunderstanding. This is from the speech:

> At last, the ultimate and cynical reality of our policy is beginning to dawn on the American people. The only possible excuse for continuing the discredited policy of Vietnamizing the war, now and in the months ahead, seems to be the President's intention to play his last great card for peace at a time closer to November, 1972, when the chances will be greater that the action will benefit the coming presidential election campaign.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. STENNIS. Mr. President, I yield an additional 2 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I will make a very brief comment. The Republican Party, of course, is the party in the administration. Obviously, the President speaks for his party. It is very difficult to know who speaks in this body for the Democratic Party. The majority leader is looked upon as our leader. Even the majority leader finds it difficult to have a voice of consensus or unity.

I want to say, however, that I have been given, out of historical precedent, the dubious honor of being the tituiar leader of the Democratic Party. I say dubious because I have never found out what that title meant, except that the one who had it lost. Nevertheless, I feel a great sense of responsibility for the Democratic Party, for what it does, what it hopes to do, and what its spokesmen say.

I want the Senator as the national chairman of the Republican Party to know that insofar as this Senator is concerned and this Democrat is concerned, I do not believe the President is playing politics with Vietnam. That is number one.

I may disagree with some of his actions. For example, I disagreed and expressed my disagreement with his Laotian incursion and I disagreed with the incursion into Cambodia. Those are matters of judgment.

I do not think it is a matter of the President being cynical or of the President trying to prolong the struggle. I think it is a matter of judgment. The President, as Commander in Chief, has to make these judgments. And he knows when he makes them that he is subject to criticism. I think the President wants peace and that he wants it as badly as anyone in the Congress or in the country. He has a greater responsibility than the Senator from Kansas or the Senator from Minnesota.

I happen to believe that there are some things that we might do that would be, from my point of view, more productive toward gaining peace.

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

Mr. STENNIS. Mr. President, I yield the Senator from Minnesota 3 more minutes.

Mr. HUMPHREY. Mr. President, even though I served in an administration that wanted peace and worked for it, but was never able to obtain it, I want to say from the floor that I do not believe President Johnson for 1 minute at any time wanted this war extended an extra hour.

Mr. DOLE. I supported President Johnson.

Mr. HUMPHREY. I understand that. I also want to say that I think President Nixon wants to end the war. We will debate how we can best do that.

Some of us think there ought to be a time certain expressed. The President disagrees. That is his point of view. I do not think that makes him bad or cynical. It is a matter of judgment.

So, let the Senator from Kansas know that as one Senator on this side, who has carried his share of responsibility and has suffered his fair share of the blows, I believe the President does want peace.

We got into this war with all of us sharing responsibility for getting into it. I believe we have to share the responsibility for getting out of it. The Senate and the House of Representatives voted funds and voted for a resolution to support the President and share in the responsibility of the engagement in the struggle.

That is why I believe we ought to share with the President the responsibility of disengagement and some of the risks, and there are risks. We ought to take them together.

I happen to believe that we ought to fix a date certain for disengaging and disengage rapidly.

From this point of view that is how I feel. I think the President of the United States wants this war over. I do not think he wants the blood of Americans to be lost. I do not think he wants the lives of Americans to be lost. I think he wants peace. I will try to help him get it. I will be a responsible citizen and a responsible Senator working toward that objective.

I may disagree with the President's policy. I do not disagree with his sense of sincerity or integrity. So, let that be the statement of one of the numerous spokesmen of our political party.

Mr. DOLE. Mr. President, I do not quarrel with that. Disagreement with Presidential policy is our perfect right and responsibility in this body, regardless of party.

But it exceeds the bounds of fair play to even suggest that any President would play politics with the war—whether President Kennedy, who sent the first troops; President Johnson, who stopped the bombing 2 days before the election in 1968; or President Nixon, who is now withdrawing our troops and ending our involvement. It is beyond the bounds of fairness to charge that any President would extend the war and cause death and injury to young Americans to get closer to an election date.

I believe that charge exceeds the bounds of fair play and that I, as a Senator, have the right to point it out. But I do not quarrel with the Senator from Minnesota.

Mr. PASTORE. Who said that?

Mr. HUMPHREY. The Senator from Kansas read from an insertion in the RECORD of yesterday.

I think if we try to keep our cool here we can proceed by the action of Congress as well as by the leadership of the President to find the path to peace. I hope President Nixon gets peace; and if that is the price of his reelection, I would still be for that.

I think there are things to be done in this country and one is to end the war. If I nudge him I hope he will not be unhappy because I have been nudged a bit myself. But I assure him he will have a helpful, considerate, firm, and resolute partner in this Senator. I disagree on the form and not on the purpose.

Mr. KENNEDY subsequently said: Mr. President, I was not in the Chamber at the time the distinguished Senator from Kansas (Mr. DOLE) criticized the address I gave last Monday to the National Convocation of Lawyers To End the War. I do, however, want the Members of the Senate to know that I stand squarely behind the remarks I made, and I hope that every Senator will take the opportunity to read the address in full, which is reprinted at page 18782 of the CONGRESSIONAL RECORD for Tuesday, June 7, 1971.

I would add one further comment. It is my understanding that, as a matter of long-standing procedure in the Senate, a Member traditionally has the courtesy to inform his colleagues when criticism of the sort made by the Senator from Kansas is to be delivered on the floor of the Senate. I received no such notice, and was actually engaged in a meeting of the Senate Health Subcommittee at the time the Senator from Kansas delivered his remarks.

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, I am ready to yield back my time.

Mr. TAFT. I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MONDALE) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG) and the Senator from Connecticut (Mr. RIBICOFF) are 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 California (Mr. TUNNEY) would vote "nay."

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Washington would vote "nay."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN) and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 25, nays 54, as follows:

[No. 92 Leg.]

YEAS—25

Brock	Humphrey	Proxmire
Burdick	Jordan, Idaho	Roth
Church	Mansfield	Schweiker
Cook	Moss	Stevens
Cranston	Nelson	Stevenson
Gravel	Packwood	Taft
Hart	Pastore	Williams
Hatfield	Pearson	
Hughes	Pell	

NAYS—54

Allen	Bible	Chiles
Allott	Boggs	Cooper
Anderson	Buckley	Cotton
Beall	Byrd, Va.	Curtis
Bellmon	Byrd, W. Va.	Dole
Bentsen	Case	Dominick

Eagleton	Jordan, N.C.	Prouty
Eastland	Kennedy	Randolph
Ellender	Magnuson	Scott
Ervin	Mathias	Smith
Fong	McClellan	Sparkman
Gambrell	McGee	Spong
Goldwater	McIntyre	Stennis
Gurney	Metcalf	Symington
Hollings	Miller	Talmadge
Hruska	Montoya	Thurmond
Inouye	Muskie	Tower
Javits	Percy	Weicker

NOT VOTING—21

Aiken	Fulbright	McGovern
Baker	Griffin	Mondale
Bayh	Hansen	Mundt
Bennett	Harris	Ribicoff
Brooke	Hartke	Saxbe
Cannon	Jackson	Tunney
Fannin	Long	Young

So Mr. TAFT's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 152

Mr. HUGHES. Mr. President, I call up my amendment No. 152.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new title at the end thereof, as follows:

"TITLE IV—IDENTIFICATION AND TREATMENT OF DRUG DEPENDENT PERSONS IN THE ARMED FORCES

"FINDINGS AND PURPOSE

"SEC. 401. Drug dependence is rapidly increasing within the Armed Forces, especially among draftees. National and international organizations and experts representative of those most knowledgeable and most experienced in the treatment and rehabilitation of drug dependent persons have found that drug dependence is an illness or disease which requires treatment through health and rehabilitation services.

"Drug dependent persons commit a high percentage of crime in order to secure funds with which to supply their drug habits. Incarceration and other punishment without appropriate treatment has proved ineffective to deter drug related crime and to meet the human need of drug dependent persons. Effective and successful treatment and rehabilitation services offer the best possibility of meeting such human needs and of avoiding a high rate of recidivism.

"A national effort to identify and reduce the public health problem of drug dependence in the Armed Forces should be made. Such an effort requires an immediate, major commitment of health and social resources and Federal funds. It is the purpose of this title to mandate such a commitment.

"IDENTIFICATION OF DRUG DEPENDENT PERSONS

"SEC. 402. The Secretary of Defense shall prescribe and implement procedures for identifying drug dependent persons at the earliest possible stage of their dependence. Such policy shall include provisions for—

"(a) utilizing all practical available methods to identify drug dependent persons among individuals examined at Armed Forces examining and entrance stations. Such persons, if drug dependent, shall be refused entrance into the Armed Forces and shall be referred to civilian treatment facilities; and

"(b) utilizing all practical available methods to periodically examine each member of the Armed Forces to determine if such person is a drug dependent person.

"TREATMENT ENCOURAGED

"SEC. 403. The Secretary of Defense shall prescribe and implement a policy which shall embody the following principles and guidelines:

"(a) Drug dependent persons who are members of the Armed Forces shall be encouraged to seek treatment and rehabilitation services for their drug dependence within the Armed Forces and shall not be subject to disciplinary or other punitive action based on information given in seeking or receiving such assistance. Absolute medical confidentiality shall be preserved unless competent medical authority determines that such a person is a danger to himself or to others. No information divulged by such a person in medical confidence shall be admitted into evidence in disciplinary proceedings against him without his consent. When a specialized job classification or the pay advantages directly related to such classification has been withdrawn from a member of the Armed Forced who has sought assistance for his drug dependence because medical authorities have determined that a continuation of the member's job responsibilities will constitute a danger to the member or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and rehabilitation progress.

"(b) Drug dependent persons who are members of the Armed Forces who seek treatment and rehabilitation services for their drug dependence within the Armed Forces shall be afforded every opportunity to be restored to useful military service and shall not be discharged from the service because of their drug dependence unless they have refused to accept such appropriate treatment and rehabilitation services as shall be offered by the Armed Forces or medical authorities have determined that they have failed to respond to adequate treatment and rehabilitation services, or if they have fulfilled their service obligations, unless they request to be discharged.

"(c) Drug dependent persons who are members of the Armed Forces and are charged with or have been convicted of drug-related offenses and are being processed within the military justice system shall be afforded every opportunity for treatment and rehabilitation services within the Armed Forces.

"SCOPE OF TREATMENT AND REHABILITATION SERVICES REQUIRED

"SEC. 404. The Secretary of Defense shall prescribe and implement a policy under which any member of the Armed Forces who is found to be a drug dependent person shall immediately be afforded treatment and rehabilitation services within the Armed Forces for his dependence. Such services shall be provided through Armed Forces based treatment programs or through any suitable drug dependence treatment and rehabilitation facility or program, including but not limited to facilities and programs administered by the Department of Health, Education, and Welfare and the Veterans' Administration, under such agreements as shall be acceptable to the Secretary of Defense and consistent with this title. Notwithstanding any other provision of law, any member who is placed in a facility or program under the authority of the preceding sentence shall not be released from active duty until a competent medical authority has certified that such member: (1) is rehabilitated, (2) has failed to respond to adequate treatment and rehabilitation services, or (3) has refused to accept such services, or, if such member has fulfilled his service obligation, until he requests to be released.

"REPORT BY THE SECRETARY OF DEFENSE

"SEC. 405. Within sixty days from the effective date of this Act, the Secretary of Defense shall present to the Congress a detailed description of the policy he has prescribed under sections 402, 403, and 404 of this title, a detailed description of the steps being taken to implement such policy, a detailed description of the expenditures necessary to implement such policy, and such other information or recommendations as he may deem necessary.

"DEFINITIONS

"SEC. 406. As used in this title:

"(a) 'Alcoholic beverage' includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxification in any form or in any degree.

"(b) 'Drug dependent person' means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) or alcoholic beverage and who is in a state of psychic or physical dependence, or both, arising from the use of that substance or beverage on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

"(c) 'Treatment and rehabilitation services' means screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, or outpatient services), vocational training and services, and other rehabilitation services."

The PRESIDING OFFICER. Is this the amendment as to which a time limitation of 1 hour has been agreed upon?

Mr. HUGHES. That is correct.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself 10 minutes.

Mr. STENNIS. Mr. President, will the Senator yield 1 minute to me for an announcement?

Mr. HUGHES. I yield.

Mr. STENNIS. Mr. President, this amendment offered by the Senator from Iowa represents a strong effort on his part to make some provision with reference to the drug problem in the military service. The Senator from New York has a companion amendment, to a degree, dealing with the international aspects of the same problem. They have held hearings on the subject matter, but they have not had a chance to hold specific hearings on the amendment of the Senator from Iowa; is that correct?

Mr. HUGHES. Mr. President, in the course of hearings today, I did have a chance to discuss this amendment with Secretary Kelley and other representatives of the Armed Forces, and I asked them to give me their comments on this particular amendment.

Mr. STENNIS. That is very fine indeed. I wish to call to the attention of the Senate that I expect to support both these amendments. I think it is important, however, that we have a colloquy here. I know the subject is timely, and if we can carry these two strong amendments to

conference, I think it would be a fine service and a timely thing to do.

So I thank each of the Senators for their work, and I hope that the second amendment on this subject matter, the Javits amendment, may follow this one.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the distinguished Senator for yielding.

I should like to address a question to the distinguished Senator from New York (Mr. JAVITS) and to the able manager of the bill (Mr. STENNIS).

Would it be possible for us to reach a time agreement—or would it be desirable that we reach a time agreement—on the amendment which is going to be offered by the Senator from New York?

Mr. STENNIS. What agreement do we have?

Mr. BYRD of West Virginia. We have 1 hour on the amendment by the able Senator from Iowa (Mr. HUGHES).

Mr. JAVITS. I am sure that we will not use it, but if Senators wish to discuss it, there may be plenty of time.

Mr. STENNIS. I think we ought to have thorough discussion.

Mr. JAVITS. I agree.

Mr. STENNIS. And every Senator should have a chance to ask questions. It is serious business, and if we are to get anything passed this year, this is the best chance. Under the circumstances, I think 1 hour would be sufficient.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the disposition of the amendment that has been called up by the distinguished Senator from Iowa (Mr. HUGHES), the distinguished Senator from New York (Mr. JAVITS) be recognized to call up his amendment.

I ask unanimous consent that time on the amendment to be offered by Mr. JAVITS be limited to not to exceed 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill, with the understanding that time on amendments thereto will be limited to 10 minutes each, to be equally divided between the mover of the amendment in the second degree and the manager of the bill; with the further understanding that no amendments not germane will be received; that at the conclusion of the time on the amendment to be offered by the Senator from New York, there be a vote thereon, which excludes any tabling motion on that amendment, of course.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, with the indulgence of the Senator from Iowa, I would ask the distinguished Senator from New York if he would care to ask for the yeas and nays on his amendment at this time. If he would, I will ask unanimous consent that it be in order to order the yeas and nays on the amendment which will be called up by the Senator from New York (Mr. JAVITS), so that all Senators may be on notice.

Mr. JAVITS. Have the yeas and nays been ordered on the Hughes amendment?

Mr. HUGHES. They have not yet been ordered.

Mr. JAVITS. I think they both should go together.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on both amendments at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Iowa yield further?

Mr. HUGHES. I yield.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished majority leader, and after having discussed with Senators concerned the proposal which I am about to make, I shall now propose certain unanimous-consent requests with reference to the bill making appropriations for the Office of Education.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m tomorrow.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill making appropriations for the Office of Education be limited to 2 hours, to begin running at 9:30 a.m. tomorrow, that there be a limitation of time on each amendment thereto of 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill; that there be a time limitation on all amendments to amendments, the time to be limited to 10 minutes on each amendment to an amendment, to be equally divided and controlled between the mover of the amendment in the second degree and the mover of the amendment in the first degree; that in the event the same Senator should be the mover of the amendment in the second degree and the amendment in the first degree, the time in opposition to the amendment in the second degree be controlled by the able manager of the bill.

Mr. JAVITS. Mr. President, it is understood that if the amending stage takes longer than 2 hours, the time will be extended to include the right of every Senator amending or amending amendments to have his time for debate? In other words, there may be more amendments than 2 hours' worth. So it is understood that if the amending stage consumes more than 2 hours, that time will be allowed.

Mr. BYRD of West Virginia. I had not intended for the time on the amendments and/or amendments to amendments to come out of the 2 hours.

Mr. JAVITS. It was 2 hours on the bill.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. I do not think we need it.

Mr. BYRD of West Virginia. I will modify my request with regard to time on the bill, in view of the able Senator's suggestion.

I ask unanimous consent that there be a time limitation of 1 hour on the bill, the time for amendments and amendments to amendments, as already specified, to be in addition to the 1 hour.

Mr. JAVITS. That is fine.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senators in control of the time on the bill may allot therefrom additional use to any Senator on any amendment or on any amendment to an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Iowa (Mr. HUGHES) for yielding.

The unanimous-consent agreement reads as follows:

JUNE 9, 1971.

Ordered, That effective at 9:30 a.m. on Thursday, June 10, 1971, the Senate proceed to the consideration of H.R. 7016, an act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

Ordered further, That debate on any amendment to the said bill be limited to 20 minutes to be equally divided and controlled by the mover of any such amendment and the manager of the bill (Mr. Magnuson).

Ordered further, That debate on any amendment to an amendment be limited to 10 minutes to be equally divided and controlled by the mover of the amendment and the mover of the amendment, in the first degree. Provided, however, that if the mover of the amendment and the mover of the amendment in the first degree is the same person, the time in opposition thereto shall be controlled by the manager of the bill.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Majority and Minority Leaders or their designees: Provided, That the said Leaders, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment.

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

The PRESIDING OFFICER. The Senator has 23 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed in effectuating the unanimous consent agreement not be charged to either side on the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUGHES. I yield myself 10 minutes.

Mr. President, almost overnight, after the recent admission from the Provost Marshal's office in Saigon that 30,000 to 40,000 American troops in Vietnam are on hard drugs, the drug epidemic in our armed services has become a symbolic issue of national concern.

Public officials and private citizens who were only moderately interested in the growing drug problem before are now aroused to its urgency.

It is to be hoped that this new focus on one aspect of what has been for some time a critical national problem will lead to official action on a realistic scale. It is also to be hoped that this action will be appropriately directed at the source of the problem and not a compounded repetition of the mistakes of the past.

It is my considered opinion that we must, at long last, get at the drug problem—in both civilian and military life—at the source of the problem, the addiction itself, or watch a Frankenstein grow that could destroy our society.

The President has called for an all-out program to meet the emergency and, to his credit, he has called for the development of new drug control plans for both the military and civilian society.

I applaud Mr. Nixon's response to the urgency of the crisis. I only wish that I could believe that the action that is envisioned will be directed at the heart of the problem—the chemical addiction itself.

There are many facets to dangerous drug control. Efficient law enforcement is important. Firm, enforceable laws are important. Treaties between nations to cut off the flow of drugs and narcotics should be pursued. Efforts to suppress the poppy culture and the heroin refining industry are necessary.

But human greed being what it is and the variety of dangerous drugs being what it is in the present day, it is utterly unrealistic to assume that the drug epidemic can be controlled by shutting off the supply only.

At some point, before it is too late, we must come to grips with the addiction itself, rather than to work around the periphery of the problem, or the drug epidemic we are trying to control will control us.

Under directives from the administration, the Pentagon has been trying for the past week or so to develop a crash plan to combat the growing plague in the Armed Forces.

I think it is important to acknowledge the difficulty of the military's predicament relating to the drug problem. Individuals of the highest capability in matters of weapons systems, military logistics and discipline are not professionally or psychologically equipped to deal with the treatment and rehabilitation of drug addicts. This should not be expected of them.

On the other hand, when a problem has reached the dimension this problem has reached, it cannot be permitted to continue to grow. The pride and tradition of the individual services are great. It is understandable that they wish to take care of their own problems.

When, more than a year ago, our subcommittee began investigating drug use in the armed services and an extension of our comprehensive study of the over-all drug problem in the United States, it was our hope that we could provide counsel and encouragement that would help the various services work out their problems. It was with this in mind that we were given the consent and cooperation of the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee, and the distinguished Senator from Maine (Mrs. SMITH), the ranking minority Member, in pursuing our investigation.

Frankly, this plan simply did not work out satisfactorily. While we were accorded courteous treatment in the various installations overseas and in the United States, neither the armed services individually nor the Pentagon responded understandingly to the hard realism of what we were trying to communicate.

A document prepared by the DOD Drug Abuse Control Committee, transmitted to us last summer, confidently proclaimed:

> Statistics available to us which are closely monitored indicate that there is virtually no drug addiction and, compared to the civilian community, a low incidence of drug abuse in the Armed Forces.

Yet, only 2 months before the date of this document—in November 1969—a young major was conducting a survey at Cam Ramh Bay which showed that 17.4 percent of the troops then leaving Vietnam admitted having used opium.

At subcommittee hearings, last fall, during which the results of this survey were made public for the first time, we adduced other evidence that heroin addiction was on the rise among the military in this country and in Southeast Asia. Hospitalizations for heroin use were increasing in Vietnam, we discovered, and heroin usage was growing alarmingly at such seemingly unlikely places as Fort Bragg, N.C., the "Home of the Airborne."

Still, the military leadership, with a few conspicuous exceptions, chose to ignore most of the warning signs. While they were now willing to concede a "serious" drug problem existed in the Armed Forces, they were disposed to blame most of it on men who had brought their drug habits with them into service.

Rather than a tenable excuse, this was an admission of another serious fault in the armed services' approach to the drug problem. Induction centers were inadequately screening out drug dependents and drug abusers. When this fact was brought out by our subcommittee last fall, we found little inclination on the part of the Pentagon to tighten up the induction process to prevent those with a confirmed or potential drug problem from slipping through.

As evidence of action taken to counter the drug problem, the military leadership pointed to the celebrated "amnesty" directive issued by the Department of Defense, last October 23.

This appeared to be a major step in the right direction. However, our subcommittee discovered to our dismay, the potential effectiveness of this directive was largely neutralized by two crippling qualifications.

First, it only "encouraged"—and did not require—the various military services to establish amnesty programs and stated that such programs need be established only on a trial basis.

Second, it left the way open for the services to build into their implementing instructions certain provisions that would discourage, rather than encourage, drug users to seek what scant rehabilitative help might be available.

What have been the results?

In December, the Army implemented its version of amnesty. But, as the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) has pointed out, each commander may elect to execute or not execute the policy, as he sees fit. Most do not.

In addition, since confidentiality between doctor and patient is nonexistent anywhere in the military, the Army doctor treating a drug abuser who seeks his help is compelled to report any incriminating information to any commander or military investigator who asks for it. Few drug users, however well motivated, will seek help under such conditions of risk.

As for the Air Force, it went even further to insure that few of its drug abusers would seek help. This branch of the service did not get around to implementing the DOD directive until this past March—a lapse of 5 months.

While the Air Force plan guaranteed a drug user seeking help no harsh punitive action or less than a general discharge, it did guarantee that he would be grounded or lose his security clearance for a year.

I ask my colleagues: Who is the greater risk to the national security? The pilot or the flight crew member or the airman in a sensitive position who may be shooting narcotics or popping pills, fearful that if he seeks help for his habit he will lose his flying status or his security classification and all the pay benefits that go with it—or the Air Force member who seeks help for his drug problem with the confidence that he will be given every opportunity to overcome it without reprisal?

The Navy and the Marine Corps have been the most laggard in implementing the DOD "amnesty" directive. Only little over a week ago, the Navy instituted an amnesty program solely in Vietnam, but made it clear that it was to be on a 30-day trial basis only and probably would not be extended. In addition, the Navy drug abuser who signs up risks the same loss of flying status and security clearance as does his Air Force counterpart—perhaps for all time.

I might point out that in the public hearing today the Navy indicated they were expecting a new directive from the Secretary of the Navy within the next week that would establish a servicewide Navy amnesty program.

We have yet to hear from the Marine Corps as to its plans, if any, for implementing the amnesty directive. It is common knowledge that the Marines want no part of treatment and rehabilitation programs for drug users within their ranks. Once addicts are detected, they are usually discharged as rapidly as possible, and often with an undesirable discharge that not only denies them treatment in a Vet-

erans' Administration hospital but also places an obstacle in the way of their finding a decent job back in civilian life.

Mr. President, I should point out here that representatives of the Marine Corps, testifying this morning indicated that their position was still the same as that in my prepared remarks here—that they did not want to institute a service-wide amnesty type of program. They did state, however, that on an individual basis, they grant amnesty to those seeking hospitalization or help if they are capable of recovery. They are then placed back into service activity. However, they still intend to handle this problem primarily as one involving disciplinary action.

Mr. President, this is only a part of the poor performance record of the Defense Department and the military services in the matter of coming to grips with the drug abuse problem that now runs like a tidal wave through the uniformed ranks.

Last summer, the subcommittee staff visited Southeast Asia and found signs at that time of progressive heroin usage among the troops. In January, they visited American military installations in Europe, principally in Germany, and found alarming trends in the use of hashish, stimulants, and depressants.

Out of these visits, plus visits to various military bases in this country, came a staff report that pinpointed the problem areas. The staff report was a bipartisan product set in low key to avoid sensationalism and to encourage the armed services to take cognisance of their own problems.

This report, along with my own specific recommendations for remedial action was sent to the Secretary of Defense for comment.

To the report and the recommendations, we received a reply revealing what I felt was neither enthusiasm, interest, or understanding.

Apparently the military continues to want to handle the crisis of drug addiction in the armed services in its own way. It was for this reason that I have gone to the pains of outlining to you what the military's concept of the way to handle the problem is.

I might add, in the hearings completed less than an hour ago, there has been a decided change in the military attitude since the time I have drawn up this particular statement, which indicates that they are rapidly trying to assess and develop their capabilities in order to make a judgment of what they might be able to do in the future.

Mr. President, the clock is running out on the problem of drug addiction in the armed services.

It is no longer a private concern of the individual services but a problem of the entire Nation that, if not controlled, will cause decades of irreparable damage to our civilian society.

The amendment I have offered on behalf of Senator JAVITS and myself and other cosponsors to H.R. 6531, the Military Draft bill, gets to a very simple, basic, and, I believe, indisputable point, relating to the drug control problem in the armed services. It is an imperative first step in my opinion.

In simplest terms, it requires the military to accept the responsibility of providing appropriate prevention and treatment services to those persons whom it accepts into the service and who are subsequently found to be dependent upon drugs.

The amendment provides that the armed services have the obligation to identify such individuals, the obligation to encourage them to seek out treatment and rehabilitation services without fear of criminal or administrative punishment for the addiction itself, and the obligation to furnish treatment and rehabilitation services to them while they are still in the service.

It has been said—and rightly—that an inductee sent to Vietnam runs more risk of becoming a casualty of heroin than of the Vietcong or North Vietnamese.

It can also be said with equal truth that if we allow the drug epidemic to continue to grow among our forces in Vietnam and then release these addicted men, uncured, to return to our civilian society, we will simply be transferring the violence of the Indochina war to the streets where we live here in America.

Mr. President, I might add in conclusion that in the last 2 calendar years, according to evidence received this morning, there have been 16,000 members of the American military discharged for drug-related offenses. Of these 16,000, 11,000 men received less than honorable discharges. That means they were not eligible for Veterans' Administration treatment—if it had been available.

I might also point out that there are only five drug-treatment centers in the Veterans' Administration system—nationwide—and together are only capable of treating about 300 patients, total at any one time. As a result, in the last 2 calendar years, we have had 11,000 men discharged without the capability of ever receiving Veterans' Administration attention. We have an additional 5,000 men who have had an honorable discharge, but few, if any, treatment facilities available to them.

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

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. HUGHES. Mr. President, I am glad to yield 5 minutes to the distinguished Senator from New York, cosponsor of the amendment.

Mr. JAVITS. Mr. President, I am honored to join with the Senator from Iowa in this amendment. It is tragic that we face the situation we do. There is a real crisis in respect of the Armed Forces of the United States who are in Vietnam with respect to this matter of heroin experimentation and addiction. It would appear to us from the testimony we have heard before the Alcoholism and Narcotic Subcommittee, of the Labor and Public Welfare Committee, of which I am ranking minority member—as well as the fact that I have just returned from Vietnam—that the incursion of heroin into this situation is enormously complicated and may be of relatively recent origin. It is true that we have had surveys going back as far as the middle of 1969 which showed evidence of the incidence of drugs taken by servicemen in Vietnam. But this does not give us any idea of the situation as far as it concerns these addicts when the situation reverts back to the United States and the soldiers are discharged

These men are men who are accustomed to using weapons That presents a tremendous threat of crime, quite apart from the destruction of these splendid young men that is attributable to the use of these drugs under these circumstances. The Armed Forces are just about beginning to become alerted to this situation.

Mr. President, I found in Vietnam that there has been no real improvement in terms of a local "cleaning-up" of the drugs. They are readily available there, almost like ordinary merchandise on the street. Not only are the drugs available, but they are also of the highest purity, a purity that would be 20 times that which could be purchased in the United States. That translates into greater need by the addict and the more money the addict would need and which he almost always obtains though the commission of violent and serious street crimes when he comes back and returns to his community.

Some conclusion of this problem both at home, in domestic terms, and internationally is critically important, and there must be a quick conclusion.

I have said many times, and I repeat in connection with this debate, whatever may be the merits or demerits of having our troops in Vietnam at this time, that the country must rebel violently against the destruction of its youth, so violently that it could absolutely overturn whatever good, legitimate national policy there might be.

It is critically important that the country recognize this fact.

The Senator from Iowa (Mr. HUGHES) and I divided the labor in this matter. We seek to avoid the deep consideration and extended debate involved in whether we could keep a man in the service, enlisted or draftee, if we could cure him of the habit against his will, on the domestic side, and on the international side, whether we ought to cut off aid summarily or whether that would be effective, let alone whether it be wise. We have tried to get some way to get at the problem without asking the Senate to give its judgment without adequate information on a very major basic problem.

I think the Senator from Iowa has succeeded admirably in the domestic field. I hope that when my turn comes the Senate will feel we have done a creditable job in the international field.

I am sure that the Senator from Mississippi, the manager of the bill, recognizes the urgency of the problem and, therefore, that justifiable action is needed. It is unthinkable that we could pass a draft bill without taking cognizance of the fact that we should do whatever we can to make the most progress with this problem.

I believe that the Senator from Iowa does that admirably for the domestic phase of the matter.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes or so much time thereof as I may use.

Mr. President, I have already expressed my interest and my sentiments about the problem of this amendment. I want to again thank the Senator from Iowa for his very fine attention to this entire subject matter and also the Senator from Pennsylvania (Mr. SCHWEIKER), a member of our Armed Services Committee, who has worked with the Senator from Iowa on this problem.

I thank the Senator from New York on behalf of the Armed Services Committee for his attention to the problem involved and for his very fine work.

Mr. President, I want to address a question here to the Senator from Iowa and direct his attention to page 3 of his amendment, line 16, which reads as follows:

Absolute medical confidentiality shall be preserved unless competent medical authority determines that such a person is a danger to himself or to others.

I call attention to the fact that this refers to men that are in the Armed Forces and their situation as to being, unfortunately, on this habit. It would have to be communicated, it seems to me, to the commanding officer or to someone in authority over this person in the chain of command, or whatever terminology we might use, because it would have to be known with reference to what to do about this person or whether to send him out even in training with others.

It seems to me that we will have to include some proviso or some added sentence that states that this confidentiality will not preclude information being transmitted to those in authority or in command of the units to which the person belonged. That is quite a problem that I know the Senator would recognize.

Mr. HUGHES. If the distinguished chairman of the committee will yield to me I would be happy to respond.

This afternoon in our hearings that very question was brought up by Assistant Secretary of Defense Kelley in relation to confidentiality, especially as it concerns pilots, members of a nuclear team, active participants on a nuclear submarine or something of that nature. After the discussion in the hearing, I felt that under the terminology stated in line 17—"unless competent medical authority determines that such a person is a danger to himself or others"—anyone who had medical training, who is in any of the services, would determine that such a person would be a danger to others, if not to himself, and that the statement was adequately drawn.

It was not my intention in drawing the amendment to preclude confidential information being transmitted to a commanding officer or a suitable command structure where danger was involved to others or to the man himself. But at the same time I point out that a confidentiality of medical records is important in order to get men to report for treatment and rehabilitation.

If they do not receive this assurance of confidentiality, it is going to be very difficult to get these people to come in for treatment. We were trying to protect both sides in drawing the amendment.

If the language is not clear we should make an endeavor here to clarify it.

Mr. STENNIS. The Senator's explanation is very good but I believe the language as now written is so tightly drawn that the average competent medical authority who is already trained in the traditions of confidentiality would be quite hesitant to divulge communications to someone who is in authority or in the chain of command. It cannot be handled without someone having authority over this man knowing about it.

Mr. HUGHES. I believe the way the amendment is drawn now, the competent medical authority would be required to give that information if the man was a danger to himself or others.

He would have full authority to make that determination. The reason for the phrase "competent medical authority" was to put the decision in the hands of a trained doctor or psychiatrist.

Mr. STENNIS. Maybe we can get some language worked out on this matter.

The Secretary of Defense shall describe and implement a policy which shall embody the following principles and guidelines:

Then, on line 16, the Senator uses the word "absolute" and then on line 17 the word "shall". It seems to me that shuts it off.

If you have a man in the service being treated by the medical officers this matter cannot be shut off. His absence from meals, or formations, or squadrons, or whatever unit he belongs to would have to be explained in some way. The word "absolute" and the word "shall" are so strong. Perhaps we should change the word "shall" to "should".

I believe there should be an added sentence that would just state:

Confidentiality shall not apply to his commanding officer or someone in the chain of command.

We could work it out with proper terms that way. These are guidelines and principles for the Secretary of Defense. He would be given some leeway there to work out what we cannot do on the floor of the Senate. He could work out something that complies with the necessary operation of a military organization.

Mr. HUGHES. Perhaps if we drop the word "absolute" in line 16 and change "shall" in line 17 to "should" so that sentence would read:

Medical confidentiality should be preserved . . .

Would that satisfy the Senator?

Mr. STENNIS. That would help. We are just experimenting here.

Mr. Woolsey has just handed me some suggested language which reads:

Nothing herein shall be interpreted to prohibit a commanding officer from receiving such information if such information would be required for the protection of such person or his unit.

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

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

Suppose we continue and ask these gentlemen to work on some language along that line. We could consider striking out the word "absolute" and substitute "should" for the word "shall".

I do not believe that some general language permitting the commanding officer from knowing would destroy the Senator's objective.

Does not the Senator think that such a suggestion is essential in a military organization?

Mr. HUGHES. The Senator from Iowa has no objection to working out some modification in another sentence which would reach the common purpose we both have.

Mr STENNIS. Where in the amendment is the question about the alcoholics? We have to go over this matter because it is new to us.

If I may ask the Senator a question, on page 6, line 17 it is stated:

(b) 'Drug dependent person' means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) or alcoholic beverage and who is in a state of——

Mr. HUGHES. On what page is that?

Mr. STENNIS. Page 6. That takes in the idea of a drug dependent. It includes an alcoholic, as I understand the reading of this.

Mr. HUGHES. The distinguished Senator from Mississippi is correct.

Mr. STENNIS. Should not that be separated, or treated separately?

Mr. HUGHES. It should be treated in a very similar or the same fashion. Addiction to alcohol means a similar or the same treatment as one addicted to a barbiturate, or methadone, or heroin.

As a result, what we are trying to do, because there has been no direct language dealing with a person addicted to alcohol, is to assure that that person has the same protection as those who are addicted to other chemicals, because alcohol is, as determined by those in the medical or chemical field, a drug, and we are dealing with that because of its danger to the security of the country.

Mr. STENNIS. On page 6 there are a number of definitions.

Mr. HUGHES. That is correct.

Mr STENNIS. The Senator has already given the definition of "alcoholic beverage" in line 12(a).

Mr. HUGHES. That is right.

Mr. STENNIS. I suppose the definitions are taken from a very high level of counsel and advice and from men competent in the field

Mr. HUGHES. They are taken from authorities in the field of drugs and medicine. They have characterized alcoholism as an illness, as an addiction and, as such, the definitions are intended to totally fall in line with the bill passed by the entire Congress and signed by the President last year.

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

Mr. STENNIS. Mr. President, I yield myself 5 minutes more.

How could one say a drug dependent was dependent to alcoholic beverages when it is two different horses we are talking about?

Mr. HUGHES. We are talking about different substances when we talk about alcohol and heroin, but when we talk

about addiction, there is a common problem whether the addiction is to alcohol or heroin, the only difference being the group on whom it has its effect on the service. The person who is addicted to alcohol may well be one who has been in the service 10 or 15 or 20 or 25 years. He may well be a colonel or a lieutenant colonel or a master sergeant, instead of a drafted private; but, nonetheless, the addiction to the chemical of alcohol is just as severe, just as damaging, just as devastating to the military and the national security. The alcoholic can be involved in handling nuclear weapons or anything else involved in the security of the country. Should we deprive such a man of the benefits that we would give to a man who has been in the Army for only 6 months but who is addicted to drugs?

It is for that reason that we are trying to make sure that there may be rehabilitation and the other protections for those who have been in the service of their country for many years, in addition to those who may have served only 1 year or 2 years or 18 months and who gain amnesty, medical benefits, veterans' benefits, and all the rest of the protections. So if he is addicted to alcohol, the only difference is the difference of the chemical and the drug.

Mr. STENNIS. I see where he ought to be included. I just did not catch the point of the definition of a drug dependent person as one who was addicted to alcoholic beverages.

Mr. HUGHES. If the Senator from Mississippi will yield further, I would simply state this takes a medical diagnosis of a chronic alcoholism. I am not talking about an occasional trooper who goes to town and gets potted or who goes out on a toot on a week-end pass and gets drunk occasionally. I am talking about a soldier who has probably been in the service for years, who has progressively become worse, and his drinking patterns have developed to the point of chronic alcoholism that is diagnosed by a physician, these people may be in some of the most sensitive positions in the service of the country.

As a matter of fact, we had a Navy captain testify that he was an alcoholic when he was in command of a ship. We had a member of the Air Force who had flown supersonic jets while he was intoxicated, and so on.

The very point of this amendment is to try to see to it that those who are addicted to alcohol, who are alcoholics, can have the same opportunity for amnesty, treatment, rehabilitation, and continuity of service as the man who has been in the service of his country for a year and a half or 2 years.

Mr. STENNIS. I do not object to that, but it seems to me the Senator ought to provide a definition of an alcohol dependent person or a person dependent on alcohol and then one dependent on drugs. I have always considered them different.

Mr. HUGHES. The Senator and I are discussing the age-old difference that has existed, I suppose, from the beginning of time, on the definition of what is a drug, as the term is widely used.

The Senator from Iowa has no objection to some sort of different description as long as the treatment, rehabilitation, and the other advantages the Senator has described are protected in the process.

Mr. STENNIS. And are extended to those who are addicted to alcohol?

Mr. HUGHES. That is correct.

Mr. STENNIS. I agree that that problem should have attention and treatment. I know it is difficult to administer these treatments, but it would satisfy me, so far as our discussion here is concerned, if we would examine into this closer and perhaps get another definition for one who is dependent on alcoholic beverages.

Mr. HUGHES. I am more than willing to take a few minutes' time to see if we can work one out right here.

Mr. STENNIS. Very well; let us work on that.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

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

Mr. STENNIS. I will yield time to the Senator.

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes.

Mr. HUGHES. How much time does the Senator from Mississippi have?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes.

Mr. HUGHES. The time is at our mutual convenience, it seems, so I will yield 5 minutes.

Mr. STENNIS. The Senator has a right to modify his amendment.

Let us write out language we can agree on. We can do it very quickly.

Mr. HUGHES. Mr. President, I ask unanimous consent that a call for a quorum be equally divided.

Mr. STENNIS. They are about all the comments I have now. It is a matter of getting the language into acceptable shape.

Mr. HUGHES. Mr. President, I ask unanimous consent that a call for a quorum be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HUGHES. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent that my name be added as a cosponsor of amendment No. 151 and amendment No. 152.

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

Mr. PERCY. Mr. President, I am very happy to commend my distinguished colleagues, the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS), for the leadership that they have provided in the field of treatment of persons dependent on drugs.

I think it is particularly important that we give highest priority to the problem of drug abuse by personnel within the armed services.

Several years ago, when I was in Vietnam, I went to Danang, and while there met with a distinguished member of the Marine Corps, Harry F. Byrd III, the son of our esteemed colleague, the Senator from Virginia (Mr. BYRD). His commanding officer was thoughtful enough to let him accompany me for a part of a day touring the area, and during the course of our discussions, I learned that his duties in Vietnam included supervisory responsibilities over imprisoned personnel in a brig.

I asked Harry Byrd what the primary offenses of the occupants of the Marine brig were, and he said, "The possession and use of marihuana." Before I left Vietnam, I discussed this matter with our commanding general, General Westmoreland, and asked him about the extent of drug use in Vietnam. He said that to his knowledge this was not a very serious or widespread problem.

Certainly no one today would say this was not a serious problem. Thousands of young men have been sent to Vietnam without a drug problem and have come back home with this tremendous problem—a problem so serious in the case of hard drug users as to ruin their own lives and endanger society with their criminal activity undertaken to satisfy their now, very costly habit.

In discussions with GI's in Vietnam, I was told that there were a number of factors that brought on this problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Mr. President, I am glad to yield the Senator from Illinois 1 additional minute.

Mr. PERCY. I asked a number of the GI's what brought this on, and they listed:

The resistance that many of them had toward the war itself; the boredom over there of war—the fact that they were in duty posts out there with, many times, little to do and time just hanging heavy on their hands; and then, of course, sometimes they were in posts where there was considerable danger involved and use of a drug proved to be a method of escape. But it was actually the ready availability of drugs and the sometimes free distribution of them, many times by the Vietcong, that seemed to be the principal factor.

These young men, for one reason or another, therefore came into this dreadful habit as a result of their service in Vietnam. I think, now that we know that the problem is of almost epidemic proportions in certain areas of our Armed Forces, we have a tremendous moral responsibility to take every step necessary to help these young men find their way out of this habit.

For that reason, I am very happy to cosponsor both this amendment and the amendment of the Senator from New York (Mr. JAVITS).

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

Just to reiterate, Mr. President, what has been said here, this problem is something that is certainly fully demon-

strated now. It is a growing problem, and represents a real menace, not just to our Armed Forces but to all the people of this Nation.

I think there are many, many places where the practice is just as bad outside the services as it is within the services. It is really something that comes from the people as a whole, although under some circumstances life in the service might intensify it and make it somewhat worse.

I believe more can be done by the military, and I strongly favor everything along this line that can be worked out, and is sound. I am familiar with and have heard testimony at length from the commanding officer and others at one of our fine Army installations in North Carolina, and was very much impressed indeed with what has been done there by gentlemen who had the initiative to really tackle the problem—I mean the commanding officer and his assistants.

The amendment that we have before us now places a mandate on the services to go further in the identification and treatment of those who are in the service, and to give them this treatment before they are discharged.

I know, however, Mr. President, that there is no more difficult field of human behavior than that here involved. There is nothing worse than an individual getting addicted to the use of heroin, for example. It is a powerful drug, and I have observed a great deal of its effects. I was once a district prosecuting attorney and later a judge, and have come in contact with a great deal of humanity. As a young man, I worked in a drugstore.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 2 more minutes.

So I know this is not just something to talk about. It is one of the most difficult things to treat and deal with that can happen to a human being. We must go as far as we can. Our purpose is not to hamstring or inhibit the services but to have a system set up whereby they will have a better chance and will have the responsibility to cope with this problem.

So I strongly support the amendment and commend these Senators for the work they have done.

Mr. President, I believe it would be well to have a record vote on this amendment, because if it is adopted it will be considered in conference.

I am ready to yield back the remainder of my time as soon as the Senator has finished modifying his amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent to modify the amendment presently under discussion.

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

Mr. HUGHES. Mr. President, this is a tedious process. I may have to go through the amendment line by line in order to go over the modification.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Mr. President, is it proper to substitute the amendment as corrected for the one that is presently at the desk?

The PRESIDING OFFICER. The Senator has had unanimous consent to do so.

Mr. HUGHES. Mr. President, I ask unanimous consent to submit a modified amendment to the desk to replace the one presently under consideration. It meets all the qualifications of the discussion that took place between the distinguished chairman of the Armed Services Committee and myself.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Will the Senator send the modified amendment to the desk?

Mr. HUGHES. I am willing to yield back the remainder of my time.

Mr. STENNIS. Mr. President, do we have the amendment in order now?

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment as modified be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment as modified will be printed in the RECORD.

The amendment as modified is as follows:

Add a new title at the end thereof, as follows:

"TITLE IV—IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENT PERSONS IN THE ARMED FORCES

"FINDINGS AND PURPOSE

"SEC. 401. Drug and alcohol dependence is rapidly increasing within the Armed Forces, especially among draftees. National and international organizations and experts representative of those most knowledgeable and most experienced in the treatment and rehabilitation of drug and alcohol dependent persons have found that drug or alcohol dependence is an illness or disease which requires treatment through health and rehabilitation services.

"Drug and alcohol dependent persons commit a high percentage of crime in order to secure funds with which to supply their drug habits. Incarceration and other punishment without appropriate treatment has proved ineffective to deter drug and alcohol related crime and to meet the human need of drug and alcohol dependent persons. Effective and successful treatment and rehabilitation services offer the best possibility of meeting such human needs and of avoiding a high rate of recidivism.

"A national effort to identify and reduce the public health problem of drug and alcohol dependence in the Armed Forces should be made. Such an effort requires an immediate, major commitment of health and social resources and Federal funds. It is the purpose of this title to mandate such a commitment.

"IDENTIFICATION OF DRUG DEPENDENT PERSONS

"SEC. 402. The Secretary of Defense shall prescribe and implement procedures for identifying drug and alcohol dependent persons at the earliest possible stage of their dependence. Such policy shall include provisions for—

"(a) utilizing all practical available methods to identify drug and alcohol dependent persons among individuals examined at Armed Forces examining and entrance stations. Such persons, if drug or alcohol dependent, shall be refused entrance into the Armed Forces and shall be referred to civilian treatment facilities; and

"(b) utilizing all practical available methods to periodically examine each member of the Armed Forces to determine if such person is a drug or alcohol dependent person.

"TREATMENT ENCOURAGED

"SEC. 403. The Secretary of Defense shall prescribe and implement a policy which shall embody the following principles and guidelines:

"(a) Drug and alcohol dependent persons who are members of the Armed Forces shall be encouraged to seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces and shall not be subject to disciplinary or other punitive action based on information given in seeking or receiving such assistance. Medical confidentiality should be preserved unless competent medical authority determines that such a person is a danger to himself or to others. *Provided*, That nothing herein shall be interpreted to prohibit the informing of the Commanding Officer of such a person of the latter's condition, if such information would be required for the protection of such a person or the national security. No information divulged by such a person in medical confidence shall be admitted into evidence in disciplinary proceedings against him without his consent. When a specialized job classification or the pay advantages directly related to such classification has been withdrawn from a member of the Armed Forces who has sought assistance for his drug or alcohol dependence because medical authorities have determined that a continuation of the member's job responsibilities will constitute a danger to the member or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and rehabilitation progress.

"(b) Drug and alcohol dependent persons who are members of the Armed Forces who seek treatment and rehabilitation services for their drug or alcohol dependence within the Armed Forces shall be afforded every opportunity to be restored to useful military service and shall not be discharged from the service because of their drug or alcohol dependence unless they have refused to accept such appropriate treatment and rehabilitation services as shall be offered by the Armed Forces or medical authorities have determined that they have failed to respond to adequate treatment and rehabilitation services, or if they have fulfilled their service obligations, unless they request to be discharged.

"(c) Drug and alcohol dependent persons who are members of the Armed Forces and are charged with or have been convicted of drug-related or alcohol-related offenses and are being processed within the military justice system shall be afforded every opportunity for treatment and rehabilitation services within the Armed Forces.

"SCOPE OF TREATMENT AND REHABILITATION SERVICES REQUIRED

"SEC. 404. The Secretary of Defense shall prescribe and implement a policy under which any member of the Armed Forces who is found to be a drug or alcohol dependent person shall immediately be afforded treatment and rehabilitation services within the Armed Forces for his dependence. Such services shall be provided through Armed Forces based treatment programs or through any suitable drug dependence or alcohol dependence treatment and rehabilitation facility or program, including but not limited to facilities and programs administered by the Department of Health, Education, and Welfare and the Veterans' Administration, under such agreements as shall be acceptable to the Secretary of Defense and consistent with this title. Notwithstanding any other provision of law, any member who is placed

in a facility or program under the authority of the preceding sentence shall not be released from active duty until a competent medical authority has certified that such member: (1) is rehabilitated, (2) has failed to respond to adequate treatment and rehabilitation services, or (3) has refused to accept such services, or, if such member has fulfilled his service obligation, until he requests to be released.

"REPORT BY THE SECRETARY OF DEFENSE

"SEC. 405. Within sixty days from the effective date of this Act, the Secretary of Defense shall present to the Congress a detailed description of the policy he has prescribed under sections 402, 403, and 404 of this title, a detailed description of the steps being taken to implement such policy, a detailed description of the expenditures necessary to implement such policy, and such other information or recommendations as he may deem necessary.

"DEFINITIONS

"SEC. 406. As used in this title:

"(a) 'Alcoholic beverage' includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxification in any form or in any degree.

"(b) 'Drug dependent person' means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

"(c) 'Alcohol dependent person' means a person who is using an alcoholic beverage and who is in a state of psychic or physical dependence, or both, arising from the use of that substance or beverage on a continuing basis. Alcohol dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

"(d) 'Treatment and rehabilitation services' means screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, or outpatient services), vocational training and services, and other rehabilitation services."

Mr. SCHWEIKER. Mr. President, it is a privilege for me to join the distinguished Senator from Iowa (Mr. HUGHES), who has done so much in the field of drug abuse prevention and rehabilitation, and the distinguished Senator from New York (Mr. JAVITS), as a cosponsor of Amendment 152 to the Military Selective Service Act, to impose upon the military an affirmative obligation to put a high priority on solving the problem of drugs and drug abuse within the military.

This amendment, which is attached to the most basic military manpower bill, represents a strong expression of intent on the part of the Congress that this problem of drug abuse in the military is of grave concern to all of us, and must be dealt with effectively.

The amendment also is written, however, with a recognition of the outstanding efforts which have been begun by Secretary of Defense Melvin Laird, and the leaders of the various military services, and provides for considerable flexibility for the military leaders who must implement these programs within each of the services.

Earlier in the year, I sponsored a bill, S. 1174, the "Veterans Drug Rehabilitation Act," to provide for drug rehabilitation treatment at veterans' facilities after men have been discharged for reasons of drug abuse. Since these discharges are defined as "less than honorable," all veterans' benefits are denied the serviceman, including his right to get rehabilitation treatment at veterans' medical facilities. My bill would create a narrow exception to this policy to all servicemen to receive drug rehabilitation treatment.

The philosophy of my bill, S. 1174, is identical to the philosophy of this important amendment being introduced today. The philosophy is that the military cannot just hide their head in the sand on the problems of drug abuse in the military and blame other sources. Regardless of how a person became addicted, the military must join all forces in society to deal as realistically as possible with this drug abuse problem. Many servicemen become addicted to drugs in the military, and society pays the price if they are simply discharged, or otherwise just sent into the mainstream of civilian society with serious drug problems. We have the facilities and the capabilities within our military system to begin to deal with these drug abuse problems, and we must use them.

Mr. President, I congratulate the Senator from Iowa and the Senator from New York on this initiative. I am privileged to serve with them on the Senate Subcommittee on Alcoholism and Narcotics, and am aware of the outstanding national leadership they have both provided on the subject of drug abuse and drug rehabilitation. I also am privileged to serve on the Senate Armed Services Committee, and am also aware of the outstanding recommendations of the DOD Task Force, which studied this problem, and of the leadership being provided by Secretary Laird to solve the drug abuse problem in the military. I hope this amendment can help all of us work together to wage the war against drug abuse that is necessary, and to provide the education and rehabilitation efforts that will enable the persons who have fallen victim to the problem of drug abuse to wage their own war against this tragic dilemma.

I urge all Members of this body, and the other body, to study this problem seriously, and to support this amendment.

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

Mr. HUGHES. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the modified amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) are 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 Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Michigan (Mr. GRIFFIN), the Senator from South Carolina (Mr. THURMOND) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 76, nays 0, as follows:

[No. 93 Leg.]

YEAS—76

Allen	Ervin	Muskie
Allott	Fong	Nelson
Anderson	Gambrell	Packwood
Beall	Goldwater	Pastore
Bellmon	Gravel	Pearson
Bentsen	Gurney	Pell
Bible	Hart	Percy
Boggs	Hatfield	Prouty
Brock	Hollings	Proxmire
Buckley	Hruska	Roth
Burdick	Hughes	Schweiker
Byrd, Va.	Humphrey	Scott
Byrd, W. Va.	Inouye	Smith
Case	Javits	Sparkman
Chiles	Jordan, N.C.	Spong
Church	Jordan, Idaho	Stennis
Cook	Kennedy	Stevens
Cooper	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Curtis	McClellan	Talmadge
Dole	McIntyre	Tower
Dominick	Metcalf	Weicker
Eagleton	Miller	Williams
Eastland	Montoya	
Ellender	Moss	

NAYS—0

NOT VOTING—24

Aiken	Griffin	Mondale
Baker	Hansen	Mundt
Bayh	Harris	Randolph
Bennett	Hartke	Ribicoff
Brooke	Jackson	Saxbe
Cannon	Long	Thurmond
Fannin	McGee	Tunney
Fulbright	McGovern	Young

So Mr. HUGHES' amendment was agreed to.

Mr. HUGHES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 151

Mr. JAVITS. Mr. President, I call up my amendment No. 151 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add the following new title:

TITLE —. INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

FINDINGS AND DECLARATIONS

SEC. . The Congress makes the following findings and declarations:

(1) The elimination of illicit traffic of heroin and other narcotic drugs from foreign countries into the United States is essential to the well-being of the United States, but efforts to curb illegal traffic have not been sufficiently successful and the supply of heroin and other narcotic drugs into the United States continues; and

(2) The National Institute of Mental Health estimates there are presently two hundred and fifty thousand heroin addicts in the United States whose heroin addiction is a major cause of violent and serious street crimes in America's cities because of their tragic need to obtain funds to pay for their heroin addiction; and

(3) Heroin addiction among United States military forces has reached alarming proportions, and their return to civilian society as heroin users and addicts further threatens the quality of life in America; and

(4) The way to halt the continued illegal flow of heroin and other narcotic drugs from abroad and into wherever our forces are stationed, a problem of international magnitude, is cooperation among foreign nations and the United States.

INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

SEC. . The President shall seek renewed methods of international cooperation and report to Congress within thirty days after the date of the enactment of this Act, and every ninety days thereafter, on the measures being taken in concert with foreign governments to control and eliminate the production, processing, or traffic in heroin and other narcotic drugs which are illegally imported into the United States or illegally come into the possession of United States forces wherever they are stationed; specifying those countries who have failed to initiate and enforce appropriate measures to control such production, processing, and traffic; advising how economic assistance furnished by the United States shall (a) aid opium producing nations in developing alternative crops and markets for such crops; (b) provide new employment opportunities for those foreign nationals engaged in opium production who become unemployed as the result of the limitation or eradication of opium production; (c) strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing, and distribution of heroin and other narcotic dangerous drugs; and make recommendations regarding the need for the United States to convene an international conference of representatives of all countries involved in international narcotics traffic to achieve agreement and coordination of improved methods and procedures for the control of illicit traffic in heroin and other narcotic drugs.

Mr. JAVITS. Mr. President, I ask that the name of the Senator from Illinois (Mr. PERCY) be added as a cosponsor of my amendment No. 151.

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

Mr. JAVITS. Mr. President, I yield myself 10 minutes and I hope not to take all that time.

Mr. President, the basis has now been laid for the need in this measure of some cognizance of the problem of narcotic addiction in the Armed Forces, both in the domestic sense and in the international sense. The pending amendment endeavors to deal with the international aspect of the matter.

Mr. President, the pending amendment follows the same policy that the Senator from Iowa (Mr. HUGHES) followed in his admirable amendment that has just been included in the bill. It does not endeavor to run headlong into the very difficult and major problems which are involved in the international control of heroin and similar addictive narcotics.

What it does is to give the President a declaration by us that we want action in terms of damming up the flow and requiring the President to do four things:

First. Report to us very promptly what we should do and are able to do about the matter within 30 days and then within every 90 days thereafter;

Second. Ask the President to specify those countries which are not cooperating;

Third. Ask the President to tell us how we can use economic assistance—such as we give to Turkey, for example—in this struggle, or any other resource which we want to make available for the purpose; and

Fourth. Asks him to recommend to us whether the United States on its own initiative ought to seek to convene an international conference on this subject.

Mr. President, the pending amendment does not exclude cutting off aid or the use of all diplomatic, economic, and social pressure we can. It does not exclude action through the United Nations. It does not include anything which the most condign bill would wish us to do. But it does not mandate it either.

As I will describe in a moment, this presents tremendous problems to us. It is the reason why we have not been able to act in this field as decisively as we would all wish. However, the important thing is that we do what we can do within a context which does not inhibit anything else and, at the same time, does not promise more than we can actually perform.

The amendment follows, as I say, the same pattern which the Senator from Iowa followed in his similar amendment.

What is the situation? The situation is that in various areas of the world, something over 2,400 tons of opium, which is the basis of heroin, is being produced a year.

The wildest estimates of the medical needs, medicinal opiates are probably about 1,100 tons. On the other hand, the other estimate, which is critical, is that with 4 or 5 tons one can become a tremendous supplier of a great part of the demand, the illegal demand, on the part of narcotic addicts in the United States. So it is obvious, as one Senator said to me a minute ago, that while in a given country it is alleged that there is no such growth, yet, he believes that if one was really to press for it, 3 tons could be produced out of that country overnight.

Officially, it is said that there is absolutely none produced in that country. It is firmly stated and carried in all listings in the international declarations.

It is for that reason that I believe we have to give the President a mandate as to what we want and we have to give him complete flexibility.

The illegal situation in the world is as follows: The production of legal opium is regulated by the National Narcotic Control Board through a convention which became internationally effective in 1964. But the provisions of this convention relate only to legal production. What we have been trying to do—and the United States has been a leader in this—is to amend this particular convention in order to endeavor to get abreast of the problem of the illegal production. An international convention has been proposed to meet in 1972 for that purpose.

The question, of course, is how do we stop illegal production and illegal leakage where there is legal production. In some countries, and they should be named because they are outstandingly reported—India, Iran, the Soviet Union, and Yugoslavia—there has been relative success in stopping leakage on legal production.

In the triangle, which is no-man's land, of Burma, Thailand, and Laos, there is illegal production which is brand new, because of the demand which, terribly unhappy for us, has arisen in Vietnam.

In Turkey, where we give a large amount of aid—the estimate is $100 million in aid—there is a situation where there has been a material cutdown. This is a paying Turkish crop, most tragically. There has been a material cutdown in the amount of opium produced. They have cut the production, allegedly, by one-half altogether there. Our State Department reports there has been good cooperation from the Government of Turkey. But the fact is there has been by no means a complete cutoff and there is still created in Turkey a surplus of approximately 100 tons which is made available for illegal purposes.

Mr. President, suppose we did cut off aid to Turkey. If we became so upset

with the situation that we did that, despite the fact we give material aid, a major problem is still presented to us. The allegation is made that if we cut off aid we might materially increase illicit opium production because it would become a source of income and they apparently are not worried about heroin addiction in their country. Also there are the other sources of illicit production.

The State legislature in my State of New York feels we should buy up and destroy the poppy crop of Turkey. The State legislature of New York memorializes the Congress to do that and offered to pay a material part of the cost, so terribly damaging to our State and the crime situation related to heroin addiction, particularly. But if we did that, and I am all for it, there is nothing to stop some other country similarly situated, as we discovered in the Burma-Thailand-Laos triangle, from raising whatever are the demands produced by this illicit market.

So the problem is a sticky one, but I am confident that international means can control it. International means have controls over problems such as white slavery and slavery. It can be done.

I raise these points to show why in our amendment the Senator from Iowa (Mr. HUGHES) and I are not endeavoring to set up a mandatory structure which some would have us do, because we do not know which way it would cut—whether it would hurt or help. But we ask the President to report and name names and make recommendations on what is to be done about aid in this respect and convening an international conference. For all those reasons, I believe it is a constructive and reasonable step.

We are stating our understanding of the problem and we are mandating things be done about it which could be very effective; and we are not just fanning the air with some condign measure which will make fools of us because it cannot be effective.

Mr. COOK. Mr. President, I thank the Senator from New York and I commend both the Senator from New York and the Senator from Iowa for the introduction of this amendment. I would merely like to add to the remarks made by the Senator from New York and say that very recently I participated in a panel with members of the Mexican Senate.

During the course of the discussion, the problem between the Mexican Government and the American Government was gone into in detail. For the benefit of Senators I would like to put in the RECORD, because I think it is important, what the Mexican Government is doing to stop illicit traffic in drugs into the United States. It illustrates their frustration because, as they put it:

> We have a lot of illegal farmers, but it takes a lot of illegal buyers and the illegal buyers usually come from the United States. We can, in our Agriculture Department pay Mexican farmers 10 pesos to grow corn and whatever the relationship may be to a completed crop, but when an illegal American pays 30 pesos and shares in the cost of the crop when it is finished, it is difficult to compete.

Between February 1969 and March of this year this is what the Mexican Government has done.

Narcotics destroyed: 17,527 plantations of poppies with an area of 32,209,612 square meters and 354 kilograms of seeds confiscated.

Marihuana: 3,177 plantations destroyed with an area of 15,343,928 square meters, 552 tons of dry marihuana burned, 35 tons of confiscated marihuana on hand and 669 kilograms of seed confiscated.

Other confiscations: 87 kilograms of opium, 10 kilograms of morphine, 40 kilograms of heroin, 58 kilograms of cocaine, and 1,800,000 pills.

Vehicles detained: three airplanes, two ships, and 22 automobiles.

For the 12 preceding months the statistics were as follows:

Opium: 7,881 plantations of poppies destroyed with an area of 16,589,166 square meters, which included 623,483,643 plants and 101.5 kilograms of seed.

Marihuana: There were destroyed 848 plantations with an area of 3,328,149 square meters, including 42,140,225 plants and 6,283,950 kilograms.

So far in this program that started with the cooperation of the Mexican Government, they have had 1,154 trials, 4,057 persons accused of which 717 were foreigners. Preliminary investigations have been begun in 1,248 instances and they have only 94 preliminary investigations pending.

With the utilization of the help of the American Government and the aid of Congress to provide the Mexican Government with helicopters, their flying time in 1969 on these missions was 693 hours, in which they explored 93,426 square kilometers. The flying time in 1970 was 1,611 hours in which they explored 315,832 square kilometers and in 1971 up until March the flying time has been 1,305 hours, exploring 239,875 square kilometers.

The incineration of narcotics has been as follows: Tijuana, Baja California, as of May 3, 1971—7 tons of marihuana, 5 kilograms of cocaine, 4 kilograms of heroin, and 1,000,000 pills (pingas). In Nogales, Son, as of May 4, 1971, 12 tons of marihuana were incinerated. In Hermosillo, up until May 5, 1971, 1.5 tons of marihuana and 8 kilograms of opium were incinerated. In Culiacan, as of May 6, 1971, 4 tons of marihuana, 235 grams of opium, and 195 grams of heroin were destroyed.

I can only say that through the cooperation of the Mexican Government and the U.S. Government we found this program really taking its toll on illicit traffic of narcotics. We know it can work with the cooperation of the Federal Government. That is why the amendment of the Senator from New York (Mr. JAVITS) and the Senator from Iowa (Mr. HUGHES) can be so extremely important in relationship to our cooperation and ability to sit down with other nations and discuss this problem, and with the aid and assistance necessary, dry up this problem which we know has become such a horrible situation with respect to our country.

I wish to thank the Senator for yielding.

Mr. JAVITS. Mr. President, I reserve the balance of my time, if any other Senator wishes to be recognized. I do wish to put some material into the RECORD, but I shall do so at the conclusion of the debate.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I will yield to any Senator who requests time. I want to ask a question of the author at the proper time.

I yield 5 minutes to the Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, I do not rise in opposition to this amendment. However, there is some question in my mind as to its utility. I question whether it adds anything to a picture which is pretty well outlined and which, in my judgment, will soon be executed in even greater detail than the Senator from New York has outlined as being the objective of his amendment.

It is a subject and an area in which this administration has had a deep and abiding interest. The processing last October and the enactment into the law of the Comprehensive Drug Control Act is testimony to that fact. Those who have studied it and have followed the events that have gone on between October of last year and the present time are aware of this.

In the field of international activities, much has been done. This amendment calls for the urging of international conferences. It calls for a report by the President. It calls for other things in that area.

Let me call the attention of the Senate to the fact that in more recent months two international conferences have been held. One very, very important and significant one is the United Nations Commission on Narcotic Drugs that had sessions in September of 1970 in Geneva. very significant steps were taken at that time.

There immediate action was taken to expand the research and information facilities of the United Nations drug control bodies, and there are a number of them. The U.S. delegation was instrumental at that Geneva conference in focusing new attention on this general subject. In particular it was successful in getting a resolution adopted which sets up a special fund to work mainly for opium production control.

I know the major achievement of the conference was the establishment of a United Nations fund for drug abuse control. The United States immediately pledged $2 million in that effort, and the whole elaboration by the Secretary General of a plan for long-term action against drug abuse involving the entire United Nations system of organizations was appropriate.

This special fund is contributed to by the member nations, and anyone interested can contribute to it. As a result of establishing the fund and the attention given to the problem at Geneva, we are seeing a renewed effort on the part of the several United Nations narcotic units.

The second international conference held was the Plenipotentiary Conference on the Protocol on Psychotropic Substances held in January 1971 in Vienna,

Austria. The end product of the Vienna meeting was a protocol on worldwide control of psychotropic substances. The Vienna meeting is considered a success in every way.

The U.S. delegation was headed by Director Ingersoll, of the Bureau of Narcotics and Dangerous Drugs. He made a splendid representation there for this country and achieved an understanding of what would be the substances that the protocol dealt with. He did this in such a way that they would not sidetrack nor would they evade, nor would they render inoperative, the classifications made by the Drug Control Act of 1970.

That was very important. If the thrust of that protocol went in one direction and missed the thrust of the classification and the treatment of the substances and the drugs embraced in our own Drug Control Act, much harm would be done, let alone the absence of any good coming forward as a result of that action.

The work done in Vienna represents a major step forward in worldwide control of these substances. The document as agreed upon will be effective even to control dangerous substances that may be created in the future as well as those that are now in existence.

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

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Nebraska.

Mr. HRUSKA. That principle is incorporated in the Drug Control Act of 1970. It is duplicated by reason of the same system of classification being called for in the protocol adopted in Vienna.

In addition to this, the Bureau of Narcotics and Dangerous Drugs and the State Department have been working closely with other international groups such as NATO and the World Health Organization.

I mention these facts so that we do not get the idea or the implication does not arise that this is a field in which no effort or very little effort has been made. That certainly has not been true in the last 2 years.

I call attention to the fact that there was recently adopted in Paris, and subscribed to by Attorney General Mitchell and the French Interior Minister, Raymond Marcellin, a protocol of agreement for our joint law enforcement effort aimed at the illicit narcotics traffic as it applies to France. This is the first time such a working agreement has been made between the respective nations in the fashion spelled out in this arrangement.

It is a historic document and it spells out in detail how the two governments will conduct joint investigations, exchange intelligence, pool resources, and exchange personnel.

Another great achievement in this field was the negotiations and agreement with Mexico. In that instance there was a joint working group, headed by Deputy Attorney General Richard G. Kleindienst, and his Mexican counterpart, David Franco Rodriguez.

Only recently, in March of this year I believe, a meeting was held and an agreement completed which was very, very productive, I am sure.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Some of us had the privilege of attending the 11th Mexico-United States Interparliamentary Conference last week over the recess. The Mexicans expressed themselves as very pleased with the cooperation and the agreement and the agreement reached between the two governments.

Mr. HRUSKA. As a matter of fact, one of the results achieved was an agreement to use aid in the way of equipment, the nature of which I shall not mention at this point, and they were gratified with that.

Mr. MANSFIELD. The Senator is correct. It was mutually acceptable and is working quite well, all things considered.

Mr. HRUSKA. My only concern about this amendment is that it should not be construed as harassment, or, if not harassment, certainly an added requirement of a government or administration that has made very extensive, and in my judgment very fruitful, efforts in this direction.

I have not had time to study too closely the language contained in the amendment. It is quite sweeping. It covers a lot of territory.

I know the motivations of the senior Senator from New York are the very best. They always are in matters of this kind, and his record stands as testimony to that conclusion. I am sure it would be the same in this situation. However, I may suggest that in the conference on this bill that I hope will follow, the amendment should be couched in such a way and its language should be made effective in such a way that it will take into consideration not only what the administration has achieved to date, with the bipartisan cooperation of both Houses of Congress, in the passage of the drug bill but also the plans and proposals that are in process of formation based upon what has been achieved in the execution of these two treaties and the other negotiations had with other countries.

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

Mr. STENNIS. I yield the Senator 2 minutes.

Mr. HRUSKA. I might say that with the added personnel and the tremendously increased budget in the drug control field which this Congress, again on a bipartisan basis, supported and effectuated, we have much to look forward to in this direction. Again I say that one of the reasons I make mention of all these things is that I would not want this amendment and its adoption to be construed as an implication that nothing or very little has been done, or there are no plans in this direction. Certainly there could be no foundation for that, and I know the Senator from New York is aware of all these things, but I believe it is well to recall them in the fashion I have attempted.

Mr. JAVITS. Mr. President, I yield myself 2 minutes, though I really would not need over 30 seconds to make my point.

I would just like to say that the Senator from Nebraska is 100 percent correct, and I wish to assure him that this amendment is drafted precisely with that contemplation. I was not a bull in a china shop. We did not try to order anything but we did attempt to show that this problem, which is now so dramatic and vivid to us, has two sides, the national side and the international side, and that in common human decency we are taking into account both sides, and in the domestic amendment, Senator HUGHES was extremely careful to avoid the pitfalls of making some major decisive change, just as I have been in the international amendment.

I agree with the Senator that this matter will be in conference. It will be very, very carefully considered, and it should be chiseled just that way, so as to be a plus and not a minus.

That is exactly what I contemplated. I have studied the literature. I am very well aware of the situation.

I might tell the Senator that the United States is rather disappointed that it is the only country which has put up any money in this special fund. There is an extra area for consideration. There are a number of bills in the House of Representatives, for example, which say, "Cut off aid to Turkey," or some other country, "because they are the bases of the illicit opium traffic," and so on. There are many things like that.

I believe the amendment—and I pray that the Senator will read it carefully—will give us a channel and a means by which imprudent efforts can be cut off, and I think full cognizance will be taken of the deep public concern and alarm which has arisen, not only over the treatment and rehabilitation and the incidence of addiction, but also the international aspects.

One other point: The conference in Vienna to which the Senator has referred is a conference which did not deal with heroin. It dealt with the so-called hallucinogenic and psychotropic drugs. I do not mention that as a defect or a criticism. I mention it just to show the Senator that I did very thoughtfully and carefully look into the subject, so that we would not, as I say, be a bull in a china shop, but would be following as closely as we could, an intelligent and farsighted approach.

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

Mr. JAVITS. I yield the Senator 1 minute.

Mr. HRUSKA. That conference was primarily to indicate the general efforts in this direction. The psychotropic substances, as I understand, do not include the hard narcotics, but they are other dangerous substances.

Mr. President, on April 1, I addressed the Senate in an extended fashion on this subject, trying to give a summary of the efforts and the progress made not only domestically, but also internationally. I make reference to that at this time, and ask unanimous consent that an address by Attorney General John Mitchell, given before the Atlanta Police Appreciation Dinner on May 18, 1971, be printed in the RECORD in its entirety at this point.

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

AN ADDRESS BY JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

A week ago I spoke before the California Peace Officers Association, meeting in San Francisco. I discussed the danger of permitting violent mobs to rob the civil rights of others, and I applauded the Washington, D.C. police for their professional handling of such disruption early this month. I pointed out that the President of the United States shared this approval of the Washington police, and that he supported the role of peace officers across the nation in protecting the rights of law-abiding citizens against the inroads of lawless mobs. It was, in effect, a "police appreciation" speech, and I call your attention to it by way of reaffirming my support of the police and their essential role in American society. As President Nixon has said, "Unless we have not only respect for our laws, but for the men and women who are doing their very best to carry them out fairly and equitably, we are not going to survive as a free country."

So because I think you know where I stand and where the President stands in appreciation of the police and their function, I am not going to give another speech on this subject tonight. Instead I would like to discuss a particular area of enforcement in which Federal, state and local agencies have parallel duties—the control of narcotics and dangerous drugs.

One of several reasons this is a mutual problem among all jurisdictions is the relationship believed to exist between drugs and crime. The high cost of hard drugs creates in the addict a daily need for money by any possible means. In-depth interviews of 26 male addicts who were treated in New York City indicated that they had been collectively responsible for an average of 22 major crimes a day—somewhat less than one crime per addict per day. In sampling of men admitted to the District of Columbia jail, 45 percent gave evidence of drug use just before arrest. Other studies show smaller percentages. More research is needed on this subject, but there is reason to believe that, as we solve the drug problem, we will also solve an important part of the crime problem.

For many years, efforts in this field have been under fire from the "can't do it" people. They've said you can't end the narcotics evil by trying to stop the narcotics traffic. Some have said, "Let's legalize the possession of drugs and provide them free under a doctor's care." According to this argument the addicts won't have to steal to get the money for dope. And by taking the profit out of the illicit traffic the pushers would go out of business.

This is the approach taken in Great Britain, and in the opinion of our observers it is proving to be wrong. Tne dope pushers have moved into Britain in a big way, and are providing narcotics to the addict over and above what he receives through medical care. And there is a tendency of pushers and addicts alike to spread the disease.

So what I would call the "surrender" approach hasn't proven itself. This leaves the alternative of trying to improve the enforcement approach—improve it to the point where we *do* drive the drug peddlers out of business.

This is the approach that Richard Nixon took when he became President in 1969. One of his earliest steps was to outline a 10-point program to mobilize all the resources of Government against this problem. His belief was that in past efforts, the Government's left hand sometimes didn't know what the right hand was doing. If we could marshal all our Federal efforts in a campaign coordinated with the states and localities, we could win this battle. He was confident that in this field, as in others, if America really focuses its energies and its skills, there is no problem it can't solve. As distinguished from the "you can't do it" attitude, I call this the "can do" approach.

What President Nixon outlined was, in essence, a massive squeeze play on the narcotics problem, and this squeeze play has been put in motion.

On the one hand, the Federal Government is leading a broad program of drug education, treatment and research. This is being spearheaded by the Department of Health, Education, and Welfare, and in particular by the National Institute of Mental Health. The purpose is, first, to educate all Americans to the dangers of drug abuse and thus help prevent the creation of new addicts; second, to rehabilitate existing addicts and return them to useful lives; and third, to learn more about the causes of addiction and the effects of drugs, so we can improve our prevention and treatment programs. I'm proud that among the other participants in this program are three Justice Department agencies—the Bureau of Narcotics and Dangerous Drugs, the Bureau of Prisons, and the Law Enforcement Assistance Administration. The Federal Government's program of drug education, treatment, and research is under constant review and we can expect new initiatives in this area.

On the other side of this squeeze play, we have marshaled all enforcement agencies in a coordinated drive. And we are going after all our adversaries—the foreign growers and manufacturers, the smugglers who cross our borders, the organized crime distributors within our country, the manufacturers of dangerous drugs here at home, and finally, the pushers on our streets.

This is the first time the United States has brought to bear all its guns on this target. And although we have helped promote narcotics treaties before, this is the first Administration that has made narcotics control a continuing and integral part of American foreign policy.

The main Federal enforcement arm against the dope traffic is the Bureau of Narcotics and Dangerous Drugs, or as we call it, the BNDD. It is responsible for fighting the narcotics trade both overseas and here at home.

Of course, when BNDD started to carry out President Nixon's program it encountered the "you can't do that" people. They said "You'll never get the foreign governments involved to give you any more than lip service."

It so happens we have a "can do" President, and a "can do" Department of Justice, and a "can do" Bureau of Narcotics and Dangerous Drugs. And starting with the top officials of the Department of State, as well as our ambassadors overseas, our diplomatic corps has joined in the battle. As a result of efforts by the United States and other countries, the United Nations Commission on Narcotic Drugs created a special fund for anti-narcotics programs, and the United States has led the way in pledging $2 million to this fund. Last February, under the leadership of the United States and other countries, an international treaty was signed in Vienna by 20 nations to control the traffic of dangerous drugs.

Besides this international approach, we are also working directly with individual countries that are the source of illicit drugs.

BNDD representatives are in Turkey, the present source of most opium-type narcotics coming into the United States. They are working in cooperation with the Turkish national police and federal narcotics officers to combat the illicit trade. We have loaned $3 million to Turkey for law enforcement and other purposes, and Turkey is also applying considerable financial resources of its own. The new Turkish premier, Dr. Nihat Erim, has publicly committed himself very strongly to stopping the illicit opium traffic. Less than three weeks ago he promised the international community to bring opium production under strict control by licensing the farmers, buying the entire annual crop, and helping the farmers to convert to other types of crops. In the Turkish Assembly, the opium licensing and control bill was recently reported favorably out of committee and now goes to the whole assembly for consideration. We're pleased with the cooperation of the Turkish Government. The problem isn't licked yet, but Turkey has joined us in saying, "can do!"

Turning to France, where the illicit Turkish product has been converted to heroin in laboratories around Marseilles, we are also giving an answer to the "can't do it" people. For many months we have developed a cooperative program with the French authorities, from the Minister of the Interior to the national police. At our urging the French have expanded their anti-narcotics force in the Marseilles and Paris areas from 18 to about 100. They are training all of the 60,000 national police in narcotics enforcement, and BNDD agents are helping to instruct them. Last February the French Minister of the Interior and I signed an agreement enabling enforcement agencies of the two countries to work together in combatting the drug traffic. This is the first such formal agreement between two countries for cooperation at the working level.

What about Mexico, which is a smaller source of opium but the principal source of marihuana? For nearly a year and a half our Department of Justice and Bureau of Customs have worked with Mexico in a joint program, Operation Cooperation, to destroy poppy and marihuana production in Mexico and intercept smugglers. This program has the support of the President of Mexico, and the Mexican Attorney General has met with me on three occasions to further this effort. The United States has provided helicopters and other equipment for hunting out and destroying poppy and marihuana production, and they have been used effectively by the Mexican forces. The federal police have established a narcotics unit, and many traffickers have been arrested—often on information developed jointly by U.S. and Mexican narcotics authorities. Far from being a flop, as the skeptics predicted, Operation Cooperation has become a model for other nations in their joint anti-narcotics programs.

The countries I mentioned are among the principal sources of illicit drugs coming to this country, but when we choke off these sources, others will try to take their places. We are alert to this, and will be ready for them. Meanwhile, two other nations concerned over their own rising drug abuse problem—Great Britain and West Germany—are also joining us in applying pressure at the drug sources.

So in the international area we're making clear headway, where very little was done before. To those who said it was impossible we are answering with that familiar American saying, "The difficult we do immediately; the impossible takes a little longer."

Let's turn to the next line of defense—our nation's 20,000 miles of borders and coastlines. The U.S. Bureau of Customs in the Treasury Department is primarily responsible for this, and it also has some specialists assigned with our BNDD people overseas. In its border narcotics work it is assisted by the Bureau of Immigration and Naturalization—part of the Justice Department. To step up the campaign against narcotics as outlined by President Nixon, Customs has greatly increased its force, its training, and its knowhow. It has adopted new methods, such as the training of dogs to sniff out the presence of drugs in luggage at ports of entry or packages mailed into the country. Due to these efforts I can announce tonight that in the first ten months of fiscal 1971—up to April 30—Customs seized nearly nine

times the hard drugs seized in the same period in 1970, and nearly double the amount of marihuana. In the same periods of time the Immigration and Naturalization Service seized three times as much hard narcotics and somewhat less than double the amount of marihuana. Another part of the Justice Department, the U.S. Marshals Service, has seized 1½ million dollars' worth of narcotics as an incidental part of its anti-skyjacking program since October 1969.

So we are witnessing what can be accomplished when you coordinate the efforts of these dedicated agencies and their "can do" people—with a little help from some "can do" german shepherds and labrador retrievers.

The illicit drugs that run the gamut of the first two defenses must next get past the alert eyes of BNDD's special agents in this country, who concentrate on interstate distribution rings. In response to President Nixon's program, the number of agents has been greatly increased and new legislation has given them better tools.

One such tool is the use of court-authorized wiretapping to obtain evidence against organized crime figures dealing in narcotics. Here again the nay-sayers have told us, "You can't do that—its unconstitutional." But the law provides for a court order for such wiretapping—similar to the warrant for a house search. The Supreme Court indicated this kind of court-authorized wiretapping is constitutional. And we are certainly using it to get evidence against those who make a living destroying the lives of others with dope.

Because of wiretapping we have been able to make numerous raids on big-time narcotics rings that would otherwise have been impossible. In June 1970 wiretapping evidence enabled us to conduct Operation Eagle, in which BNDD made simultaneous raids in ten U.S. cities and broke up the largest cocaine smuggling ring ever uncovered in the United States. So far, 178 arrests have been made in this operation. Many have not yet been brought to trial, but 75 have already been convicted, and most of these pleaded guilty. Last February, again using wiretap evidence in an effort known as Operation Flanker, BNDD made simultaneous raids which broke up the largest heroin smuggling ring so far unearthed in the United States, for a total to date of 162 persons arrested.

I can promise you that investigations are under way which will result in more of the same. And if the organized criminals engaged in drug distribution get so they're afraid to use the telephone, that's all the better. Then they'll have to come out in the open, where they'll be easier to catch.

I come now to that aspect of enforcement in which the Federal Government has neither the manpower nor the grassroots organization to do the job right. I refer to the continuing battle against your local neighborhood dope pusher—a battle equally as important as the others I have described. This should be and is the responsibility of state and local law enforcement agencies. But even in this field, the Federal Government has provided assistance, and I would like to touch briefly on some of these aids.

First, as a result of meetings between Justice Department and state enforcement officials, we have agreed upon areas of separate responsibility, eliminated areas of duplication, and established modes of cooperation. So far, this agreement has been signed by 28 states, including Georgia.

Second, in cooperation with state experts, a Uniform Controlled Substances Act was approved in 1970 by the National Conference of Commissioners on Uniform State Laws. This is a suggested model state law for dealing with the narcotics problem, and it has been adopted in its essential form by 16 states and two territories. I might take this opportunity to point out in this distinguished and influential company that the Georgia legislature has not yet taken up this suggested legislation. Naturally I hope that the states already operating under this very effective legislation will soon be joined by the great state of Georgia.

Third, BNDD has met with state and local authorities to promote an improved concept known as a Metropolitan Enforcement Group. This enables neighboring communities to share undercover personnel and equipment, and thus upgrade their effectiveness at minimum cost. I am happy to say that three such Metropolitan Enforcement Groups are operating in Georgia—in Atlanta, in Savannah, and in Chatham County as a whole.

Fourth, our BNDD is pursuing a vigorous training program in narcotics enforcement for state and local peace officers. Last December our 10-week National Training Institute graduated the first class, consisting of 34 officers from 22 states, the District of Columbia, and the Armed Forces. We want these classes to grow in number, and we invite representatives from those police departments who have not yet sent them. BNDD is also sponsoring drug education and prevention programs in local communities.

Fifth, we are giving financial support to state and local agencies for drug education, rehabilitation and special narcotics police units. Our Law Enforcement Assistance Administration provided more than $7 million for these purposes in 1970 and about $12 million so far in fiscal 1971. These funds are growing, and are available to states and localities submitting a reasonable plan of action. I might add that Georgia's share grew from $34,000 in 1970 to nearly half a million in 1971.

Now, with all of the Federal, state and local efforts combined, as President Nixon outlined in his program, we are in a position to close the trap on the drug evil. I don't mean to claim we can achieve an immediate victory. As I told you, the "impossible" takes a little while. But I do say that the failure of the previous hit-and-miss approach is no reason for us to listen to the "can't do it" people. We have mounted the most effective war on narcotics of any Administration in the nation's history. Instead of throwing up our hands, instead of wringing our hands, we have *joined* hands in a worldwide offensive. I can't tell you how long it will take, but I will tell you that if we keep up the pressure we can crush the narcotics traffic.

Moreover, as our combined efforts succeed, we will also remove a significant percentage of crime. Cooperative work against drugs at all levels will help law enforcement at all levels.

And finally, let me say that words of appreciation to the police forces of America from the U.S. Attorney General and from the President of the United States are all well and good, but we like to think they are matched by deeds. The Federal programs to assist state and local enforcement agencies in combating narcotics are the kind of deeds I mean. They should be understood as tangible evidence of our confidence in, and appreciation of, American law enforcement agencies, including the police of metropolitan Atlanta.

Mr. HRUSKA. This address, Mr. President, does deal with the general subject, seeking to make a report along this line, and leads me to the conclusion that other steps will be taken in this field. In fact, they are in the process of formulation right now.

I further ask unanimous consent to have printed in the RECORD at this point the statement I made on April 1.

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

[From the CONGRESSIONAL RECORD, Apr. 1, 1971]

SOLID AND HEARTENING PROGRESS IN COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL

Mr. HRUSKA. Mr. President, the ravages, miseries, and catastrophies wrought by the abuse of drugs and dangerous substances are serious and widespread the nation over. They constitute one of the more grave and menacing threats to national health and well-being.

Constant reminders occur to keep this fact in the public mind, in our educational institutions of all levels, in the armed services, in youth groups, and so on. These are the areas most heavily affected, but the problem pervades everywhere.

It is a situation long entitled to high ranking priority among the national concerns.

Happily, it has reached such a rating in recent times.

This is revealed by the broad, far-reaching efforts made to bring about a totally new climate, approach, and rationale by which intelligent and vigorous progress can be made.

Mr. President, heartening and solid progress has been made lately. Here is but a partial list of the highlights:

Creation and implementation of the Bureau of Narcotics and Dangerous Drugs within the Department of Justice. This was brought about by reorganization plan of President Johnson in 1968. It combined in the new Bureau the missions and responsibilities assigned theretofore to two other agencies: the Bureau of Narcotics of the Treasury Department, and the Bureau of Drug Abuse Control in the Food and Drug Administration.

Excellent congressional response to President Nixon's recommended legislative program. The Comprehensive Drug Abuse Prevention and Control Act of 1970 was a true milestone. It was the first sweeping revision and up-dating of drug control legislation in over 50 years.

Vigorous and unremitting enforcement action spearheaded by the leadership of Attorney General Mitchell in the Department of Justice.

A thrust directed against primary sources of supply and distribution—both domestic and worldwide. This was achieved by way of treaties, protocols, and agreements in the international field. It was also done by way of greatly stimulated and meaningful cooperative action with State and local authorities. Strict accountability for legal purposes and use by those who import, manufacture, distribute or possess such drugs and substances. Conversely, to prevent illicit traffic in them as well.

Retained and improved interest and emphasis upon treatment, rehabilitation, and education programs. Title I of the Comprehensive Act of 1970 expanded the programs in these fields beyond the areas theretofore existent. It did this by increasing the substances and application of programs embraced in the law to all types of people affected, and by increasing authorization for funding. President Nixon, on the occasion of the bill signing, specifically noted that the measure was not only a law enforcement bill, but that it also was extensively directed to treatment, rehabilitation, and education. Further impetus in the educational field was provided by the later enactment of the Drug Abuse Education Act of 1970, which provided for the creation of new drug education grant programs.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

This act is monumental and sweeping in its scope and extent. It is too lengthy to attempt even summary at this point in my remarks. But its thrust and significance can

be perceived somewhat better by reference to some of its salient features:

It establishes a modern, flexible system of control under the authority to regulate interstate commerce. The Attorney General, with the advice and consent of the Secretary of Health, Education, and Welfare may administratively place and move dangerous substances within five schedules according to potential harmfulness and other attributes. Control decisions can be made with a minimum of administrative burdens and delays.

It creates a simple, efficient registration system encompassing all those who are in the chain of manufacture, import and export, and distribution. Tight, effective controls over imports and exports are provided. Many safeguards against unlawful diversion are built into the system. Required records and reports are designed to keep enforcement agencies abreast of all transactions and capable of exacting desired accountability.

It reforms the entire Federal penalty structure in a manner which has elicited rightfully a good deal of praise from outside of government. Penalties are more flexible; they are designed to fit the offense and the offender. Courts now have more leeway to severely punish true criminals peddling dope for profit, but can provide first offenders with special treatment resulting in a clean record if they stay out of trouble thereafter.

It provides improved enforcement tools, such as increased powers of arrest and "no-knock" warrants, for Federal agents.

It establishes a National Commission on Marihuana and Drug Abuse which, under its able Chairman, Raymond Shafer, former Governor of Pennsylvania, is already beginning to gather useful information which it will eventually provide to the President and Congress.

It contains, in a separate title, increased funding and authority for rehabilitation programs relating to drug abuse.

In this act, we gave the President what he asked for and the people what they needed. Some of the key provisions, of course, are not effective until May 1. I am satisfied, however, that this legislation has marked the beginning of a reversal in the frightening trend of drug abuse increase which plagued the 1960's virtually unchecked.

Legislation is naturally not the only answer. We have done our part for the present, but what is the administration doing? How are they using the tools and the money we have provided them? I would like to describe those achievements now, in but one field—law enforcement and related efforts. Significant strides are being made in the fields of education and rehabilitation as well, but this Senator will limit his discussion to the area of enforcement today.

It is in this area that we must hold the line while our long-range programs have an opportunity to take hold. The administration has been doing more than holding the line, however, and I know the positive steps I am about to describe will be heartening to all Americans.

INTERNATIONAL ENFORCEMENT

In this field we see similar progress. Joint U.S. Bureau of Narcotics and Dangerous Drugs-French efforts in 1970 produced seizures of illicit morphine base and heroin in France totaling 893 pounds. All of this was bound for the United States.

Throughout Europe and the Middle East during 1970, Bureau of Narcotics and Dangerous Drugs agents played a direct part in the arrest of 74 major international traffickers. Seized during these arrests were one morphine base conversion laboratory; two airplanes; $50,000 cash; 3,095 pounds of hashish; 156 pounds of heroin; 751 pounds of opium; and 858 pounds of morphine base. The combined opium, morphine and heroin seizures represent 1,100 pounds of illicit heroin that did not make it to the United States.

I might add that operations by the Bureau of Narcotics and Dangerous Drugs now cover the globe. By the end of fiscal year 1972, the Bureau will have 110 employees stationed abroad, including 72 agents. This is 2½ times the number the Bureau had 2 years ago.

DOMESTIC ENFORCEMENT OPERATIONS

Seizures in the domestic market by the Bureau are also up very significantly. During 1970, BNDD agents seized these totals domestically: 427 pounds of heroin, an increase of 205 percent over 1969; 197 pounds of cocaine, an increase of 170 percent; 17,402 pounds of marihuana, an increase of 97 percent.

Also seized were 7.2 million dosage units of stimulants, an increase of 49 percent; 2.4 million dosage units of depressants, an increase of 212 percent; and 7.1 million dosage units of hallucinogens.

It is also significant to note that the amount of drugs removed per arrest by Federal agents today is up nearly 500 percent over what it was 3 years ago. And the amount of drugs removed from the illicit market for every Federal agent that is available is up nearly 200 percent over 3 years ago. This is all the more remarkable considering that the number of agents during this period has almost doubled.

The Bureau during 1970 also seized an average of one clandestine laboratory a week. Many of them had sophisticated industrial equipment capable of bootlegging commercial quantities of illicit drugs.

Another indicator that this increased enforcement effort is paying off is that the Federal Government is now carrying the attack to the heart of the enemy. Each of the Bureau's investigations is aimed at the highest echelons of the criminal traffic and for the first time Federal agents are regularly and substantially neutralizing major systems both domestically and abroad.

The Bureau has identified and penetrated more than 100 major international and domestic illegal drug distribution systems.

A good example of the major cases now being closed out by the Bureau is its first one which was culminated June 20, 1970. It was called Operation Eagle. It represented a 6-month investigation into a major cocaine trafficking group.

On the weekend of June 20, BNDD agents arrested more than 169 persons in simultaneous raids in nine cities and confiscated 66 pounds of heroin and cocaine, in addition to the drugs removed during the investigation. The majority of those involved were of Cuban nationality and many of them have already been convicted and sentenced. The arrests seriously crippled this group which was formerly able to deliver multikilogram quantities of heroin and cocaine into this country.

The second such case, also 6 months in length, was recently closed out on February 24, 1971. It was called Operation Flanker.

More ambitious than Eagle, this operation was directed at the upper echelon of organized crime and the heroin traffic. It involved seven eastern and midwestern cities and to date 154 of the 179 suspects have been arrested.

Removed from the illicit market in the case were 71¼ pounds of heroin, 49.2 pounds of cocaine, and 250 pounds of marihuana—representing a total street value of some $12.8 million. Also seized were $431,341 cash, 78 guns, and 35 cars.

Attorney General John N. Mitchell announced at the time that Flanker was a serious blow to organized crime and it might cause its leaders to reassess its position in trafficking narcotics.

John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, said that Eagle and Flanker are but the beginning and that more of these investigations will be closed out in the coming months.

WIRETAPPING

A critical technique in the increasing ability of Federal agents to penetrate the upper echelons of drug distribution systems has been the use of wiretapping. For example, 12 court-approved electronic surveillances were used to obtain a large portion of the evidence which made Operation Flanker a success.

Authorized by title III of the Omnibus Crime Control and Safe Streets Act of 1968, these wiretaps had to receive advance approval by a Federal judge to whom a complete and detailed justification for the surveillance had to be made. With careful adherence to the many procedural safeguards required by the act to protect individual rights, agents have been able to gather detailed information on the operation of distribution rings which could be obtained in no other way.

The probable cause requirements established in title II of the act are in full conformity with Supreme Court cases such as *Berger* v. *New York* (388 U.S. 41, 1967) and *Katz* v. *United States* (389 U.S. 347, 1967). Unwarranted invasions of privacy, condemned by the Constitution's fourth amendment, are fully guarded against. At the same time, a tremendously valuable law enforcement tool has again and again proved its worth in situations like Operation Flanker where no other method of getting at the organized criminal is available. I commend the Department of Justice for its judicious use of this technique, and for the success such use has brought.

ORGANIZATION AND TRAINING

It is well to point out that the Bureau is also helping local and State police departments on an extensive basis. Last year, upward of 20,000 local and State police officers across the country attended the Bureau's training schools and seminars. The Bureau has been extremely active in forming metropolitan enforcement groups—MEG's. These are specialized drug enforcement groups composed of officers from several departments in a given area which are not capable of fielding their own units. At the present time, there are 18 of these units and 28 additional ones in the formative stages. The Bureau not only helps organize the units, but furnishes them technical assistance, training and equipment.

Another indicator of the importance this administration and this Congress are giving to this effort is the fact that in these difficult fiscal times the Bureau's budget has grown from some $14 million at its inception about 3 years ago to about $42.7 million for fiscal 1971. The President has requested $54.9 million for fiscal 1972.

The bulk of this growth is reflected in new agents being recruited. It is anticipated that the Bureau will augment its present agent force by more than 40 percent this fiscal year, bringing the number of agents to about 1,334. This is even more significant when you compare it to the former Federal Bureau of Narcotics which expanded its agent force an average of 1 percent per year in the early 1960's, the beginning years of the drug epidemic when the problem was allowed to grow out of control.

I believe our enforcement effort is bringing about the stalemate—containing the epidemic, if you will—necessary for the forces of education, research and rehabilitation to gear themselves up for what will be the final solution.

WORLDWIDE PROGRESS

Mr. President, let us again turn to the international effort, more particularly the intensified program to dry up the sources and bring about worldwide controls

Director Ingersoll headed delegations to two important United Nations meetings on the drug problem. They were the U.N. Commission on Narcotic Drugs session in September 1970, in Geneva, Switzerland, and the Plenipotentiary Conference on the Protocol on Psychotropic Substances in January 1971, in Vienna, Austria.

GENEVA RESOLUTIONS

Here the U.S. delegation was instrumental in focusing new attention on the matter of illicit narcotics trafficking. In particular, the delegation was successful in getting a resolution adopted which sets up a special fund to work mainly for opium production controls.

The U.S. immediately pledged $2 million to get the fund going. The resolution calls for the money to be used for:

First. Immediate action to expand the research and information facilities of United Nations drug-control bodies; to plan and implement programs of technical assistance in the establishment and improvement of national drug-control administrations and enforcement machinery and the training of needed personnel; and to enlarge the capabilities and extend the operations of United Nations drug control bodies and their secretariats.

Second. The establishment of a United Nations fund for drug abuse control.

Third. The elaboration by the Secretary-General of a plan for long-term action against drug abuse involving the entire United Nations system of organizations as appropriate.

This special fund is set up so that all member nations and anyone interested can contribute to it. As a result of establishing the fund and the attention given to the problem at the Geneva meeting, we are seeing a renewed effort on the part of the U.N. narcotics unit.

VIENNA PROTOCOL ON PSYCHOTROPIC SUBSTANCES

The end product of the Vienna meeting was a protocol on worldwide control of psychotropic substances. The Vienna meeting is considered a success in every way. The American delegation was able to negotiate crucial questions favorably.

The work done there represents a major step forward in worldwide control of these substances. The document, as agreed upon, will be effective even to control of dangerous substances that may be created in the future as well as those now in existence.

The State Department, in collaboration with the Bureau of Narcotics and Dangerous Drugs, now has the responsibility for getting Presidential approval and ratification by this body of the document.

In addition to this U.N. work, the Bureau and the State Department are also working closely with other international groups, such as NATO and the World Health Organization, in seeking effective worldwide controls of narcotics and dangerous drugs.

FRANCO-AMERICAN BILATERAL AGREEMENT

Another international milestone was reached recently in Paris when Attorney General Mitchell and French Interior Minister Raymond Marcellin signed a protocol of agreement for our joint law enforcement effort aimed at the illicit narcotics traffic as it applies to France.

Mr. President, this is a historic document. It is the first written law enforcement agreement of this kind between two nations. Perhaps it is more significant because of the fact that it symbolizes the commitment of two countries to rid themselves, and the world, of this menace.

The agreement spells out in detail how the two governments will conduct joint investigations, exchange intelligence, pool resources, and exchange personnel.

The pact is the product of the Franco-American Intergovernmental Committee, composed of top French police officials and U.S. officials, which meets quarterly.

As in other countries, negotiations with the French have been as high as the cabinet level and have resulted in a greatly expanded American-French effort. As it gets into high gear, it is bound to have dynamic impact on the illicit conversion of herion and trafficking in France.

MEXICAN-AMERICAN NEGOTIATIONS

Our joint efforts in another key country, Mexico, are also producing striking results. Here again, negotiations have been at the highest level.

A joint working group, headed by Deputy Attorney General Richard G. Kleindienst and his Mexican counterpart, David Franco Rodriguez, has just concluded a meeting in Mexico City. This was followed by the third meeting between Attorney General Mitchell and Mexico's Attorney General, Julio Sanchez Vargas, here in Washington on March 29, only 3 days ago. At this session the Attorneys General approved the most recent report of the joint working group, which is designed to improve still further the excellent cooperation now existing between Mexico and America on drug control efforts.

The Mexican Government is progressing vigorously in its program to destroy illegal crops of opium and marihuana, expanding it from an initial three States to 13. The United States, to aid this effort, has granted the country a $1 million loan wh ch included five helicopters and three light airplanes to use in the search and destroy program.

CONCLUSION

Mr. President, I submit that the foregoing accomplishments are truly significant and heartening. They deserve our admiration and gratitude. We must continue to support these efforts on the part of the administration and of the Justice Department in particular.

At the same time, we must recognize that Federal efforts alone can never turn the tide against drug abuse. As I mentioned earlier, law enforcement at the national level must be directed at the higher echelons of organized crime, at illicit importation and exportation, and at international traffic. Negotiations with foreign governments must also be at the Federal level. The same is true in the equally vital areas of education and rehabilitation. The Federal Government can provide money, guidance, training, and other forms of technical assistance.

But it is ultimately up to State and local governments, and to the public, to strike the death blow against drug abuse Theirs is the primary responsibility.

Illicit drugs are peddled at every level of society by various criminal elements. Local governments must hold up their end in the Federal-State law enforcement partnership in order to perpetuate the initiative created by the Justice Department and other Federal law enforcement agencies. They must receive increased public support in their local efforts to deal with the problems in their towns and cities to which only they can respond. We in Washington must give them all the help and encouragement they need, but they must do this vital job at their own levels. I believe they will.

Mr. President, I ask unanimous consent that copies of Justice Department press releases describing in detail "Operation Flanker" and the Franco-American Bilateral Agreement be printed at this point in the RECORD.

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

"OPERATION FLANKER"

Federal narcotics agents arrested 54 persons in four different cities last night and early today in the largest Federal crackdown on narcotics distribution by organized crime.

Attorney General John N. Mitchell announced that more than 200 special agents of the U.S. Bureau of Narcotics and Dangerous Drugs participated in simultaneous raids in New York City, Hartford, Chicago, and New Orleans.

Sixty-four other defendants were arrested previously in Philadelphia, Detroit and Baltimore in connection with the investigation.

The arrests climaxed a six-month intensive investigation in which a total of 74¼ pounds of heroin, 49.2 pounds of cocaine, 250 pounds of marihuana were removed from the illicit market, representing a total street value of some $12.8 million.

Total seizures other than drugs: $431,341 cash, 78 guns, and 35 cars.

Seized in the raids early today and last night were: New York: one gun and two cars; Chicago: ten pounds of heroin, 11 guns, and $82,000 cash; New Orleans: one ounce of cocaine and one fourth pound of heroin and two guns.

A total of 175 defendants were named in complaints and warrants in the seven cities. Thirty-three suspects are still being sought.

There were 20 arrests in New York; 14 in Chicago; 3 in Hartford; and 17 in New Orleans last night and this morning.

The three earlier phases of the investigation were closed out by BNDD agents on October 21, 1970, in Detroit; on November 18, 1970, in Baltimore; and on December 11 and 22 in Philadelphia.

In the Detroit case, 31 suspects were arrested and agents seized 13 pounds of heroin; 22 pounds of cocaine; 256 pounds of marihuana; nine vehicles; 44 weapons; and $300,000 in cash.

In the Baltimore case, 21 suspects were arrested and agents seized $12,000 in cash.

In the Philadelphia case, 13 suspects were arrested and agents seized three pounds of cocaine, one-half pound of heroin, four cars, one gun and $10,186 cash.

Mr. Mitchell said the investigation, codenamed "Operation Flanker," was aimed at top echelons of organized crime narcotic activity in the eastern and midwestern parts of the country.

He said the arrests included not only "wholesalers," but key figures who direct the importation and distribution of narcotics.

Mr. Mitchell said the operation was heroin-oriented, compared with another lengthy investigation closed out last June by BNDD. Called Operation Eagle, that investigation disrupted a major cocaine smuggling group. More than 160 persons were arrested in ten major cities in that investigation.

Mr. Mitchell said the two operations "are a warning to the criminal element in drug trafficking that we will not let up."

"This administration will live up to its commitment to vigorously pursue and prosecute those who reap profit in this criminal enterprise," Mr. Mitchell said.

John E. Ingersoll, BNDD director, said the operation should seriously disrupt the flow of heroin in the seven cities.

Mr. Ingersoll said a BNDD agent actually penetrated an organized crime unit in New York and became accepted as a member.

Information gained by this agent, he added, led to numerous other cases involving non-narcotic related crimes such as hijacking and counterfeiting.

A large portion of the evidence obtained by the agents came through court-approved electronic surveillances. A total of 12 wiretaps were authorized in the investigation.

"We would definitely have been unable to trace the distribution of narcotics without this assistance," Mr. Ingersoll said.

Mr. Ingersoll said most of the defendants were charged with conspiracy to violate or actual violation of Federal laws prohibiting possession, transportation or sale of heroin or cocaine.

FRANCO-AMERICAN BILATERAL AGREEMENT

Attorney General John N. Mitchell read the following statement during the signing of an agreement between France and the United States to formalize their activities in the fight against international trafficking in drugs.

My good friend, Minister of the Interior Marcellin, and other distinguished officials and guests of France and the United States:

Our action today in signing this agreement is another noble chapter in the history of comradeship between our two countries.

Nearly two hundred years ago, we first fought together to achieve liberty on the other side of the Atlantic Ocean.

In this century we have twice been comrades in arms to preserve liberty on this side of the Atlantic, and throughout this world.

Today our two nations are, in a sense, striking another blow for liberty.

The enemy we face destroys men's liberty and makes them slaves of a drug habit.

Frenchmen and Americans have conquered tyrants together, and together we can put an end to this growing tyranny of drugs.

For many years, both of our countries have been attacking the narcotics traffic together.

We have joined other nations in getting the United Nations to establish a special fund to fight drug abuse. I am happy to report that the United States has pledged $2 million to this fund this year.

France and the United States played leading roles during the recent conference on the Convention on Psychotropic Substances that ended in Vienna last Sunday. I would like to note that one of the most effective representatives here was Dr. Jean Mabileau of France, who was chairman of the important Control Measures Committee.

And, of course, French and American law enforcement authorities have been cooperating closely in striking at international drug traffickers. Much progress has been made in arrests and seizures in both countries.

Today we are formalizing and extending this effort through this agreement.

Other international agreements have controlled the legitimate production of drugs and outlawed all other production. But something important was missing.

This agreement provides for cooperation between our nations in drug law enforcement.

The next great step is for other countries concerned with the drug traffic to join in formal agreements for police cooperation in this field.

If America and France dedicate themselves to rigid enforcement of this agreement. . . .

And if our cooperation can light the way for other nations to make and enforce similar agreements. . . .

Then I predict that the tyranny of narcotics can be encircled and overthrown.

The implementation of this agreements is now in the hands of the French Police Judiciaire and the American Bureau of Narcotics and Dangerous Drugs.

I am proud that in this crusade, as in others of the past, the banners of America and France are flying together in the vanguard.

Mr. STENNIS. Mr. President, I yield myself 5 brief minutes. I shall take just 2 minutes to cover a point or two, and then ask the author of the amendment some questions.

Mr. President, I have been concerned about this matter from the standpoint of the military service, and I have already related work that has been done. I have understood that, our soldiers being around the world, we have got to have some kind of international program also. So I was interested, first, in the Hughes amendment, hoping that it would pass and get a favorable reception in the conference.

I was interested in this one also from the international standpoint. I do not know, frankly, how this would fare in the conference. The Committee on the Judiciary and the Committee on Foreign Relations, it seems to me, would have primary jurisdiction here.

I think it is worthwhile, though, to let both amendments go on to conference, if they can be generally approved, and let us do the best we can with them there.

I direct my thoughts, now, to page 2 of the amendment of the Senator from New York. On line 23, after requiring that the President shall report within 30 days, he provides here "every 90 days thereafter." It seems to be as though he might well modify that to "every 6 months thereafter," because every 90 days would be very frequent.

Also, on page 3, lines 5 and 6, it says, "advising how economic assistance furnished by the United States shall (a) aid opium-producing nations in developing alternative crops." Should that not be modified to read "may" aid opium-producing nations?

Then, on line 8: "(b) provide new employment opportunities for those foreign nationals engaged in opium production." It seems to me that might well be changed to "help provide new employment opportunities." It seems to me that would be more in keeping. We cannot call on the President to furnish all this, as to how this should be done.

Then on line 11, after "(c)" add the word "help" before "strengthen the law enforcement and regulatory machinery." I believe the language "help strengthen" would be helpful there.

On lines 14 and 15 "and make recommendations regarding the need for the United States to convene an international conference"—I hope the Senator does not object to the suggestion that he strike "the United States to convene" and just say "make recommendations regarding the need for an international conference." It seems to me that that would be a little more politics, perhaps, with the President having to make a report that other nations are going to read.

I suggest, if the Senator can, that he modify his amendment to that effect.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment be modified in accord with the statement just made by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection to the modifications as stated by the Senator from Mississippi? The Chair hears none, and the amendment is so modified.

Mr. STENNIS. Mr. President, does anyone else wish to be yielded time from the time that I control?

Mr. JAVITS. Mr. President, let me take 30 seconds to put into the RECORD a complete analysis of the world opium situation and a brief summary relating to international cooperation to control the illegal heroin traffic prepared by the Bureau of Narcotics and Dangerous Drugs, Department of Justice, and submit it to the Senate Special Committee on Alcoholism and Narcotics, December 2, 1970; and also the memorial of the New York State Legislature to which I have referred, dated May 17, 1971.

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

THE WORLD OPIUM SITUATION

(Prepared by Bureau of Narcotics and Dangerous Drugs, Department of Justice)

INTRODUCTION

Abuse of opium-based drugs has been on the rise in the postwar period despite international efforts to suppress it. The present system of international controls is embodied in the 1961 Single Convention on Narcotic Drugs, adopted under United Nations auspices. By the time the Convention was adopted, the controls over opium—once it came into the possession of the state export organizations and the pharmaceutical firms—had proved on the whole to be quite effective. One of the main control problems, continues to be the preventing of the diversion of farm production directly into the illicit traffic.

In order to reduce leakage from the farm, the Single Convention calls for the establishment of state opium monopolies which are to designate areas for legal poppy cultivation and license individual farmers to grow the crop. The Convention also permits exports only by those countries which legally exported it in the period prior to 1961: Turkey, Bulgaria, India, Iran, the USSR, Greece, and Yugoslavia. To oversee compliance with its provisions, the Convention established the International Narcotics Control Board; however, the INCB has no enforcement powers.

Notwithstanding the Convention's provisions, illicit production has continued to flourish for many reasons beyond the lack of enforcement authority of the INCB. In addition to the inherently difficult task of administering crop control, the responsible factors include the persistence of consumer demand and the limitations on the ability of enforcement authorities to deal with illicit traders. Given the present scale of opium-based drug abuse it is unlikely to be lastingly suppressed without greater international cooperation in treatment and enforcement programs as well as in attempts to control production directly. In any case, progress will not be easy, because opium production and consumption reflect larger problems of political, social, and economic developments.

This report attempts first to estimate the scale of world opium production and consumption and to describe the patterns of illicit trade and its organization at the wholesale level. Second, it traces the history of the major changes in the opium market in the postwar period. Finally, the report discusses the problems involved in controlling illicit production, consumption, and trade in opium and its derivative products.

THE PRODUCTION, CONSUMPTION, AND TRADING OF OPIUM AND ITS DERIVATIVES

Sources and uses of opium and opiates

Opium is produced from several varieties of the poppy plant, *Papaver somniferum*. This annual plant rises three to four feet on a thin main stalk and produces several blossoms and pod-like structures, about the size of an egg. Planted mostly as a fall crop but sometimes also as a spring crop, it requires intensive cultivation and much harvesting labor. About two weeks after the blossoms fall the pods are lanced by hand and the white latex-like raw opium oozes out and coagulates. It is then collected by scraping the gum from the pod. Upon further ex-

posure, the gum turns brown and hardens into a brick-like form. The chief active chemical principle of opium is the alkaloid morphine, the sole source of the drug's simultaneously analgesic, narcotic, and addictive properties.

In its pure state, opium may be eaten, smoked, or drunk in potions. Eating and smoking are the predominate forms of consumption. Opium has a long tradition in folk medicine, and addiction to it is to some extent associated with the alleviation of physical pain in settings of poverty and low standards of public health. The habitual use of opium for nonmedicinal purposes also reflects longstanding customs in many parts of the world. Only relatively small amounts appear to be consumed by people reacting to stress in settings of rapid social change and conflicts between traditional and modern values.

In modern medicine the use of raw opium has been long superseded by its easily distilled derivatives (opiates) in which the morphine content is isolated. Most morphine is still produced from raw opium, but increasingly it is being derived from the industrial processing of poppy straw (pods and upper parts of stalks). This yields no opium and results in the direct production of morphine. The use of morphine as an analgesic has fallen off especially since World War II in favor of synthetic substitutes, but the further processing of morphine into codeine, the major antitussive in modern medicine, has been on the rise. While addiction to morphine is now a serious problem in only a few countries, heroin addiction has spread to many. Heroin is a semisynthetic derivative of morphine obtained by the action of acetic anhydride or acetylchloride on morphine. Now generally regarded as having no unique medical value, heroin is outlawed in most countries. For the most part it is now produced in small, crude clandestine laboratories.

In morphine the effects of opium are multiplied several times and in heroin they are even more intensified, particularly when the substances are taken by injection. Euphoria and indifference to pain and distress are heightened as are the after-effects and addictive craving. Although a substantial portion of populations consuming opium may be classified as users rather than addicts, in those consuming morphine and heroin addiction is the general rule. Addiction to heroin especially can be associated with societies undergoing rapid social change and with attendant conflicts between traditional and modern values. In contrast to opium consumption, heroin consumption is essentially an urban phenomenon restricted mostly to people under 40 years of age.

Zone of production

The location and extent of opium poppy cultivation are profoundly influenced by factors of climate, terrain, and economics. While the opium poppy can be grown in a variety of soils, it dislikes heavy, clayey, or sandy soils. The plant thrives in warm but not humid climates. It requires only a moderate amount of water before and during the growth cycle to insure profitable yields, but rainfall during the harvest period can be disastrous because it leaches alkaloids from the pod. Much of the sometimes irrigated flat terrain of mountain valleys, 3,000 feet or more above sea level, in the Middle East and Far East meets the climatic and soil conditions well. Most world poppy cultivation occurs within a zone extending from the Turkish Anatolian Plain to Yunnan Province in China.

The greatest concentrations of opium poppy acreage are in India and within the contiguous areas occupied mostly by hill tribes of Burma, Laos, and Thailand. India has well over 35,000 hectares under cultivation, and the other Far Eastern areas probably have a significantly larger acreage under cultivation. In the region embracing the Pushtu-speaking peoples of northwestern West Pakistan and northeastern Afghanistan and in the Central Asian republics of the USSR there is also extensive poppy acreage. Turkish poppy cultivation was reported to be 12,000 hectares in 1970, probably somewhat less than in either Afghanistan, Pakistan, or the USSR. The poppy acreage in Communist China is unknown but may well be less than it is in Turkey. Iran, which abolished production during 1956–68, planned to have 12,000 hectares under poppy cultivation in the fall of 1970. The scattered cultivation in Mexico, South America, and parts of North Africa is of very little significance compared with the major growing areas. In all the above-cited areas, poppy is raised by hand cultivation and harvesting, chiefly to obtain raw opium. Poppy is raised also by mechanical cultivation and harvesting on a relatively modest scale in Northern and Eastern Europe and the European parts of the USSR for the purpose of processing poppy straw into morphine. In 1969, such processing accounted for about 40% of world production. An equally important purpose of this European and Soviet cultivation, however, is to obtain poppy seed for bakery products.

In most opium-producing areas, poppy cultivation represents only a minor portion of the cropped land. Poppy farmers from Turkey and Iran through India seldom devote more than one hectare to the crop. In these producing countries the farmers use the major part of their land to produce food for their own needs, chiefly to produce wheat. In some producing areas of the Far East, however, poppy acreage represents a larger portion of the cropped land. Among some of the Meo hill tribes of northern Thailand pursuing a slash-and-burn type of agriculture, half or more of the cropped land may be in poppy, with the remainder in upland rice. These farmers produce only part of the rice they need for food, and hence they market part of their opium for additional rice.

Beyond the need to produce food, another major constraint on the extent of poppy cultivation arises from its highly labor-intensive character. Some authorities have estimated that from 175 to 250 hours of labor are required to produce one kilogram of opium. Although yields vary with soils, temperatures, rainfall, and quality of seed, they also depend upon farming techniques. Thus in practically all producing areas yields can be significantly increased with proper irrigation. Moreover, because poppy rapidly depletes the soil of nutrients, good yields can be obtained only with fertilization or, at a minimum, by rotating land used for poppy with other crops. The most important determinant of yields, however, is the amount of labor used. The plant cannot thrive without thinning the young plants to allow for proper spacing and without several hoeings and weedings during the growth cycle. Harvesting, however, requires the greatest amount of labor. Each of the five or six pods growing on a single plant must be lanced and then—usually within a 24-hour interval—the gum must be collected. Lancing is commonly done at least twice (with a one-week interval between the first and second time) in Turkey but may be done as much as six or eight times in India. This harvesting labor is sufficiently time-consuming to occupy entire families—and sometimes hired hands as well—over periods extending from two to three weeks to two months at times close to the harvesting or planting of other crops. Because of the tremendous amount of labor it involves, poppy tends to be raised only where labor is abundant and cheap—annual per capita incomes range from $370 in Turkey to less than $100 in India and the Far East.

The economic motivation to produce

The farmer's income from poppy cultivation is affected both by the yield he obtains and by the quality of his product. These, in turn, reflect to an important degree the intensity of his cultivation techniques and his care in developing quality seed. In gross terms, yields are highest in India (20 kilograms per hectare), but Indian opium is commonly adulterated with seed, leaves, and even foreign matter. Turkish yields during the late 1960s ran 15 to 16 kilograms per hectare. Afghani and Pakistani yields may approximate the Turkish but mainly because of adulteration. In Burma, Laos, and Thailand, yields may amount to only about 8 to 10 kilograms per hectare. The quality of opium may be defined as its morphine content. In Turkish opium this ranges from 9% to 13%, the highest in the world. In other producing countries the morphine content is generally lower, varying from 4% to 12%. In Turkey and India the farmer receives additional income from the harvesting of poppy seed and straw.

In general the farm price of opium, both licit and illicit, tends to decline moving from west to east in a pattern corresponding with changes in product quality. On the illicit market the price to Turkish farmers is estimated to have been about $25 per kilogram in 1969 (see Table 1).

TABLE 1.—PRICES TO FARMER FOR RAW OPIUM, 1969

Producing country	U.S. dollars per kilogram
Turkey:	
Licit	11.00
Illicit	25.00
Pakistan:	
Licit	10.00
Illicit	12.00–15.00
India: Licit	10.00
Burma/Laos: Illicit	12.00
Iran: Licit	[1] 91.80

[1] Price for top-grade opium only.

In Pakistan the illicit price averaged an estimated $12 to $15 and in Burma, Laos, and Thailand about $12. Prices to farmers on the licit opium market vary less markedly, except for the special case of Iran. In Turkey and India, the only significant exporters of licit opium, the upper limit is determined by the world market price. Both countries export most of their licit production and attempt to make a small profit on the export sales. For Turkish opium the price was about $12 per kilogram during most of the 1960s, and for Indian opium it was about $1 less. Iran is a special case because when it resumed licit production in 1969 it set a producer price of $91.80 per kilogram for top-grade opium and an average price of perhaps half that amount in order to discourage leakage into illicit market channels.

Even though the price for opium declines moving eastward, poppy cultivation as an element of farmers' incomes is usually more significant in the eastern countries. In Turkey, for example, earnings for the 70,000 farmers cultivating poppy in the late 1960s averaged $70 to $80 per year, with half this amount deriving from illicit production. These earnings represented roughly 10% of the average income in the major poppy-growing areas of about $700 per farm and accounted for perhaps half the cash income per farm. In India, 200,000 farms each earned $70 to $75 on the average from poppy cultivation. This could easily represent 15% to 20% of average total income per farm and probably most of its cash income. In Burma, Laos, and Thailand, opium is often the principal source of farm income.

Given the climate and soil conditions of the main opium-producing countries, there is no readily substitutable crop that can yield a comparable income return per unit of cul-

tivated land. In West Pakistan, for example, much of the area sown to poppy could be used for high-yielding Mexican wheat, but given current yields in the area, the return to the farmer would be only about $50 per acre, compared with the $90 realized from poppy. In Turkey it might also be possible to raise Mexican or other high-yielding varieties of wheat on some poppy acreage and obtain the same return as in Pakistan. The disparity between the income from wheat and poppy per unit of land would be even greater there, however, since the average price for opium—counting licit and illicit sales—is considerably higher than in Pakistan. In order for wheat fully to compensate the farmer for forgoing opium production, yields would have to be almost doubled in Pakistan and in excess even of that in Turkey. A recent UN survey of the poppy-growing areas of northern Thailand concluded that the prospects for developing an alternative crop to poppy that would bring anything like commensurate returns are not encouraging.

Licit production, consumption, and trade

Licit opium production probably approaches 1,100 tons annually, or less than half of total world production (see Table 2). India, with 750 tons of licit output in 1968, far outranks any other national producer. The USSR and Turkey, each with an output of roughly 120 tons in 1968, are the second-ranking producers. On the basis of the likely medical requirements for its vast population, production in Communist China can be estimated at 75 to 100 tons. Production in North Vietnam is very much less. Pakistan, Japan, Bulgaria, and Yugoslavia all produce only small amounts of licit opium. In 1969, Iran produced 9 tons.

TABLE 2.—ESTIMATED WORLD OPIUM GUM PRODUCTION,[1] 1968

[In metric tons]

Producing country	Licit production [2]	Illicit production	Total production
India	750	175–200	925–950
Turkey	120	100	220
U.S.S.R.	115	----------	115
Yugoslavia	(3)	----------	(3)
Pakistan	(3)	175–200	175–200
Japan	(3)	----------	(3)
China	75–100	(4)	75–100
Afghanistan	----------	100–125	100–125
Burma	----------	400	400
Thailand	----------	200	200
Laos	----------	100–150	100–150
Mexico	----------	5–10	5–10
Other [5]	----------	5–10	5–10
Total	1,060–1,085	1,260–1,395	2,320–2,480

[1] Rounded to the nearest 5 tons.
[2] As reported by licit exporting countries to the United Nations, except for Communist China.
[3] Negligible.
[4] Unknown.
[5] Mainly north Africa and the Near East.

Practically all the world's licit opium production is used for the manufacture of medicinal opiates. Morphine production currently runs about 100 tons per year, with 40% originating from the processing of poppy straw. In 1968, 30,000 tons of poppy straw were processed, including 6,500 tons by the USSR. Other leading processors include the Netherlands, Czechoslovakia, Hungary, and Poland. The supply of opium is adequate for world medicinal needs and, although prices for opium have risen in the past year or so, this has reflected no long-term shortages.

The major portion of licit opium produced—about two-thirds of world production in the late 1960s—is exported as raw material to pharmaceutical firms, chiefly in Western Europe and North America. India accounted for more than 80% of these exports in 1968 and Turkey for nearly all the remainder. Both countries sell most of their licit output abroad. The USSR and China export none of their opium production, and the USSR supplements its domestic supply with substantial imports from India. Exports of poppy straw also serve as medicinal raw materials. World exports amounted to 6,560 tons in 1968, with 98% from Turkey.

A very minor portion of licit opium production is used by some governments for the treatment of addicts, mainly to provide maintenance dosages for registered addicts. Maintenance programs are in effect in India, Pakistan, and Iran. India planned to dispense two tons of opium in 1970 to registered addicts through authorized vendor outlets. This amount would account for only a small percentage of total consumption by Indian addicts and users. Pakistan's program is also small in relation to total consumption. Iran began registering addicts only in late 1969. By March of this year, 30,000 persons had registered, and by mid-year the figure may have reached 50,000, or perhaps 15% of the national addict and user population. Though the quantity of opium provided by government maintenance programs varies among these countries, in each of them, as in other victim countries, most addicts are supplied exclusively by the illicit market.

Illicit production and consumption

The world's illicit production of opium is an estimated 1,250 to 1,400 tons annually. The principal concentration of illicit production is the Far East, with the other areas tending to rank in descending order of importance moving westward. Together Burma, Laos, and Thailand account for an estimated 700 to 750 tons, or more than half of world illicit output, and Burma alone for about 30%. Afghanistan-Pakistan is in second place as a producing region, with an output on the order of 300 tons. Pakistan's production of 175 to 200 tons is about the same as India's. Turkey's illicit output, estimated at 100 tons in 1968 and 1969, may not be significantly less. Some opium is produced illicitly on a very small scale in Mexico and in some South American, North African, and Near Eastern countries. Communist China's once vast illicit output dwindled to insignificance in the latter 1950s. Illicit output in the USSR, the Communist countries of Eastern Europe, and North Vietnam is probably also insignificant.

It is possible that the user and addict populations consuming the world's illicit supply of opium and opiates number at least two million persons (see Table 3). No firm data on these populations are available for any individual country, and for the most part the only estimates available are based on the judgments of health or police authorities or independent observers. Moreover, estimates vary widely as to the populations in individual countries. Yet practically all observers are agreed that the largest single grouping of users and addicts consists of overseas Chinese in the Far East and Southeast Asia. Burma, Laos, and Thailand may together account for three-quarters of a million users and addicts, with Burma having the largest share. Hong Kong alone may account for another 150,000, indicating the highest per capita opium-based drug abuse rate in the world. The largest national populations of users and addicts are in Burma and Iran where their number in each could be 350,000. A likely figure for India is 250,000 to 300,000 persons and for the Afghanistan-Pakistan region, perhaps 100,000 to 150,000. For North America (mainly the United States) and Western Europe the best estimates are more than 100,000 and 75,000, respectively.

TABLE 3.—ANNUAL CONSUMPTION OF ILLICIT OPIUM AND OPIATES AND SOURCES OF SUPPLY

Country/area	Users and addicts [1] (thousands)	Metric tons of raw opium: Domestic illicit supplies	Metric tons of raw opium: Net illicit imoorts
Iran	350	(2)	250
Afghanistan/Pakistan	100–150	75–100	(2)
India	250–300	175–200	(2)
Thailand	250	175	(2)
Burma/Laos	500	350	(2)
Hong Kong	150	----------	105
Singapore/Malaysia	40	----------	30
North America	100	----------	40
Western Europe	75	----------	30
Other [3]	100	(2)	70

[1] Including heroin and morphine addicts whose consumption is converted to units of raw opium equivalent.
[2] Negligible.
[3] Including Indonesia, South Korea, Japan, the Phillippines, Taiwan, Macao, North Africa, and the Near East.

Most of the world's users and addicts consume opium in its raw form either by smoking or eating. From Iran through India, eating is generally the main form of consumption, whereas in the Far East and Southeast Asia smoking is more common. In Iran and all the countries now producing illicit opium, except Turkey, user and addict populations are traditionally found in both rural and urban areas and among both the youth and older people. The poppy-growing tribes of the Far East, in particular, contain sizable numbers of users and addicts. Turkey itself, however, has no significant user or addict population.

The illicit consumption of opium derivatives—overwhelmingly in the form of heroin—is now a major problem for many countries of the world. The United States, with no addiction to raw opium, has the largest single population of heorin addicts, which is estimated to be more than 100,000. A major heroin population of some 50,000 also exists in Iran, while the total for Western Europe as a whole may be on the order of 75,000. Addiction to heroin also accounts for a significant and increasing part of the opium consumed in Thailand, Hong Kong, Taiwan, Japan, South Korea, and the Philippines. Morphine accounts for a substantial share of the opium consumed only in Singapore and Malaysia.

In the populations consuming opium or opiates there is considerable variance among individuals regarding the amounts consumed. Consumption varies with the form of the drug and the manner in which it is taken as well as with the severity of the habit or addiction and the availability of the drug at any given time. Opium smokers may consume up to five times more of the product than eaters. It requires 10 units of opium to produce one like unit of heroin, but because of the strength of the converted substance, heroin addicts generally consume less of their product in terms of raw opium than do opium addicts. In the Far East, where heroin is mostly smoked, the consumption of the average addict is presumably greater than in Western countries, where heroin is taken almost exclusively by injection.

If all these variable factors in consumption are considered, only the roughest rule-of-thumb estimate can be devised for an average per capita consumption in terms of opium among user and addict populations. For this purpose the norms provided by the Iranian maintenance dosage program for registered opium addicts appear to be useful. These norms represent minimal requirements of an addict population, allowing a daily ration of 4.7 grams for smokers (roughly 1,700 grams per year) and one gram for eaters (365 grams

per year). Since the available information indicates Iran has some 200,000 opium eaters and 100,000 smokers plus 50,000 heroin addicts, who consume at a minimum about the same amount per person as US addicts, then the per capita consumption for the entire user and addict population would be about 700 grams annually.

The use of the Iranian consumption norms for the major victim countries indicates that about three-fifths of the world's illicit opium supply is consumed within the political territories of the producing countries and handled through their domestic black markets. Burma is the largest single consumer among these countries and, combined with Laos, the domestic user and addict population may require some 350 tons per year. Thailand's consumption possibly approaches another 175 tons. India probably absorbs between 175 and 200 tons of illicit opium and Afghanistan-Pakistan about half the level.

The remainder of the world's illicit consumers are supplied by imports smuggled from the major producing countries. The largest market for such imports is Iran, where they have reached a level of perhaps 250 tons. The large consumer population of Hong Kong probably absorbs more than 100 tons per year in terms of opium equivalent. The other major markets are the United States, with the estimated smuggled imports of 40 tons in opium equivalent, Singapore and Malaysia combined (30 tons), and Western Europe (30 tons). Lesser markets may together account for another 70 tons, including Japan, Indonesia, South Korea, the Philippines, Taiwan, Macao, and parts of North Africa and the Near East.

On the basis of the national origin of these illicit imports in the late 1960s, the major sources are the poppy-growing regions of Burma, Laos, and Thailand and those of Afghanistan and Pakistan (see Figure 2). An estimated two-thirds of the latter region's output—175 to 200 tons—is smuggled out, mostly to Iran's massive market. Burma and Laos together probably export about 30% of their combined output, or 150 to 200 tons, to other Far Eastern and Southeast Asian countries. Thailand consumes most of its production and exports only 25 tons to the same markets. Sixty tons of Turkey's illicit opium production of about 100 tons in 1968 and 1969 was the source of about 80% of the heroin consumed in Western Europe and North America. The remaining 40 tons was nearly all smuggled into Iran. Small amounts of opium are smuggled into India (mainly from Pakistan) and out of the country (in several directions), but on a net basis India is probably not a significant exporter. The small production of Mexico and some South American countries is nearly all exported to the United States. Only a small amount—perhaps only 5%—of the US heroin supply was of Far Eastern origin in the late 1960s, and perhaps 15% entered from Mexico. A very small amount of Western Europe's heroin came from the Far East, India, and Pakistan. The latter two countries also supplied small amounts to North Africa and the Near East. There has been no evidence of any illicit exports of opium originating from the USSR and the East European Communist countries, or in recent years from Communist China.

Except in Iran, a substantial part of the heroin consumed in victim countries is manufactured abroad. All of the North American supply so originates, the bulk of it from Turkish morphine processed into heroin in France. Other European countries are also supplied for the most part by laboratories located in France. Heroin laboratories have been observed in Burma, Laos, and Thailand, and some of their product is exported, chiefly to Hong Kong. That colony is also a major site of heroin processing and, like France, a source of heroin exports. Heroin laboratories also have been detected in Mexico. In Iran, virtually all the heroin consumed through the 1960s was processed within the country from opium or morphine of Turkish origin.

Organization of the illicit trade

The illicit markets for opium and opiates are seller's markets from which the major supplying firms (individuals and organizations) receive very high rates of return on their investment. Supplying the US market offers the largest scope for profits, as can be shown from the development of the price of heroin in 1969: from a farm price of $25 per kilogram for opium in Turkey to a wholesale price of $22,000 per kilogram for heroin in New York City to a retail price of $88,000 for the product in adulterated form (see Table 4). In Iran the $15 originally paid to the Afghani or Pakistani farmer for a kilogram of opium spiralled to $2,600 wholesale for the like amount of heroin and to $13,000 retail. In Hong Kong, $2,000 was about the average wholesale price for heroin last year. In Pakistan, where little if any heroin is consumed, the price for opium rose from $15 per kilogram at the farm to $25 in Peshawar to $75 in Karachi. In general, despite the large gap between wholesale and retail price, the largest profits are realized in the wholesale trade where firms can handle large volumes of their product. Typically, retail distribution is managed by dealers selling relatively small quantities.

TABLE 4.—DEVELOPMENT OF RETAIL PRICE OF HEROIN IN THE UNITED STATES AND IRAN, 1969

United States	U.S. dollars per kilogram	U.S. dollars per kilogram of raw opium equivalent
Price to farmer for opium (in Turkey)	25	
Wholesale price for heroin [1] (Marseilles)	5,000	500
Border price for heroin (New York)	10,000	1,000
Wholesale price for heroin (New York)	22,000	2,200
Retail price for heroin (New York)	[2] 220,000	22,000
Iran:		
Price to farmer for opium (in Afghanistan/Pakistan)	12–15	
Border price for opium (Afghanistan/Iran)	80–110	
Wholesale price for heroin [1] (Teheran)	2,600	260
Retail price for heroin (Teheran)	13,000	1,300

[1] When raw opium is converted to morphine and heroin the volume is reduced by a ratio of 10:1.

[2] If sold as pure heroin. In fact, heroin is greatly adulterated when it reaches the addict; the price for adulterated heroin—40 percent purity—would be about $88,000 per kilogram.

The wholesale firms trafficking in opium and opiates operate as oligopolies. They are large and few enough for each to exercise considerable influence over the local or national market. Rarely, however, do they choose to act independently. They normally operate in explicit or implicit collusion to set prices and they tend to form cartels to divide up national markets. The established firms also seek a stable environment that will allow them to restrict output of rival firms and dependably to arrange for the handling of large volumes with regularity. Rather elaborate organization as well as careful planning and efficiency of operations are required. Characteristically, wholesalers also minimize the legal risks to themselves from engaging in criminal activity. In some cases they may not actually come into direct contact with the contraband product and restrict their role to financing, negotiating contracts, and arranging through intermediaries for the collection or delivery of supplies.

The movement of opium from Turkish farms to illicit markets to the East and West serves to illustrate the general rule of highly organized wholesale trade. The collection of raw opium from the farmers is arranged by the so-called middlemen, small-scale entrepreneurs who may deal with several villages and who individually gather relatively small quantities of the product. When the product as raw material or in the form of morphine base comes under the control of criminal syndicates in Istanbul, however, the supplies have been aggregated into relatively large amounts. These groups arrange for the export of morphine base westward to France through the use of smugglers who may carry it overland via Bulgaria or Yugoslavia and thence to Germany where other operators arrange delivery to France. They may also use smugglers who carry it directly to Marseilles by boat. Turkish workers based in Europe may be utilized for overland delivery and individual sailors or entire crews for delivery by boat.

The morphine exported west from Turkey is all delivered to a few nationally prominent criminal syndicates in France which arrange for its conversion into heroin and for delivery to European and North American markets. The delivery to the North American markets has been made by some smugglers operating as individuals and others operating in rather well-organized rings. In either event, during the 1960s most of this heroin was delivered to 10 to 12 wholesale firms in the United States and Canada that were major elements in the organized crime of both countries. When arranging the export of morphine and opium eastward to Iran, the Turkish syndicates usually arranged for its movement to the border areas and then for its smuggling into Iran both by groups of Kurdish tribesmen via Iraq and by individual Turkish smugglers directly to Iran. There the narcotic substances were commandeered by wholesalers who marketed some of the opium directly to retailers and arranged for the conversion of morphine and some of the opium into heroin before distribution.

In Afghanistan and Pakistan the first major aggregation of opium for supplying the Iranian market is usually the business of tribal chieftians near the producing areas. These in turn deliver to groups sufficiently organized to arrange transportation for the contraband overland across Afghanistan to the Iranian border, usually by means of trucks using the cross-country northern highway. In the western border area, delivery is usually made to tribal chiefs resident there whose tribesmen make the actual delivery to Iran in armed gangs for small commission fees, often in quantities of several hundred kilograms. In the distribution of opium on the local black market of Pakistan, tribal chiefs near the producing areas of the country deliver their product to rings which arrange for its movement southward as far as Karachi. In India, where smuggling and black marketing are major economic activities, the wholesale trade in illicit opium may also invite a fairly elaborate degree of organization.

The pattern of wholesale trade is most elaborate in the Far East. The major flow of the traffic from the producing areas of Burma, Laos, and Thailand is directed through the Mekong River valley in the latter two countries. Major cities in these two countries, such as Luang Prabang, Vientiane, and Bangkok serve both as final markets and transshipment points. Thence a major part of the exported opium and heroin is smuggled to Hong Kong which is also both a final market and a transshipment point. Other routes proceed from the transshipment points in Laos and Thailand directly to other markets in the Far East (South Vietnam and Cambodia, for example), by land through Thailand to Malaysia and Singapore, and by boat or air to other countries. The first major collections of the raw opium in Burma are made by the so-called Kuomingtang Irregulars and guerrilla armies of Shan tribal insurgents who themselves convey the product southward for delivery to wholesale operators in cities. The latter arrange for conversion to heroin and for the domestic and ex-

port distribution of both opium and heroin. Often these wholesalers are prominent local businessmen. In Laos, both the Communist and the government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling operations. In Hong Kong the most prominent importers and wholesalers have also frequently been businessmen whose other activities may have been largely licit.

In general the wholesale organizations trading in opium and opiates seek to involve government officials in their activities by corruption. Essentially, the wholesalers want both legal protection for themselves and insurance for the dependability of their business operations. In order to provide deliveries of contraband in large volumes and with regularity, the wholesalers must indeed seek to corrupt officialdom at fairly high levels if possible. At the same time, officialdom itself may be vulnerable to corruption because of the relatively large compensation it can get for collaborating with the major traders. For this reason, some officials have been directly involved in marketing transactions. Military officers, for example, were among those recently executed for narcotics violations in Iran. The involvement in the traffic of individual officials and military officers in some other countries has also been documented, as has the use of diplomatic pouches for smuggling opium and heroin. In no country, however, is there likely to be a flourishing illicit trade in opium or heroin without the complicity of at least a few key civil servants or police officials.

POSTWAR CHANGES IN THE OPIUM MARKET

Key developments

The world market for opium has experienced dynamic change—including two major upheavals—from the beginning of the postwar period down to the present. In order of importance the landmark events were (1) the shutdown of China's vast illicit market with the change of governments there in 1949, and (2) the abolition of cultivation in Iran after 1955 coupled with the rapid suppression of China's illicit production at about the same time. Although the gradually increasing use of poppy straw and changes in the medicinal uses of opiates have influenced world markets for opium, the major shifts have resulted from government policies.

The market has demonstrated a continuous flexibility in replacing sources of supplies that have been eliminated, in responding to shifts in demand, and in devising new traffic routes. The most massive change in the market was the sudden closure of the incomparably large Chinese illicit market, which greatly reduced world demand for opium. In response to abolition of poppy cultivation in Iran and the sharp reduction or possibly cessation of illicit cultivation in South China, new supplies were developed in Afghanistan-Pakistan, India, Turkey, and the hill areas of Burma, Laos, and Thailand. Further changes in the world distribution of opium production appear to have been put in motion as a result of a cutback in Turkish production beginning in 1968.

Trends in licit production, consumption, and trade

World licit opium production has fluctuated widely in the postwar years without any clearly discernible long-term trend. The fluctuations may chiefly reflect changes in demand coincident with buildups and depletions of stockpiles. Production was high in the early 1950s—averaging 1,100 tons annually—probably because of a desire to replenish stocks drawn down during World War II (see Table 5). This was followed by a drop of about 25% in average annual production until the late 1950s, after which output rapidly soared to reach 1,500 tons in 1960, or about 50% above the level of 1950. Production remained high until the mid-1960s but has fallen since then to an average of 800 to 900 tons per year. As an indication of the probable drawdown of stocks by pharmaceutical manufacturers in recent years, annual average exports of opium were about the same during 1959–63 and during 1964–68.

TABLE 5.—WORLD LICIT OPIUM PRODUCTION BY PRINCIPAL COUNTRY[1]

[In metric tons]

Year	India	Turkey	U.S.S.R.	Iran	Others	Total	Year	India	Turkey	U.S.S.R.	Iran	Others	Total
1950	231	185	86	481	20	1,003	1960	914	365	169	.....	50	1,498
1951	527	358	94	32	23	1,034	1961	912	172	120	.....	50	1,254
1952	350	466	104	131	19	1,070	1962	971	311	148	.....	15	1,445
1953	629	321	92	227	26	1,295	1963	691	287	172	.....	21	1,171
1954	438	71	103	144	17	773	1964	644	83	188	.....	25	940
1955	362	222	109	95	33	821	1965	625	86	177	.....	13	901
1956	348	277	105	.....	51	781	1966	436	139	201	.....	6	782
1957	485	45	147	.....	37	714	1967	473	115	181	.....	9	778
1958	657	162	93	.....	27	939	1968	752	122	116	.....	3	993
1959	763	168	132	.....	35	1,098							

[1] Excluding Communist China and North Vietnam.

The lion's share of licit opium production and exports came to be concentrated in India following a sharp reduction in Iran's licit production after 1950 and its total abolition of poppy cultivation after 1955. India's share of the licit market seems likely to be further enlarged as a result of the recent cutback in Turkish poppy acreage, from 20,000 hectares in 1967 to about 12,000 hectares in 1970. India by 1968 accounted for about three-quarters of world licit output and exports (see Table 6).

TABLE 6.—WORLD LICIT OPIUM EXPORTS BY PRINCIPAL COUNTRY

[In metric tons]

Year	India	Turkey	Iran	Others	Total	Year	India	Turkey	Iran	Others	Total
1950	234	265	246	10	755	1960	626	103	.....	4	733
1951	358	173	267	12	810	1961	658	64	.....	3	725
1952	163	167	200	7	537	1962	375	116	.....	39	530
1953	168	169	41	15	393	1963	472	147	.....	.....	619
1954	263	211	56	10	540	1964	473	190	.....	.....	663
1955	199	296	100	5	600	1965	426	257	.....	.....	683
1956	266	274	106	22	668	1966	531	303	.....	.....	834
1957	361	205	71	15	652	1967	419	151	.....	3	573
1958	493	207	98	2	800	1968	532	111	.....	4	647
1959	593	170	.....	4	767						

The manufacture of morphine shows an upward long-term trend, from 85 tons in 1954 to 120 tons by 1960 and to 150 tons by the late 1960s (see Table 7). The rather steady growth of morphine production has been stimulated by the rising demand for codeine, the production of which climbed from 104 tons in 1960 to 136 tons in 1968. About 95% of the morphine produced is now reserved for conversion to other substances, overwhelmingly to codeine. While the drawing down of stocks probably accounted for most of the raw materials not supplied by world exports, requirements were also met to some extent by increasing use of poppy straw. Whereas poppy straw accounted for 29% of the morphine produced in 1965, in 1969 the ratio was 39%.

TABLE 7.—WORLD LICIT PRODUCTION OF OPIUM, MORPHINE, AND CODEINE[1]

[In metric tons]

Year	Opium	Morphine	Codeine
1960	1,498	120	104
1961	1,254	116	105
1962	1,445	121	105
1963	1,171	128	[2] 119
1964	940	119	[2] 109
1965	901	123	[2] 112
1966	782	149	131
1967	778	143	127
1968	1,002	153	136

[1] Excluding Communist China and North Vietnam.
[2] Incomplete reporting.

The decline in the production of raw opium since 1964 has resulted in higher prices. Average prices paid for Turkish exports rose from $11.49 per kilogram in 1966 to $13.00 in 1968 and to $16.00 in 1969. The current shortage in world opium suppplies appears to be only temporary, however, and the key question for the longer term is not whether opium will be abundantly available but, rather, whether world demand for the production will be sustained. The recent increase in Indian poppy acreage should be sufficient to meet any foreseeable rise in medicinal needs under present pharmaceutical technology. Any major change in the market for raw opium will therefore almost certainly depend, in the first instance, on the extent to which satisfactory synthetic re-

placements are found for codeine. To date, such synthetics have proved costly to produce. The market for licit opium will also depend on whether a rapid expansion of poppy straw production proves both technically practical and economically worthwhile.

The main government programs to provide maintenance dosages of raw opium to registered addicts have long been declining except in Iran. In India, distribution to registered addicts through authorized outlets fell from 150 tons in 1950 to 34 in 1957 to about 3 tons on average since 1960. In Pakistan these sales declined from 14 tons in 1957 to an average of about 7 tons in the mid-1960s. In both countries the decline in the programs appears to be due chiefly to progressively higher excise taxes added on the price to addicts. As a result, supplies are cheaper on the black market. In Iran the maintenance program has been growing rapidly in 1970, with the number of registered addicts reaching 50,000 by mid-year. The growing enrollment largely reflects an intensifying shortage of illicitly imported opium in the country. This shortage has driven up the black market price for opium, sometimes beyond the very high licit maintenance dosage price. The latter price is currently $230 per kilogram, or $0.23 per gram.

Effects of Government policies on the illicit market

Government policies have produced changes—in some instances massive changes—in all aspects of illicit enterprise in opium and opiates. The shut-down of the Chinese market, abolition in Iran, and China's gradual gaining of administrative control over its own poppy-growing areas largely determined the illicit patterns of production, consumption, and trade that existed during the 1960s. These steps led to a concentration of world illicit production in the Far East, Afghanistan-Pakistan, and Turkey. Abolition in Iran also significantly altered the consumption patterns of that country's large user and addict population.

Illicit patterns to the mid-1950's

With the change in government in China in 1949, world illicit demand for opium was greatly diminished. Before 1949, China was the largest single illicit market in the world, possibly several times larger than all other markets combined. Some estimates place the Chinese user and addict population on the eve of World War II at 10 million. This population, which may have changed little during the War, was mostly in the large eastern cities and was supplied principally by imports. These originated chiefly from Iran and India, then the world's two leading producers of illicit opium. Many other countries including Pakistan, Egypt, and countries of French Indochina contributed small amounts to China. The Chinese opium-producing areas centering around Yunnan Province were remote from the main consumer markets of the country. They supplied a relatively small local market, but most of their large output was shipped out of the country to the south. Chinese opium went directly to Burma and the countries of French Indochina and through them to Southeast Asia, Hong Kong, and in some quantity to eastern coastal cities of China itself.

In the early 1950s, after the shutdown of the Chinese market, Iran remained a leading producer and exporter of illicit opium. Given an estimated 25,000 hectares under poppy cultivation and a licit output averaging only 185 tons annually, the balance of output available for illicit purposes was several times larger. In addition to providing for most of the large domestic market, this illicit output supplied many other markets to the east and west of Iran. Probably the larger part of Iranian exports moved in the brisk traffic eastward through the Persian Gulf to Hong Kong and Southeast Asian countries. Toward the west the main flows went through the Gulf and overland to Iraq, Syria, Lebanon, the Arabian Peninsula, and North Africa. Some of the Iranian opium directed westward was destined for Western Europe and North America after first being processed into morphine in Syria and Lebanon and then being shipped to Italy and France for processing into heroin.

India's illicit export trade began the drop to its present low level in the early 1950s. The denial of access to the massive Chinese market was the initial cause. At the same time the Indian domestic black market was becoming a major alternative outlet for illicit production. During the first half of the 1950s, the government's maintenance program—in the past the principal source of addict consumption—was already declining precipitously.

Production from South China apparently continued to service the markets of the Far East and Southeast Asia during this period, but probably in decreasing measure. Although seizures of Chinese opium continued to be reported by customs authorities in Hong Kong and Southeast Asia, it may be presumed that illicit production in China began to decline as the new government extended its poliitcal control. It is reasonable to assume that production in Burma, Laos, and Thailand, which had long been servicing the same markets, probably began to increase as an offset to declining Chinese output.

The remaining major source of illicit output was Turkey. Virtually all its output was exported, mainly southward to the Arab countries also being supplied by Iran. As with Iranian opium, part of the Turkish product was directed to Western Europe and North America after processing and transshipping, first through Syria and Lebanon and then through Italy and France. Some portion of Turkish opium was aimed directly at Italy and France by sea routes chiefly originating in Istanbul. In this period, West Pakistan was still a minor producer. Dependent on Afghanistan for a large share of its own supplies, West Pakistan was probably a net importer of opium at this time.

From the mid-1950's to the mid-1960's

After Iran banned poppy cultivation in 1955 and China acquired control over its cultivation, the main shifts in world illicit opium production were responses to continuing high demand in Iran itself and in the region of the Far East and Southeast Asia. In order to meet demand in Iran, illicit production rose sharply in both Afghanistan-Pakistan and Turkey. After the elimination of supplies from China and Iran to the Far East and Southeast Asia, production also rose substantially in Burma, Laos, and Thailand. In addition, with the elimination of Iran's formerly westward-moving illicit exports, Turkey largely filled the gap by increasing its exports to the Arab countries, Western Europe, and North America.

Afghanistan-Pakistan came to supply the larger portion of Iran's post-abolition illicit imports, which eventually reached an estimated 250 tons annually. Reflecting the pull of Iranian demand, the illicit price for opium in West Pakistan rose by more than 250% from 1957 to 1959. Toward the late 1960s, when production had risen to an estimated 175 to 200 tons per year, the price dropped to the 1957 level. While expanding its illicit output, moreover, West Pakistan became virtually the sole supplier to its own fairly large domestic black market. Large increases after the mid-1950s in Afghanistan's poppy acreage, in irrigated valleys adjacent to Pakistan, were noted by several observers, Meanwhile, during the early and mid-1960s, Turkey's illicit output accounted for about 40% of Iran's illicit imports. Opium of Turkish origin largely supplied the western half of the country.

By the end of the 1950s, Burma, Laos, and Thailand together had become a massive producer, and the source of more than half the world's present illicit supply of 1,250 to 1,400 tons annually. Moreover, with this increase in output the region of the Far East and Southeast Asia quickly became self-sufficient in opium.

With the shifts in world illicit production since 1955, there have been some major changes in levels of consumption. Abolition in Iran reduced the active user and addict population of the country significantly. The current population of some 350,000 represents perhaps only one-third that existing before abolition. The growth or decline of populations elsewhere in the world is not easily documented. Consumption in the Far East and Southeast Asia very likely rose substantially during the 1960s. Increased consumption in Burma, Laos, and Thailand seems especially likely in view of the rise in supply. Western Europe and North America also experienced rapid growth in their addict populations—almost exclusively addicted to heroin—after World War II. Some growth in these populations has apparently persisted throughout the postwar period.

Moreover, addiction to opiates—mostly to heroin—has been on the rise in the postwar period. Heroin addiction has grown in several other countries besides those in Western Europe and North America. Before the mid-1950s, Iranian addicts were exclusively consumers of raw opium. Heroin was indeed unknown in the country until 1953. From 1960, however, heroin addiction spread rapidly so that by the middle of the decade the population probably reached its present level of 50,000. In the Far East and Southeast Asia, considerable growth in heroin addiction also occurred. The observations of many specialists document this phenomenon as do the increasing number of heroin-processing installations in the region, particularly in the producing countries and Hong Kong.

In both the Far East and Iran, a shift from emphasis on heroin consumption in urban areas has probably been stimulated by enforcement efforts because heroin is easier to handle by traffickers and its consumption is less visible. However, heroin addiction in these countries as elsewhere also reflects basic problems of development and health.

As Turkish traffic toward the Arab countries, Western Europe, and North America increased to replace Iran's exports, the routing of the portion destined for Western Europe and North America increasingly shifted to direct overseas shipments from Turkish to French ports. By the mid-1950s—thanks to decisive action by Italian enforcement authorities—Italy ceased to be an important processing and transshipment point in this traffic. From the 1960s, however, Turkish traffic destined for Western Europe and North America also began to go overland to Europe in increasing amounts in defense against enforcement applied both in Turkey and France to seaborne contraband. Also as a defense against enforcement and for greater profits, Turkish traffic in morphine increased rapidly from the mid-1950s. By the mid-1960s practically all Turkish illicit exports to the West consisted of crude morphine. Heroin has never been manufactured in Turkey, and Turkish smugglers are loathe to carry heroin, probably because the government set very stiff penalties in 1953 for trafficking in the product.

Recent developments

The main recent change in world illicit production has been the decline in Turkish output. In 1968, illicit production dropped sharply as a consequence of official policies to reduce poppy acreage and to purchase a larger share of the total crop. Substantial cutbacks in acreage were actually begun in 1964 (from 38,000 to 28,000 hectares), but this had no marked impact on illicit output.

This was the case because until 1968 government purchases from the farmers averaged much less than half of total production, as indicated by the data on yields from licit production. Derived from government purchases and official acreage estimates, these yields fluctuated from year to year but averaged only 6 kilograms per hectare during 1960–67 (see Table 8). Actual yields from this acreage, on the other hand, may have averaged as much as 15 kilograms, with the balance available to the illicit market. In 1968, however, government purchases rose slightly, to 122 tons, even though acreage had been reduced by one-third. The official yield thus rose to 9.4 kilograms per hectare. On roughly the same 13,000 hectares in 1969, the official yield reached nearly 10 kilograms per hectare. Even if allowance is made for a slight increase in actual yields on the reduced but probably more fertile poppy acreage, illicit diversion in Turkey, which probably averaged well over 250 tons in previous years, may have been cut back by more than half as the government acquired a larger share of the crop.

TABLE 8.—TURKISH LICIT PRODUCTION, ACREAGE, AND YIELDS OF OPIUM

Year	Production (metric tons)	Acreage (hectares)	Yields [1] (kilograms per hectare)
1960	365	42,000	8.7
1961	172	38,000	4.5
1962	311	36,000	8.6
1963	287	38,000	7.6
1964	83	28,000	3.0
1965	86	22,000	3.9
1966	139	24,000	5.8
1967	115	20,000	5.8
1968	122	13,000	9.4
1969	127	[2] 13,000	9.8

[1] Derived from official estimates of acreage and government purchases of raw opium from the farmers.
[2] Estimated.

With the fall in illicit output, Turkish illicit exports must also have declined. The effects of reduced production on exports would not have been felt until 1969, however, because exports in 1968 originated chiefly from the 1967 fall harvest. In 1969, Turkish exports to Iran were probably cut back in favor of maintaining exports to the more profitable Western markets.

There has been a further decline in Turkish illicit output this year which can be related to drought conditions that substantially reduced actual yields and to changes in official policies in both Turkey and Iran. In 1970 the Turkish government decided for the first time to buy up the entire opium crop if possible and instructed its purchasing officers and enforcement arms accordingly. Also for the first time, Ankara and Tehran in 1970 entered into a formal collaborative effort to suppress opium smuggling from Turkey to Iran. The Turkish army and Iranian gendarmerie signed an agreement in January providing for increased cooperation and forces on both sides. The upshot of all these developments has been a severe reduction in the traffic across the Iranian-Turkish border and in the traffic of Turkish origin across the Iraqui-Iranian border. Seizures in these areas have dwindled to insignificance this year. The incentive to Turkish smugglers to ship opium and morphine to Iran was also dampened in 1969, when Iran imposed the death penalty for narcotics smuggling offenses.

The reduced supply for Iran from Turkey combined with the generally intensive enforcement campaign initiated in 1969 by Iran has resulted in a scarcity of opium and heroin in the country. From August 1969 to August 1970 the illicit price of Turkish opium in Tehran doubled, ranging from $100 to $400 on the latter date, depending on quality. Much of Turkish opium thus was available only at prices in excess of the licit price for maintenance dosages for registered addicts. Prices for heroin, manufactured mainly from Turkish opium and morphine, tripled during this period. While the imposition of capital punishment and increased border surveillance have been weighty deterrents to Turkish smugglers, these measures have been less effective against their Afghani counterparts. By mid-1970 the price of Afghani opium in Iran was still well below the licit price. Iranian seizures on the Afghani border have risen sharply in 1970, but there are also indications of more frequent border incursions from Afghanistan involving smaller shipments in order to thwart the Iranian border authorities. A large number of the more than 40 persons executed in Iran for smuggling offenses since 1969 have been Afghani tribesmen. In view of the reduced supplies from Turkey and the persisting strong demand in Iran, it seems likely that production in Afghanistan-Pakistan will increase.

The drop in Turkish illicit output may soon be reflected in illicit traffic patterns to Western European and North American markets. If illicit Turkish output this year indeed declined, supplies from this source for Western Europe, North America, and the Arab countries will not be available in the usual amounts in 1971.

During the past two years, traffic of Turkish origin has also been the target of stepped-up enforcement by the French and US governments. One consequence has been some shifting in the location of heroin-processing plants formely based in the Marseilles area but now more widely dispersed to areas both within and outside France. Moreover, the regular smuggling of heroin from Europe to the United States has become a more difficult task for the wholesalers to arrange. At the same time, as established traffic organizations have encountered increased enforcement opposition, the smuggling business itself has witnessed the entry of new organized rings. The recent arrests of Cuban exiles in the United States provide a striking example of this general trend. Finally, enforcement in the United States has evidently helped set the stage for the entry of new groups, attracted by the prospects of large profits, into the wholesale distribution of heroin in the United States. Some established wholesale firms, reacting to the enforcement pressures, have apparently chosen to disengage themselves at least temporarily from the business while some others were forced out by successful prosecutions. The entry of some of the Cuban-exile smuggling groups into the internal wholesaling of heroin in the United States indicates a degree of disarray in the established wholesale structure.

Given the prospect of reduced supplies for Western markets from Turkey and also reduced supplies from Mexico to the United States following Mexican-US collaboration in Operation Cooperation, the traffickers have already begun to seek out new sources. Probably in direct response to enforcement pressures in Mexico, some dealers in the traffic from that country to the United States have been exploring the possibilities for developing new sources in other countries. Both new heroin distilleries and new areas of poppy cultivation have been observed this year in South America. Other wholesalers are apparently turning to the Far East for supplies. Although that area still remains a relatively small supplier of heroin to the United States, traffic from the Far East has increased in the past year, perhaps severalfold. New smuggling organizations are being formed in anticipation of growth in traffic by that route. Meanwhile, the West European market has also felt the effect of reduced supplies from Turkey. Recently, for example, there have been increasing amounts of heroin appearing in European countries from Pakistan, India, and the Far East.

CONTROLLING OPIUM-BASED DRUG ABUSE

Control and development

Opium-based drug abuse has persisted as a growing international problem. This is evident in the rise of consumption generally in the Far East and Southeast Asia and in the international spread of heroin addiction. The illicit sector has shown great flexibility in adjusting to drastic changes in sources of supply. When national governments have eliminated or significantly curtailed illicit production, new sources have quickly been developed on a large scale. Similarly, when national enforcement campaigns have unsettled established wholesale structures, the effect has soon been blunted by the entry of new organizations into the trade and the eventual re-emergence of fairly stable marketing arrangements.

The growth of opium-based drug abuse reflects larger problems of economic, political and social development. The economic incentive to cultivate poppy remains strong in most producing countries because agricultural incomes are low and labor cheap. Complete administrative control over poppy cultivation is difficult in the best of circumstances and made impossible in many areas by lack of national political control. Abuse has grown partly because prevailing public attitudes tend to forestall broad treatment and rehabilitation programs. In most producing countries the public is tolerant of widespread habitual use of opium. In many nonproducing, victim countries, on the other hand, abuse is commonly viewed as a criminal activity and the burden of responsibility falls upon enforcement agencies. At the same time, national resources for an attack on consumer demand itself have not been available on a scale commensurate with the extent of addiction. Also partly because of public attitudes, enforcement itself has lagged in developing techniques appropriate to suppressing the illicit trade at the controlling wholesale level. Progress both in enforcement and treatment has been hampered, finally, by inadequate international cooperation.

Dampening the incentive to produce

An economic approach to controlling illicit opium production has serious limitations. The basic problem is that opium is almost always produced where labor is plentiful and cheap and the demand for it is strong. There are many substitute crops that would earn more income than opium per unit of labor input but it is difficult to find any that would earn more than opium per unit of land. So long as large-scale underemployment exists, a farmer can increase his family's income by raising poppy, natural conditions being appropriate.

Thus the government seeking to control production through incentives will probably find that crop substitution will not suffice. Such a program would have to be accompanied by subsidies—either directly to the farmer as an inducement not to grow poppy or indirectly in the form of supporting above-market prices for substitute crops. In the long run the best solution, of course, is to promote the general economic development of the poppy-growing areas. Raising agricultural yields, diversifying farm output, and establishing industry accessible to local labor would all help. Among the major opium-producing countries, Turkey is most advanced in economic development, and its further development will probably reduce the profitability of opium production significantly. But in the countries to the east this goal probably remains out of reach for a long time to come, and any effective restriction of output will depend most heavily on the capability for direct government control.

Although opium production is an important source of income to individual farmers and thus a political issue of moment in some countries, it does not benefit

the national economies of any of the producing countries significantly. India, the world's largest producer and exporter of licit opium, earns only $6 million to $7 million annually from overseas sales compared with total export earnings approaching $2 billion. Income generated from licit production—measured by the total returns to farmers—hardly exceeds $12 million annually. Turkey's situation is similar. In 1967, for example, Turkey's licit opium exports were valued at $1.7 million, less than 0.3% of total export earnings. In addition, some smaller amount was earned from exports of poppy straw. Income generated in Turkey that year from licit production may have approached $3 million, out of a national income of nearly $9 billion. Against the scale of national income, it is apparent that illicit production is also of minor significance in all the other producing countries. If the tribal area of Burma-Laos-Thailand were considered as an economic region, however, opium production would assume more economic significance. Opium is a principal source of income at least among some of the tribes. It also helps finance the importation of arms and hence is a main economic support of insurgency.

Direct control over production

While Communist China, Iran, and, on a partial basis, Turkey have shown that energetic national governments can stop the production of opium, the major share of illicit output comes from areas where such national control is not possible. Most of the world's illicit opium is now produced by tribal peoples over which their respective national governments impose little political control. The lack of control is most complete in Burma, Laos, and Thailand where most of the producing areas are also areas of insurgency. In Pakistan, most illicit poppy is cultivated in the settled areas of the Northwest Frontier Province where the settlers cultivating it are mostly tribal peoples although they live mainly outside the designated tribal areas. Much the same situation exists in Afghanistan. The small scattered production in Mexico, South America, and North America takes place in remote rural areas.

Even where control systems to monitor poppy cultivation have been established, however, large illicit production has occurred, as in Turkey and India. Turkey has no licensing system fixing quotas on poppy acreage for individual farms, but both countries record acreage and have state monopolies responsible for the collection of all harvested opium. In general, illicit production in such countries can originate from two sources: (1) from understating yields on licensed or otherwise reported acreage, and (2) from unlicensed or unreported acreage.

In Turkey, official statistics on acreage are probably fairly complete, and understatement of yields appears to be the principal source of illicit production. Until recently, most production entered illicit channels, as the state opium monopoly restricted its purchases to the amount necessary to fulfill its export sales contracts.

Very little of Pakistan's poppy cultivation is under a formal control system, but where that system has been in force a substantial portion of the production has leaked in the same fashion as in Turkey. During 1966–68 the official Pakistani yield averaged 4.7 kilograms per hectare, probably only one-third the actual yield. This yield mainly represented the opium needed for the government maintenance program for addicts.

In India, probably most illicit production has originated not from understating yields but from unlicensed acreage. Official Indian yields have rather steadily averaged about 20 kilograms per hectare and hence should not understate actual yields by very much. In India as in Turkey the government's purchasing policy largely reflects export contracts. During the 1960s, 70% of licit Indian production was exported.

To date, Iran's fledgling control system over opium production has been subject to little leakage. Its effectiveness has been due to the combination of a high farm price for opium and extremely severe punishment for illicit dealing in opium. A very high priority has been assigned to administering the new program. Responsibility for licensing poppy acreage and collecting the harvested opium has been vested in the Ministry of Land Reform, which has taken elaborate control measures. A number of new laws have been passed, including the one fixing capital punishment for trafficking in opium or opiates. Enforcement efforts, including those of the gendamerie in the rural areas, have been greatly stepped up.

In countries where poppy is cultivated by tribal peoples beyond the political reach of the national governments, opium production can probably be controlled only with further political development. Such development would probably have to include not only extending national political control into the tribal areas but also socially integrating the tribal peoples into national life. Even in Pakistan the requisite development represents formidable and probably long-term tasks. In Burma, Laos, and Thailand this kind of development must await both an abatement of insurgency and also an easing of international tensions presently focused in the area.

In order to achieve full control of poppy production in Turkey and India, the governments would have to exert costly administrative and enforcement efforts continuously. The historical tendency, however, has been for both countries to minimize such costs and to hold crop collection down to the level of export commitments. The apparent drop in Turkish illicit output reflects improvement in the control system, but as matters stand it could be vulnerable to recurrent leakage. Whether or not a licensing system is in force, the poppy farmer is attracted to illicit dealings if the black market price is significantly higher than the licit price. Iran is trying to prevent diversion by setting a very high farm price for opium, but if production there becomes large the program's costs will be significant. In view of the cost and effort needed to control even small-scale production in Iran, a simpler answer—administratively and from the point of view of enforcement—would be to abolish cultivation altogether. Abolition has proved feasible in the past in all of Iran and more recently in many provinces of Turkey.

Reducing demand

On the whole, public attitudes toward opium-based drug abuse probably have not changed very much in the last two decades. In much of the world, tolerance based on longstanding beliefs and customs prevails. Among tribal peoples producing opium, its use in religious ceremonies and on festive occasions is common. Among these peoples and others without access to modern medicine, opium is a general household medicine. Belief in the efficacy of opium as an aphrodisiac and cure-all is widespread. By contrast, in most countries where heroin addiction is the main abuse problem, public fear and outrage tend to focus on the illicit traffickers and addicts alike.

As a consequence of these attitudes, almost nowhere is opium-based drug abuse regarded primarily as a medical problem. In the present state of medical and social scientific knowledge, the costs of treatment and rehabilitation aimed at entire addict populations are not predictable. The costs, however, would almost certainly involve treatment of broader human problems of adjustment to rapid social change and mental health generally and could easily exceed politically acceptable limits. As matters stand the degree of public support for new medical approaches to treatment and rehabilitation is uncertain. Unexpected leakages from the system of free prescriptions for addicts in Britain, for example, may lessen acceptance of further experimental programs in that country. In the United States, methadone programs for treating heroin addicts have an uncertain future not only because medical efficacy has yet to be confirmed but also because public support for broad-scale coverage is as yet undetermined.

The fate of the maintenance programs for opium addicts in India and Pakistan suggests that fiscal constraints can easily weaken government-sponsored treatment programs for addicts in any country. Pressures to record budgetary surpluses from the programs helped price licit opium largely out of the market so that the black market could supply addicts more cheaply but still realize large profits. Moreover, because the programs declined rapidly in both countries, no adequate test of their efficacy in diminishing addiction was possible.

Iran now operates the largest opium maintenance program, with increasing success to judge by the rising enrollment of registered addicts. The governing principle in the Iranian program—that receipts must cover costs—has dictated the official price to addicts of $230 per kilogram, however. In view of that price, the program's success to date must be largely attributed to the effectiveness of police controls over illicit imports and production. If illicit supplies again become more plentiful and cheaper, the program will probably fall off.

Breakthroughs in medical and social science are in all probability essential for any large reduction in illicit market demand. Gaps in knowledge of abuse patterns are formidable and probably less is known about the medical and social effects of raw opium—still the main form of abusive consumption in the world—than about those of heroin. Research on opium-based drug abuse would undoubtedly benefit from close links with work on psychomimetic substances. Given the breadth of the research problems and their long-term nature, a greater international pooling of scientific effort would be strongly indicated.

Suppressing the illicit trade

The organizational character of the illicit wholesale trade and the political and economic settings in which it prospers help to place the enforcement tasks in perspective. Although its operations are national and international in scope, wholesaling in opium or opiates often represents only one part of a particular syndicate's business activity and very often not the most important part. Historically the near-monopoly of the US wholesale heroin trade by the major criminal organizations in the country has exemplified this situation. The fact that wholesale organizations the world over frequently manage to protect themselves politically adds to the enforcement complexities. Finally, illicit trade in opium and opiates is very often part of a larger smuggling activity. In some producing countries, for example, a significant portion of international trade moves through smuggling channels. When it reaches this scale, however, the suppression of trade in a single commodity may be extremely difficult.

A change in the public's view of the enforcement mission is probably indispensable to more effective suppression of the illicit wholesale trade. Just as they tend to define the scale of treatment and rehabilitation, public attitudes influence the kind and amount of law enforcement available. By and large any citizenry wants police protection for its immediate safety and protection against locally based, relatively unorganized criminal activity. There is generally little public awareness of criminal activity organized on national and even international

lines. It has frequently been observed that this lack of awareness in the United States results in a pendulum effect in law enforcement administration. Occasionally public interest in nationwide enforcement campaigns is aroused, but the interest then wanes and, as a result, the campaigns tend to diminish in intensity and effectiveness.

Moreover, in order to contribute to a lasting suppression of opium-based drug abuse, enforcement probably would have to accomplish a twofold developmental task of its own, consisting of (a) a redefinition of targets and (b) a reform of organization and methods. Most enforcement manpower is necessarily occupied with suppressing locally based criminal activity, and much work of national police organizations directly supports local enforcement. One effect of this focus is the preponderance of the enforcement effort even at the national police level that is directed against relatively small-scale retailers of opium and opiates, hired couriers of the contraband, and the addicts themselves. In most countries there is no intelligence organization with central responsibility for operational and analytical intelligence in respect to national and international criminal organizations.

Finally, an upgrading of enforcement capabilities against the illicit trade in opium and opitates would almost certainly presume increasing international cooperation among police agencies and perhaps especially multilateral cooperation. Despite their notable achievements the recent bilateral enforcement agreements between the United States and Mexico, the United States and France, and between Iran and Turkey serve to point up the relatively occasional nature, historically speaking, of such accords. There is a need, therefore, for more continuity and a systematic exchange of intelligence on criminal activity involving a broad range of countries. Although the creation of Interpol represents a significant advance in this respect, that organization has been operating with limited support from participant states. It does not have sufficient funds to modernize its communications systems and is not organized for intelligence collection. Often the members must collaborate bilaterally in order to speed up intelligence acquisitions. The limitations on Interpol's effectiveness reflect a narrow view of the enforcement role against highly organized criminal activity in general and against the wholesale trade in opium and opiates in particular. A broadening of this view could be essential to a lasting suppression of illicit traffic in opium-based drugs.

CONCLUSIONS

Less than half the world's opium is produced for licit medicinal purposes, chiefly for manufacturing codeine. The balance of production—some 1,250 to 1,400 tons annually—is illicitly produced and marketed for consumption of some two million users and addicts around the world. Illicit production is now concentrated in Southeast Asia (the hill country of Burma, Laos, and Thailand) and in Afghanistan and Pakistan but continues on a significant scale in India and Turkey. Most of the people consuming this illicit opium take it in raw form, but a large and increasing proportion has been using it in its refined, more dangerous form of heroin. Addiction to opium is a major problem in every opium-producing country except Turkey as well as in many non-producing victim countries. The United States has the largest single population of heroin addicts—over 100,000—but Western Europe, Iran, the Far East, and Southeast Asia also have large populations. The market for illicit opium and its derivatives is everywhere controlled at the wholesale level by syndicates highly organized on national and even international lines.

Since World War II the main changes in the world market for opium have resulted from national government policies, chiefly policies eliminating or significantly reducing production but also enforcement policies. Despite these government actions, however, the illicit market has shown a continuous flexibility in replacing sources of supplies, in responding to shifts in demand, and in devising new channels of illicit traffic. As a result, abuse of opium-based drugs has been a persistingly growing international problem.

Growth of the abuse of opium-based drugs reflects larger problems of economic, political, and social development. The economic incentive to produce opium remains strong in most producing countries because agricultural incomes are low and labor cheap. Complete administrative control over poppy cultivation is difficult in the best of circumstances and made impossible in many areas of lack of national political control. Abuse has grown partly because prevailing public attitudes tend to forestall broad treatment and rehabilitation programs. As a reflection of these public attitudes, enforcement itself has lagged in developing techniques appropriate to suppressing the illicit trade at the controlling wholesale level. Progress both in enforcement and treatment has been hampered, finally, by inadequate international cooperation.

Specific problems involved in the control of the illicit opium market include the following:

a. A purely economic approach has serious limitations because crop substitution alone will not suffice. In order to fully offset the loss to the farmer for forgoing opium production, crop subsidies would almost certainly be required.

b. Direct administrative control over poppy cultivation is not possible in many areas of illicit production, because they are not controlled by the national governments. Even in countries where national governments are relatively strong, those governments must exert costly administrative and enforcement efforts continuously in order to suppress illicit production;

c. A greater effort to reduce demand itself is now indispensable for the control of abuse of opium-based drugs, but this requires public support for larger expenditures on treatment. At present the degree of such support is unknown. A reduction in illicit market demand also presupposes breakthroughs in medical and social science and a greater pooling of international efforts in research.

d. Enforcement alone cannot suppress abuse of opium-based drugs in the countries now experiencing its worst effects. Nevertheless, the contribution of enforcement to suppression would be improved by focusing more effort against the illicit trade at the wholesale level and by upgrading enforcement methods and organization, particularly at the national police level. Increased international collaboration among enforcement arms against organized crime is probably crucial to suppressing the illicit trade.

RESOLUTION No. 141

Concurrent resolution of the Legislature of the State of New York to memorialize the Congress of the United States to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress

Whereas, Death from an overdose of heroin represents the greatest single cause of death among the youth of New York City; and

Whereas, All efforts by local, state and federal law enforcement agencies to interdict the smuggling of heroin into the United States and its sale within this state have failed to curb this traffic; and

Whereas, On April 7, 1971, the New York State Commission of Investigation reported to the governor of this state that "Law enforcement's approach to this problem has been ineffective. The traffic in heroin has not been curbed. Indeed, it is flourishing"; and

Whereas, The New York State Legislature has four times in the last twenty years amended the anti-narcotic laws of this state to provide for both more severe and mandatory punishments for heroin traffickers with little effect on the traffic itself; and

Whereas, Despite every effort by New York State to curb the increases in the number of persons addicted to heroin, the number of identified addicts has increased in New York City alone from 52,000 in 1968 to an estimated 103,000 in 1971; and

Whereas, New York State is required to spend over $100,000.00 annually directly for the care, treatment, rehabilitation and retraining of a small fraction of the narcotic addict population; and

Whereas, The Addiction Services Agency of the City of New York will have spent over $80 million during the 1970–71 fiscal year to assist 3,500 addicts and would require $2½ billion to treat and care for only 100,000 of the addicts now residing in the City of New York; and

Whereas, There are an estimated 15,000 narcotics addicts presently receiving welfare assistance from the City of New York at a direct cost of over $50 million annually; and

Whereas, The major portion of violent and other serious crimes committed in New York City and the other cities of this State results from the tragic need of heroin addicts to obtain funds to pay for the heroin they consume; and

Whereas, In 1960, there were 1841 felony arrests in New York State of persons charged with selling narcotics or possessing narcotics in an amount sufficient to create a presumption of intent to sell and in 1969 there were 18,489 felony arrests in New York State for this same crime, an increase of 1000% and in 1970, in New York City alone, there were 26,799 felony arrests in this category, a 44% increase over the entire state-wide figure for the year previous, so that our law enforcement agencies are being overwhelmed by the sheer numbers of narcotic sellers and addicts being processed through our criminal justice system; and

Whereas, It now appears that the only practical solution to halt the continued flood of heroin into the State of New York is the destruction of the opium poppy at its source; and

Whereas, It would be less expensive and more effective for the State of New York to contribute toward the cost of preventing opium cultivation than to concentrate its resources in treating heroin addicts or combating the huge and profitable traffic in narcotics taking place on the streets of its cities; and

Whereas, Eighty-five percent of all of the heroin sold in the State of New York is refined from the sap of the opium poppy (*papaver somniferum*) grown in Turkey; and

Whereas, Opium, unlike other dangerous drugs, cannot be synthetically produced, nor can it be cultivated in any but selected areas within the world; and

Whereas, To date Turkey has failed and neglected to control the diversion of its opium crop to illegal channels; and

Whereas, By the end of 1970, the Turkish government and nation has received in excess of $5 billion in military and economic assistance from our federal government which monies were raised in substantial part through taxation of the citizens of this state; and

Whereas, The public statements of members of the Turkish Government on the problem of limiting the cultivation of the opium poppy in Turkey have evidenced an appalling lack of concern about the crisis caused in

this state as well as this nation by Turkey's failure to strictly enforce the international treaty binding it to destroy all opium poppy production not grown for legitimate purposes; and

Whereas, Opium can be harvested only during one twenty-four hour period each year, which period occurs during the last week of June or the first week of July each year; and

Whereas, The illegal opium poppy production in Turkey intended for diversion to the heroin traffic can only be harvested simultaneously and from the same fields as those devoted to the legitimate cultivation of the opium poppy; and

Whereas, The world supply of legitimate opium presently in stock is sufficient to satisfy all legitimate needs for the foreseeable future; and

Whereas, Eighty-five percent of the heroin supplied to the addicts of this state can be interdicted if all the Turkish opium poppy fields now under cultivation were destroyed prior to the approaching harvest date, which destruction can be accomplished for a fraction of the present cost to this state resulting from the traffic in heroin; now, therefore, be it

Resolved (if the Assembly concur), That the Congress of the United States be and hereby is memorialized to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress; and be it further

Resolved (if the Assembly concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy to the Secretary of the Senate and one copy to the Clerk of the House of Representatives, and one copy to each member of the Congress from the State of New York and that the latter be urged to devote themselves to the task of accomplishing the purposes of this resolution.

Mr. HUGHES. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield.

Mr. HUGHES. Mr. President, I rise in support of the amendment, which I have cosponsored with the Senator from New York. The statements I shall make are not related particularly to the amendment, but to the fact that I do not want the statements I have uttered this afternoon on this floor to imply, either to the Members of this body or to the people of the United States, that we have passed all the legislation that is essential in the field of controlling narcotics addiction and drug dependence in this country.

Twice last year, the Senate cleared a bill or an amendment, once by unanimous vote, which then went to the House of Representatives and was killed. The second time, an amendment was adopted to another bill, went to conference committee, and was ultimately lost.

The field, indeed, is fertile in this country for civilian programs for health, rehabilitation, recovery, and prevention in the fields of narcotics addiction and drug dependence. If statements were made here today implying that everything has been done that needs to be done, they would be absolutely erroneous, and I know that was not the intent.

It was simply my intent to be sure it is understood that there is much yet to do.

I also want to point out that I attended the Vienna Conference on the Control of Psychotropic Substances. Members of the staff of the subcommittee I chair were there for approximately 3 weeks. Many philosophical differences were represented in the protocol that was eventually adopted. I have great questions in my mind to this day about the strength and balance of that protocol or convention. It is my hope that hearings will be held on it prior to the time it is brought up in the Senate for approval.

I simply want to recite that many questions still are unanswered. The RECORD today should show that.

Mr. JAVITS. I yield myself 1 minute.

Mr. President, I think the discussion has borne out the reason why I said what I did—that is, we are not trying, in the same spirit as the amendment dealing with domestic affairs, to meet every situation headon. I hope the amendment will win the support of the Senate, because it is drafted precisely in that sense.

I am ready to yield back the remainder of my time if Senator STENNIS is.

Mr. MANSFIELD. Mr. President, will the Senator yield me one-half minute?

Mr. STENNIS. I yield one-half minute to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, in the New York Times of last Sunday, an article by Felix Belair, Jr., entitled "CIA Identifies 21 Asian Opium Refineries," describes in great detail an analysis of the opium refinery operations uncovered in at least three countries. It is most pertinent to this subject, and I ask unanimous consent that the article be printed at this point in the RECORD.

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

C.I.A. IDENTIFIES 21 ASIAN OPIUM REFINERIES

(By Felix Belair, Jr.)

WASHINGTON, June 5.—United States intelligence agents have identified at least 21 opium refineries in the border area of Burma, Laos, and Thailand that provides a constant flow of heroin to American troops in South Vietnam.

Operated and protected in Burma and Thailand by insurgent armies and their leaders and in Laos by elements of the royal Laotian armed forces, the refining and distributing have grown until white heroin rated 96 per cent pure is turning up in Pacific coast cities of the Untied States as well as in Saigon.

The Burma-Laos-Thailand border area, known as the "Golden Triangle," normally accounts for about 700 tons of opium annually, or about half the world's illicit production. Burma is the largest producer in the region, accounting for about 400 tons.

But a recent analysis by the Central Intelligence Agency suggests that production is expanding in the area, and there are indications that this year's output may reach 1,000 tons.

MORE HIGH-GRADE HEROIN

The C.I.A. analysis made these major points about recent trends in the illicit narcotics business in Southeast Asia:

Refineries in Laos and Thailand that used to produce only refined opium, morphine base and No. 3, heroin for smoking are now converting most of their opium supplies to No. 4, or 96 per cent pure white heroin. The change "appears to be due to the sudden increase in demand by a large and relatively affluent market in South Vietnam."

"Most of the narcotics buyers in the tri-border area are ethnic Chinese who pool their purchases, but no large syndicate appears to be involved. The opium, morphine base and heroin purchased in this area eventually finds its way to Bangkok, Vientiane and Luang Prabang, where additional processing may take place before delivery to Saigon, Hong Kong and other international markets."

A "considerable quantity" of raw opium and morphine base from northeast Burma and Thailand was smuggled into Bangkok and sent from there to Hong Kong in fishing trawlers from Jan. 1 to May 1. Carrying one to three tons of opium and quantities of morphine base, "one trawler a day moves to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles from Hong Kong—where the goods are loaded into Hong Kong junks."

Opium and derivatives move through Laos and are transferred from the Mekong River refineries by river craft and vehicles to Ban Houei Sai, further downstream on the Mekong in Laos, and are transported from there to Luang Prabang or Vientiane. A considerable portion of the Laotian-produced narcotics is smuggled into Saigon."

"An increased demand for No. 4 heroin also appears to be reflected in the steady rise in the price. For example, in mid-April, 1971, the price in the Tachilek [Burma] area for a kilo of No. 4 heroin was reported to be $1,780, as compared with $1,240 in September, 1970." A kilogram is 2.2 pounds.

"The reported increasing incidence of heroin addiction among U.S. servicemen in Vietnam and recent intelligence indicating that heroin traffic between Southeast Asia and the United States may also be increasing suggest that Southeast Asia is growing in importance as a producer of heroin."

U.S. POLICY CRITICIZED

This growth has been aided, according to one Congressional authority, by the lack—until recently—of a firm United States policy on heroin in Southeast Asia. The United States—which provides billions of dollars in military and economic foreign aid to Laos, Thailand and Cambodia—has directed its efforts intercepting the traffic at the Saigon end of the line rather than to stamping out production at the source, Representative Robert H. Steele, Republican of Connecticut, said today.

Mr. Steele is the principal author of a recent report estimating the numbers of heroin addicts among American servicemen in South Vietnam at 25,000 to 30,000.

"Vietnam unquestionably proves that the availability of narcotics breeds users," he said. "Until we dry up the sources, we haven't got a prayer of combatting the problem."

While much of the opium producing and refining takes place in areas of Burma, Laos and Thailand now controlled by insurgents, narcotics enforcement officials say that a continuous flow of the drugs through government-controlled areas cannot be sustained without the involvement of corrupt officials.

The same view was expressed earlier in the week by John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, in testimony before the House Select Committee on Crime.

He said that middle-level government officials and military men throughout Southeast Asia were deeply involved in the traffic in opium, the product from which morphine and heroin is refined.

ROUTES AND REFINERIES NAMED

The analysis by the Central Intelligence Agency pinpointed major areas of cultivation, refineries and routes used in the traffic.

Northeast Burma was identified as the largest producer and processor of raw opium in the border areas. The study said that Burma's 14 refineries, located in the Tachilek area, last year converted 30 tons of raw opium into refined opium, morphine base and heroin.

"The opium harvested in Shan, Wa and Kokang area is picked by caravans that are put together by the major insurgent leaders in these areas," the C.I.A. study said. "The caravans, which can include up to 600 horses and donkeys and 300 to 400 men, take the opium on the southeasterly journey to the processing plants that lie along the Mekong River in the Tachilek-Mae Sai, Thailand-Ban Houei Sai, Laos area."

The analysis said that caravans carrying more than 16 metric tons had been reported. A metric ton is about 2,200 pounds.

7 IMPORTANT REFINERIES

Of the 21 refineries identified in the three countries, seven were described in the report as capable of processing raw opium to the heroin stage. "The most important are located in the areas around Techilek, Burma; Ban Houei Sai and Nam Keung in Laos, and Mae Salong in Thailand," it said.

"The best known, if not largest of these refineries is the one at Ban Houei Tap, Laos, near Ban Houet Sai, which is believed capable of processing some 100 kilos of raw opium per day," the report said.

The opium and derivatives crossing Thailand from Burma enroute to Bangkok was traced in the paper as moving out of such Northern Thai towns as Chiang Rae, Chiang Mai, Lampang and Tak "by various modes of ground and water transport."

"The opium is packed by the growers and traded to itinerant Chinese merchants who transport it to major collection points, particularly around Lashio and Ken Tung," the study said.

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

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington, Mr. JACKSON), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Lousiana (Mr. LONG), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) are 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 Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Michigan (Mr. GRIFFIN), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 1, as follows:

[No. 94 Leg.]

YEAS—72

Allen	Fong	Moss
Allott	Gambrell	Muskie
Beall	Goldwater	Nelson
Bentsen	Gravel	Packwood
Bible	Gurney	Pastore
Boggs	Hart	Pearson
Brock	Hatfield	Pell
Buckley	Hollings	Percy
Burdick	Hruska	Prouty
Byrd, Va.	Hughes	Proxmire
Byrd, W. Va.	Humphrey	Roth
Case	Inouye	Schweiker
Chiles	Javits	Scott
Church	Jordan, N.C.	Smith
Cook	Jordan, Idaho	Sparkman
Cooper	Kennedy	Spong
Cotton	Magnuson	Stennis
Cranston	Mansfield	Stevenson
Curtis	Mathias	Symington
Dole	McClellan	Taft
Dominick	McIntyre	Talmadge
Eagleton	Metcalf	Tower
Eastland	Miller	Weicker
Ervin	Montoya	Williams

NAYS—1

Bellmon

NOT VOTING—27

Aiken	Fulbright	Mondale
Anderson	Griffin	Mundt
Baker	Hansen	Randolph
Bayh	Harris	Ribicoff
Bennett	Hartke	Saxbe
Brooke	Jackson	Stevens
Cannon	Long	Thurmond
Ellender	McGee	Tunney
Fannin	McGovern	Young

So Mr. JAVITS' amendment, as modified, was agreed to, as follows:

At the end of the bill add the following new title:

TITLE . INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

FINDINGS AND DECLARATIONS

SEC. . The President shall seek renewed findings and declarations:

(1) The elimination of illicit traffic of heroin and other narcotic drugs from foreign countries into the United States is essential to the well-being of the United States, but efforts to curb illegal traffic have not been sufficiently succesful and the supply of heroin and other narcotic drugs into the United States continues; and

(2) The National Institute of Mental Health estimates there are presently two hundred and fifty thousand heroin addicts in the United States whose heroin addiction is a major cause of violent and serious street crimes in America's cities because of their tragic need to obtain funds to pay for their heroin addiction; and

(3) Heroin addiction among Untied States military forces has reached alarming proportions, and their return to civilian society as heroin users and addicts further threatens the quality of life in America; and

(4) The way to halt the continued illegal flow of heroin and other narcotic drugs from abroad and into wherever our forces are stationed, a problem of international magnitude, is cooperation among foreign nations and the United States.

INTERNATIONAL HEROIN AND NARCOTIC DRUG CONTROL

SEC. . The President shall seek renewed methods of international cooperation and report to Congress within thirty days after the date of the enactment of this Act, and every 6 months thereafter, on the measures being taken in concert with foreign governments to control and eliminate the production, processing, or traffic in heroin and other narcotic drugs which are illegally imported into the United States or illegally come into the possession of United States forces wherever they are stationed; specifying those countries who have failed to initiate and enforce appropriate measures to control such production, processing, and traffic; advising how economic assistance furnished by the United States may (a) aid opium producing nations in developing alternative crops and markets for such crops; (b) help provide new employment opportunities for those foreign nationals engaged in opium production who become unemployed as the result of the limitation or eradication of opium production; (c) help strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing, and distribution of heroin and other narcotic dangerous drugs; and make recommendations regarding the need for an international conference of representatives of all countries involved in international narcotics traffic to achieve agreement and coordination of improved methods and procedures for the control of illicit traffic in heroin and other narcotic drugs.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. STENNIS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 31.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the amendment of the House of Representatives to 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," which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) there are great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural, development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(2) to meet the urgent need for greater public services and the equally urgent need for public service employment which will provide meaningful jobs for unemployed or underemployed persons, it is necessary to devote resources to public service employment and related training and manpower services;

(3) times of high unemployment severely limit the work opportunities available to low-income persons, especially those from socio-economic backgrounds generally associated with substantial unemployment;

(4) expanded work opportunities must keep pace with the increased number of entrants in the labor force, including the many young people who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force;

(5) many of the persons who have become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures could usefully be employed in providing needed public services; and

(6) providing resources for public service employment during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into agreements wtih eligible applicants in accordance with the provisions of this Act in order to make financial assistance available in times of high unemployment for the purpose of meeting the full cost of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable.

ELIGIBLE APPLICANTS

SEC. 4. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted eligible applicants who shall be—

(a) units of Federal, State, and general local government; or

(b) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or

(c) Indian tribes on reservations.

AUTHORIZED APPROPRIATIONS

SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $200,000,000, for the fiscal year ending June 30, 1971, $750,000,000, for the fiscal year ending June 30, 1972, and $1,000,000,000 for each of the three succeeding fiscal years.

(b)(1) No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in paragraph (2).

(2) If, at any time subsequent to the Secretary's determination under the preceding subsection, the rate of national unemployment equals or exceeds 4.5 per centum for three consecutive months, the Secretary shall, notwithstanding the provisions of paragraph (1), resume the obligation of funds appropriate under this section until a new determination has been made under paragraph (1).

(3) Any funds appropriated under this section unobligated at the end of a fiscal year in compliance with the requirements of paragraph (1) shall be transferred to the Special Employment Assistance Fund established by section 6.

(4) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment, shall continue to be so counted.

(c) Whenever the Secretary makes any determination required by subsection (b), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

SPECIAL EMPLOYMENT ASSISTANCE

SEC. 6. (a) There is hereby established in the Treasury a fund to be known as the Special Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to section 5 which are not available for expenditure in accordance with the provisions of that section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. In addition, there is authorized to be appropriated for deposit in the Fund for the fiscal year ending June 30, 1972, the sum of $250,000,000, and, for each of the three succeeding fiscal years, such sums as may be necessary to assure that at the end of such year the sum in the Fund will be at least $250,000,000. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(b) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services.

(c) For the purpose of this section eligible applicants shall be units or combinations of units of general local government, or public agencies and institutions which are subdivisions of such units, or Indian tribes on reservations, which have areas within such units or combinations thereof where the rate of unemployment equals or exceeds 6 per centum for three consecutive months.

APPLICATIONS

SEC. 7. (a) Financial assistance under this Act may be provided by the Secretary only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such applications shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, in times of high unemployment, for unemployed and underemployed persons in jobs providing needed public services in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, community betterment, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that preference in filling public service jobs will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea after August 4, 1964 (and who have been discharged or released therefrom under conditions other than dishonorable); and that the applicant shall (i) make a special effort to acquaint such individuals with the program, (ii) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar public work;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this Act; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing

such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(15) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field; and (B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(18) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(19) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 8. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in such area bears to such total numbers, respectively, in the State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TRAINING AND MANPOWER SERVICES

SEC. 10. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addiiton to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts appropriated under section 5.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same area for persons employed in similar public occupations;

(3) notwithstanding clause (C) of paragraph (2), no person employed in public service jobs under this Act shall be paid at a rate in excess of $12,000 per annum;

(4) all persons employed in public service jobs under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent (neither more nor less favorable) as other employees of the employer and to working conditions neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) no funds will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property;

(7) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants; and

(8) every participnat shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents public employees who are engaged in similar public work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place of religious worship.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 12. As the rate of unemployment approaches the objective of section 5(b), the Secretary shall establish procedures to assure that maximum efforts will be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act and that, on the basis of a review as described in section 7(b)(14), the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

SPECIAL REPORT

SEC. 13. The Secretary shall transmit at least annually a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

DEFINITIONS

SEC. 14. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) As used in section 11 of this Act the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

EFFECTIVE DATE

SEC. 15. This Act shall be effective upon enactment and the determinations to be made under section 5(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. WILLIAMS. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives to S. 31 and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GAMBRELL) appointed Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. TAFT conferees on the part of the Senate.

AMENDMENT OF ACT RELATING TO HANDICAPPED INDIVIDUALS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 557.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Act entitled "An Act to create a Committee on Purchase of Blind-made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46–48), is amended to read as follows:

"ESTABLISHMENT OF COMMITTEE

"SECTION 1. (a) ESTABLISHMENT.—There is established a committee to be known as the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereafter in this Act referred to as the 'Committee'). The Committee shall be composed of fourteen members appointed as follows:

"(1) The President shall appoint as a member one officer or employee from each of the following: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Veterans' Administration, the Department of Justice, the Department of Labor, and the General Services Administration. The head of each such department and agency shall nominate one officer or employee in his department or agency for appointment under this paragraph.

"(2) (A) The President shall appoint one member from persons who are not officers or employees of the Government and who are conversant with the problems incident to the employment of the blind and other severely handicapped individuals.

"(B) The President shall appoint one member from persons who are not officers or employees of the Government and who represent blind individuals employed in qualified nonprofit agencies for the blind.

"(C) The President shall appoint one member from persons who are not officers or employees of the Government and who represent severely handicapped individuals (other than blind individuals) employed in qualified nonprofit agencies for other severely handicapped individuals.

"(b) VACANCY.—A vacancy in the membership of the Committee shall be filled in the manner in which the original appointment was made.

"(c) CHAIRMAN.—The members of the Committee shall elect one of their number to be Chairman.

"(d) TERMS.—

"(1) Except as provided in paragraphs (2) and (3), members appointed under paragraph (2) of subsection (a) shall be appointed for terms of five years. Any member appointed to the Committee under such paragraph may be reappointed to the Committee if he meets the qualifications prescribed by that paragraph.

"(2) Of the members first appointed under paragraph (2) of subsection (a)—

"(A) one shall be appointed for a term of three years,

"(B) one shall be appointed for a term of four years, and

"(C) one shall be appointed for a term of five years,

as designated by the President at the time of appointment.

"(3) Any member appointed under paragraph (2) of subsection (a) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member appointed under such paragraph may serve after the expiration of his term until his successor has taken office.

"(e) PAY AND TRAVEL EXPENSES.—

"(1) Except as provided in paragraph (2), members of the Committee shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of services for the Committee.

"(2) Members of the Committee who are officers or employees of the Government shall receive no additional pay on account of their service on the Committee.

"(3) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

"(f) STAFF.—

"(1) Subject to such rules as may be adopted by the Committee, the Chairman may appoint and fix the pay of such personnel as the Committee determines are necessary to assist it in carrying out its duties and powers under this Act.

"(2) Upon request of the Committee, the head of any entity of the Government is authorized to detail, on a reimbursable basis, any of the personnel of such entity to the Committee to assist it in carrying out its duties and powers under this Act.

"(3) The staff of the Committee appointed under paragraph (1) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chaper 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(g) OBTAINING OFFICIAL DATA.—The Committee may secure directly from any entity of the Government information necessary to enable it to carry out this Act. Upon request of the Chairman of the Committee, the head of such Government entity shall furnish such information to the Committee.

"(h) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Committee on a reimbursable basis such administrative support services as the Committee may request.

"(i) ANNUAL REPORT.—The Committee shall, not later than September 30 of each year, transmit to the President and to the Congress a report which shall include the names of the Committee members serving in the preceding fiscal year, the dates of Committee meetings in that year, a description of its activities under this Act in that year, and any recommendations for changes in this Act which it determines are necessary.

"DUTIES AND POWERS OF THE COMMITTEE

"SEC. 2. (a) (1) The Committee shall establish and publish in the Federal Register a list (hereafter in this Act referred to as the 'procurement list') of—

"(A) the commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

"(B) the services provided by any such agency, which the Committee determines are suitable for procurement by the Government pursuant to this Act. Such list shall be established and published in the Federal Register before the expiration of the thirty-day period beginning on the effective date of this paragraph and shall initially consist of the commodities contained, on such date, in the schedule of blind-made products issued by the former Committee on Purchases of Blind-Made Products under its regulations.

"(2) The Committee may, by rule made in accordance with the requirements of subsections (b), (c), (d), and (e) of section 553 of title 5, United States Code, add to and remove from the procurement list commodities so produced and services so provided.

"(b) The Committee shall determine the fair market price of commodities and services which are contained on the procurement list and which are offered for sale to the Government by any qualified nonprofit agency for the blind or any such agency for other severely handicapped. The Committee shall also revise from time to time in accordance with changing market conditions its price determinations with respect to such commodities and services.

"(c) The Committee shall designate a central nonprofit agency or agencies to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among qualified nonprofit agencies for the blind or such agencies for other severely handicapped.

"(d) (1) The Committee may make rules and regulations regarding (A) specifications for commodities and services on the procurement list, (B) the time of their delivery, and (C) such other matters as may be necessary to carry out the purposes of this Act.

"(2) The Committee shall prescribe regulations providing that—

"(A) in the purchase by the Government of commodities produced and offered for sale by qualified nonprofit agencies for the blind or such agencies for other severely handicapped, priority shall be accorded to commodities produced and offered for sale by qualified nonprofit agencies for the blind, and

"(B) in the purchase by the Government of services offered by nonprofit agencies for the blind or such agencies for other severely handicapped, priority shall, until the end of the calendar year ending December 31, 1976, be accorded to services offered for sale by qualified nonprofit agencies for the blind.

"(e) The Committee shall make a continuing study and evaluation of its activities under this Act for the purpose of assuring effective and efficient administration of this

Act. The Committee may study (on its own or in cooperation with other public or nonprofit private agencies) (1) problems related to the employment of the blind and of other severely handicapped individuals, and (2) the development and adaptation of production methods which would enable a greater utilization of the blind and other severely handicapped individuals.

"PROCUREMENT REQUIREMENTS FOR THE GOVERNMENT

"SEC. 3. If any entity of the Government intends to procure any commodity or service on the procurement list, that entity shall, in accordance with rules and regulations of the Committee, procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such an agency for other severely handicapped if the commodity or service is available within the period required by that Government entity; except that this section shall not apply with respect to the procurement of any commodity which is available for procurement from an industry established under chapter 307 of title 18, United States Code, and which, under section 4124 of such title, is required to be procured from such industry.

"AUDIT

"SEC. 4. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and other records of the Committee and of each agency designated by the Committee under section 2(c). This section shall also apply to any qualified nonprofit agency for the blind and any such agency for other severely handicapped which have sold commodities or services under this Act but only with respect to the books, documents, papers, and other records of such agency which relate to its activities in a fiscal year in which a sale was made under this Act.

"DEFINITIONS

"SEC. 5. For purposes of this Act—

"(1) The term 'blind' refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

"(2) The terms 'other severely handicapped' and 'severely handicapped individuals' mean an individual or class of individuals under a physical or mental disability, other than blindness, which (according to criteria established by the Committee after consultation with appropriate entities of the Government and taking into account the views of non-Government entities representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.

"(3) The term 'qualified nonprofit agency for the blind' means an agency—

"(A) organized under the laws of the United States or of any State, operated in the interest of blind individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

"(B) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

"(C) which in the production of commodities and in the provision of services (whether or not the commodities or services are procured under this Act) during the fiscal year employs blind individuals for not less than 75 per centum of the man-hours of direct labor required for the production or provision of the commodities or services.

"(4) The term 'qualified nonprofit agency for other severely handicapped' means an agency—

"(A) organized under the laws of the United States or of any State, operated in the interest of severely handicapped individuals who are not blind, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

"(B) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

"(C) which in the production of commodities and in the provision of services (whether or not the commodities or services are procured under this Act) during the fiscal year employs blind or other severely handicapped individuals for not less than 75 per centum of the man-hours of direct labor required for the production or provision of the commodities or services.

"(6) The term 'direct labor' includes all work required for preparation, processing, and packing, but not supervision, administration, inspection, and shipping.

"(7) The term 'fiscal year' means the 12-month period beginning on July 1 of each year.

"(8) The terms 'Government' and 'entity of the Government' include any entity of the legislative branch or the judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the United States Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

"(9) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated to the Committee to carry out this Act $200,000 each for the fiscal year ending June 30, 1972, and the next two succeeding fiscal years."

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

And amend the title so as to read: "An Act to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes."

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

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

The motion was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was concurred in.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR RIBICOFF ABSENT ON OFFICIAL BUSINESS DURING ROLLCALLS YESTERDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the RECORD show that the distinguished Senator from Connecticut (Mr. RIBICOFF) was absent because of official business during rollcalls yesterday.

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

HEARINGS ON THE PRESIDENT'S ENERGY MESSAGE SCHEDULED FOR JUNE 15

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished junior Senator from Washington (Mr. JACKSON) with reference to hearings on the President's energy message.

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

HEARINGS ON THE PRESIDENT'S ENERGY MESSAGE SCHEDULED FOR JUNE 15

Mr. JACKSON. Mr. President, for the information of the members of the Senate, the Interior and Insular Affairs Committee will hold its initial hearing to consider a National Energy Policy on June 15, 1971 in Room 4200 of the New Senate Office Building. The primary focus of this hearing will be the President's Energy Message which was transmitted to the Congress on June 4, 1971.

Invitations to present testimony on this subject have been extended to Secretary Rogers C. B. Morton of the Department of the Interior; Paul W. McCracken, Chairman of the Council of Economic Advisers; George A. Lincoln, Director of the Office of Emergency Preparedness; Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission; Commissioner James T. Ramey of the Atomic Energy Commission; and Dr. Edward E. David, the President's Science Adviser and Director of the Office of Science and Technology.

NATIONAL LAND USE POLICY HEARINGS SCHEDULED FOR JUNE 22 AND JUNE 23

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished junior Senator from Washington (Mr. JACKSON), together with an insertion, with respect to national land use policy hearings.

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

NATIONAL LAND USE POLICY HEARINGS SCHEDULED FOR JUNE 22 AND 23

Mr. JACKSON. Mr. President, for the information of the Members of the Senate further hearings have been scheduled on S. 632 and S. 992, bills to establish a National Land Use Policy, for June 22 and 23 to hear public witnesses. The hearings will be held before the Senate Interior and Insular Affairs Committee in Room 3110 of the New Senate Office Building and will begin at 10:00 a.m.

At the June 7 hearing on these measures, Governor Patrick J. Lucey of Wisconsin testified before the Committee on the need for a National Land Use Policy. Governor Lucey's statement is a very important document in the legislative history of these measures.

STATEMENT BY THE HONORABLE PATRICK J. LUCEY, GOVERNOR OF WISCONSIN, ON LEGISLATION TO ESTABLISH A NATIONAL LAND USE POLICY

Today we face an urgent need for a national land use policy. This committee is to be applauded for its efforts in seeking to establish such policy. I warmly endorse the

efforts that have been made in drafting the legislation now before you. The need for a national land use policy carries with it a high priority, and I am hopeful that the Congress will move in the months ahead to respond to this need.

It is clear that man's habitat is undergoing an environmental trauma. Yesterday's heedless consumption of land, water and air has brought us to a day of reckoning.

A steady rise in population, a pattern of urbanization and sprawling suburbs, a mushrooming appetite for the outdoors, and dynamic economic activities all spell environmental disaster unless we take unprecedented steps to safeguard the future of our resources. We must not jeopardize our continued survival in this finite natural environment upon which we ultimately depend.

State government bears a weighty responsibility as the steward of the state's natural resources—the ultimate protector of the land, water and air resources. And the states, for some resources, have started to act as responsible stewards. This is a beginning.

The states have taken steps to curb water pollution, and, more recently, embarked on programs to curtail air pollution. But, the exploitive and wasteful consumption of limited land resources and the developmental destruction of unique ecological and recreational lands remains, for the most part, unchecked by any state authority. By and large, states have delegated their land control powers, and can now only stand by while their land resources deteriorate.

Continued pressures for suburban development on the cities' fringes is controlled only by the zoning authorities exercised by dozens of autonomous local governments. Vegetation is stripped. Topsoil is buried. Streams are channelled into culverts. Hills are leveled. Valleys and marshes are filled. And, whole new communities of concrete and blacktop have replaced areas that were formerly forests or farms.

Land deterioration in the countryside is little better. Wetlands are drained. Prime agricultural lands are forever removed from food production. The cost of recreational land, boosted by a speculative fever, far outstrips the public purse.

Why do states suffer this land deterioration crisis?

Along with 48 other states, Wisconsin has delegated the authority to control land uses and development to hundreds of units of local government. Consequently, state land use policy, or non-policy, is an aggregate of thousands of unrelated decisions made by single purpose agencies and governing units —some of these resting on tenuous bases of democratic responsiveness. Generally these decisions are made without regard for other local, regional, or state concerns. Parochial interests have balkanized jurisdictions, preventing government from effectively addressing areawide developmental concerns.

Regional planning commissions, from at least a multi-county regional perspective, could be an important tool for protecting land resources. Each has the responsibility for preparing regional land use plans, but none have the authority to directly implement the plans or to control land uses in that region. Except for the limited influence offered by the A-95 review procedure, they can only advise and persuade, and that is inadequate for the land use crisis of 1971.

I intend to appoint a State Land Resources Committee to study and propose alternative means of statewide land regulations to fully satisfy critical statewide environmental and urban development concerns in Wisconsin.

This Committee will analyze positive methods for state land regulation of statewide areas of concern and will conduct public hearings throughout the state. The final recommendations will then become the basic ingredients for legislation to protect critical interests in the use of Wisconsin's land resources.

But state land use controls can be useful and utilized only when we know what lands to protect. Wisconsin's land planning heritage stretches back to 1929, and we have planned well for the institution of floodplain and shoreline zoning measures and other limited area concerns. But despite this background, today we simply do not have the comprehensive plans needed for the wise use and preservation of our land resources.

Unfortunately, Wisconsin has delegated much of its land use planning responsibilities, along with the delegation of zoning and other land development controls, to hundreds of independent local governments.

Wisconsin urgently needs a comprehensive state land policies planning process and we have taken the necessary action to set such machinery in motion. This action is taken in anticipation of national legislation and underscores the good faith that our state government is prepared to exercise in responding to the critical need for land use control. We have taken the initiative, and I believe we are assuming our share of responsibility. We do so with a view to the urgency of the problem and the desire to fulfill our obligation in the federal-state partnership.

It is with these comments as background, that I wish to comment today on two important bills now being considered by this committee: S. 632 (the Jackson bill) and S. 992 (the administration bill).

THE NEED FOR A NATIONWIDE POLICY

There is little question in my mind that the national government must enunciate a national policy on land use if the states are to respond positively to this environmental problem. For that matter, it is essential if we are to respond to social and economic problems, depletion of central city resources and restricted access to economic opportunities. Having stated the need, we are far distant from accomplishment. We are faced with conflicting values in a world that certainly encourages unilateral approaches. We apply practices to our environment which are beneficial for one purpose and deleterious for another.

What shall be the goals? We seek to eradicate air pollution, water pollution, and land pollution. We wish to prevent soil erosion, develop a program for better management of timber land, preserve wetlands and stop the degradation of outdoor recreation areas. We can add yet another, what a distinguished professor at the University of Wisconsin has termed, "the preservation of the biota for the sake of the biota itself." It is the amphorous preservation of natural beauty, or, as Stewart Udall once described it: "our groping for something we cannot forget—the long waves and beach grass; white wings on morning air, and, in afternoon, the shadows cast by the doorways of history."

If definition is elusive, it is compounded by the complicated machinery of government which bears little relation to the configurations of land and water. We are faced with a living landscape but with no effective governmental mechanism to deal with it.

Both bills purport to establish a national land use policy. Each makes generalized land policy statements that suit the national interest. But neither bill further clarifies and details national land policies, nor makes the regional national interests more precise, nor sets up machinery to articulate more specific national objectives. Instead, this policy will generally be developed as the aggregate of fifty separate state land use plans.

I would recommend that the Congress more fully articulate a national policy within which the states can frame their plans. This policy should be developed with input by state and local leadership, broad enough to satisfy the various geographical interests that comprise the United States but specific enough to guide the states in their planning and development of rational policies of land use.

I would also recommend that the Congress broaden and consolidate national regional planning as a cooperative effort of the several states, the federal regional councils, the existing regional development commissions and the river basin commissions. For example, the interrelated planning of economic development districts, soil and water conservation, transportation, resource conservation, and many others must be drawn together if the nation and the states are to develop and implement comprehensive land use policies.

Without institutionalization of regional coordination and direction among the states and federal agencies, state plans will tend to be developed to satisfy the individual interest of each state. The sum of such disparate efforts will not only be unrealistic, but meaningless in the context of national and regional interests.

INTERGOVERNMENTAL RELATIONS

Both bills recognize that state government is the key for developing and implementing a rational land use policy. States represent a wide variety of social, economic, physical and political conditions. They also differ in institutional structures, government philosophies and intergovernmental relations. Institutional arrangements that are appropriate for one state may be unacceptable in another. The desirability of flexibility should not, however, obscure the need for reasonable constraints for all levels of government. Without them, the requirements for state actions to satisfy national goals would be unreasonable.

Both bills point to state government as the ultimately responsible body for land resources protection. This is proper. While Senate Bill 632 does permit flexibility of administration, Senate Bill 992 more fully recognizes that state and national interests are not always extant. Consequently, it focuses on those areas where there is an overriding state or national interest, and does not otherwise interfere with local prerogatives.

The basic philosophical difference between the two bills is particularly significant for states that have a strong tradition of home rule. Such is the case in Wisconsin.

I would recommend that Congress, in the interest of strengthening the federal system, leave to the states the freedom to delegate authority to local governments as their needs dictate.

Senate Bill 992 represents a more general and broad policy approach to state land use planning than does SB632. Rather than emphasizing planning technique, it establishes performance standards for a process by identifying specific problems which must be solved and leaves open the development of mechanisms for such problems which must be solved and leaves open the development of mechanisms for such problem solving. Essentially, this leaves the states free to select from alternatives whatever mechanism best suits their needs.

Clearly, those provisions of Senate Bill 992 are desirable since they allow the states the flexibility to select from among their resources the vehicle that best suits them. Programs can then be tailored to meet the specific need and competency of that state, while performance indicators will establish a base line for achievement of national goals.

LAND USE POLICY

Land use policy, in and of itself, is not an end. Rather it is a means to an end. There are a myriad of other public policies that have a direct bearing on the development of land use policy—health, transportation, education, manpower and taxation, to mention only a few. Environmental quality cannot be considered in isolation of each of these since each has physical components

and physical implications. If state land use policy planning is to be effective, it must be conducted within the context of statewide comprehensive planning.

Perhaps it is unrealistic to expect state governments to develop their policies as a rational whole, but surely if they are to be effective in their planning, they must account for the components that too often are considered apart from each other. The development, then, of a rational and sound land use policy becomes a vehicle for drawing together these varied and separate components. To that end, Senate Bill 632 specifically attempts to improve economic and social conditions through the enunciation of a land use policy.

However, even though it is generally accepted that the major economic, social and physical problems are found in the urban areas of our nation, the bill specifically exempts major urban areas, as well as federal lands, from the provisions of any state land use plan. It is clear that these are not self-sufficient and self-contained entities. They are affected by external policies of land use and their very existence carries significant implications for the uses of surrounding areas.

We cannot realistically exempt these areas from consideration in the development of rational land use policies—and in fact, they must be given high priority.

NATIONAL URGENCY AND FEDERAL FUNDING

The funding provisions of any national land use policy should reflect the urgency and priority of the subject. The level of funding should be at least equal to that of other ongoing planning programs. If it is to reflect urgency, the level should be even higher.

Program support of 50% as proposed by Senate Bill 992 would seem inconsistent with the stated urgency and priority of the program. Existing planning support approximates 66% and adequate land use planning support might be better pegged at this level, or better yet, the 90% level proposal in Senate Bill 632.

INCENTIVES

As the governor of a state with a long and rich history of progressive action, I am instinctively repelled by economic sanctions imposed to induce state action. But, as a realist, I know that without these sanctions many desirable objectives would not come about. A carrot without a stick often is not enough to induce tough political actions.

For example, would Wisconsin and other states have enacted effective relocation measures or billboard controls without the threat of losing federal highway funds. I would like to think so, but—again, as a realist—I am afraid not.

Senate Bill 632 then appropriately combines both the carrot and the stick. It makes sizable grants for lands use planning, but then would withhold environmentally-related federal funds if the states did not act responsibly. Recognizing the strong national interest in land resource protection, I believe that this sanction is necessary.

The Congress is now also considering bills that would set national policy and establish a national program to protect and wisely manage the nation's coastal and estuarine zones. Wisconsin, as a Great Lakes state, fully recognizes the imperative need to protect and halt further deterioration of our rich coastal resources. And we would make coastal and estuarine zone protection a first priority in comprehensive land and water resource planning.

With a top priority commitment for coastal resources protection, and recognizing the close interrelationships and potential overlap of separate national land use planning programs and coastal zone management programs, I urge that these bills be reconciled. One approach could be to clearly cite coastal zone protection as the first priority in national land use planning. Or, if it appears that the National Land Use Policy Act will not be promptly enacted, the coastal zone management measure should be carefully tailored to anticipate and lead toward an effective national land use planning program.

CONCLUSION

By way of summary, both bills claim to establish a national land use policy but do not address themselves as to where new population and growth should be accommodated and where it should be limited. A true national policy would require more than a composite of state land use plans and controls. The Urban Growth Report, directed by the Housing and Urban Development Act of 1970, could be expanded in concept and components to directly relate national land use policy with national urban growth policy.

Despite this inadequacy, the bills make an important contribution to a more rational institutional system than exists today by stimulating the creation of powerful new state authority to plan and regulate land use.

Senate Bill 632 is more comprehensive in its geographic scope and specifies more detailed analysis as a part of the planning process. However, the state regulatory function should probably not be as broad as its planning responsibilities and might best be limited to the types of land uses contained in the administration proposal—critical areas, key facilities, development of regional benefits, large scale development and new communities. By setting forth these areas of primary concern, the national government would be articulating a national policy by the establishment of priorities. Such statement would also provide a framework for state level planning.

Neither bill is entirely satisfactory. Each has its salutory effects. Each has inadequacies and defects.

We stand, once again, on the threshold of action that will find the states and national government in partnership. The nature of that partnership is of continuing concern. It should be one that will foster a dynamic and mutually supportive function at each level of government. But, traditionally, the relationship is incrementally defined in terms of functional proposals, rather than an agreed upon general intergovernmental policy within which specific programs are then developed. We tend to conduct the business of government in piecemeal fashion, putting these pieces together without respect to an overall framework.

As a governor, I have an abiding interest in any legislation which impacts on states. I am concerned primarily with the relationship that will grow from this new partnership and how it will affect these levels of government now and in the future. I am equally concerned with the effect such legislation will have on the future of municipal, town and county government. But most important of all, I am deeply concerned with the effect this will have on people.

In this context, the obligation of each level of government must be the focus for discussion. There is a tendency, when the clamor for action seems compelling to rush forward without examining the complex ramifications of today's actions on our many tomorrows. We tend to regard hard and difficult questions as details. Too often, fadism overtakes rational and deliberate examination.

At this juncture, and in light of national urgency, I would urge that the Congress and Administration seek to reconcile these bills. I recommend that the mechanism for such reconciliation include the National Governors' Conference of the Council of State Governments and other appropriate organizations.

In this manner, we will preserve the best elements of each bill and at the same time, enable state government to have a positive impact on the concepts incorporated in the legislation.

All too often, the federal-state partnership arising from specific legislation proves unsatisfactory to both parties. The way to alleviate this all too frequent dilemma is to expand participation in the drafting of new legislation—to include those parties that have a direct concern in the legislation and who will be ultimately responsible for program planning and execution.

In the final analysis, state government will assume primary responsibility for protecting the broad public interest in land use decisions. It is desirable, then, that State government be afforded the opportunity to participate more fully in the development of national land use policy.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. BYRD of West Virginia when he introduced S. 2033, 2034, 2035, and 2036, and submitted certain material on behalf of Mr. JACKSON, are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on amendment No. 149 by the distinguished Senator from New York (Mr. BUCKLEY) be limited to 3 hours, to be equally divided and controlled between the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), and the distinguished Senator from New York (Mr. BUCKLEY), and that time on any amendments thereto be limited each to 20 minutes, to be equally divided between the mover of the amendment to the amendment and the mover of the amendment which is proposed to be amended thereby, and that no nongermane amendments be received.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, June 17, when the unfinished business is laid before the Senate, amendment No. 149 by the distin-

guished Senator from New York (Mr. BUCKLEY) be laid before the Senate by the Chair and made the pending business.

The PRESIDING OFFICER. Without objection, it so ordered.

The unanimous-consent agreement reads as follows:

Ordered further, That debate be limited to 3 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 149 by the Senator from New York (Mr. Buckley).

Ordered further, That on June 17, 1971, during the further consideration of H.R. 6531, amendment No. 149 be laid before the Senate and made the pending business.

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree).

Ordered further, That amendments not germane to the amendments enumerated above shall not be received. (*June 4, 1971.*)

ORDER FOR RECOGNITION OF SENATORS BELLMON, DOMINICK, CURTIS, AND WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the very distinguished Senator from Georgia (Mr. TALMADGE), for which an order has been previously entered, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 12 minutes, at the conclusion of which the distinguished Senator from Colorado (Mr. DOMINICK) be recognized for not to exceed 5 minutes, at the conclusion of which the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for not to exceed 15 minutes, at the conclusion of which the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 10 minutes.

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

ORDER FOR CONSIDERATION OF H.R. 7016 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow the Senate proceed to the consideration of H.R. 7016, an act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

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

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS AND AMENDMENT 143 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the bill H.R. 7016 tomorrow the Chair lay before the Senate the unfinished business, and that amendment No. 143 by the distinguished Senator from South Dakota (Mr. McGOVERN) be made the pending business.

The PRESIDING OFFICER. Without objection it is so ordered.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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., FRIDAY, JUNE 11, 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 Friday.

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

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 11 A.M. ON MONDAY, JUNE 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 11 a.m. on Monday next.

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

Mr. BYRD of West Virginia. Mr. President, it is understood that these hours for the convening of the Senate are subject to change.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, now, for the final quorum call of the day. 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.

WAIVER OF GERMANENESS RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore germaneness rule be waived tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, the way the program is outlined for tomorrow there is no period presently set aside for the transaction of routine morning business.

By virtue of the fact the Pastore rule has been waived for tomorrow—and I have asked that it be waived because of the fact that time on the appropriation bill and time on the McGovern amendment has been agreed to and is limited and controlled—any Senator who wishes to transact morning business at any point tomorrow can do so without the restriction of the Pastore rule, provided the Senator can get time from Senators who control the time.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:30 a.m. Following the recognition of the two leaders under the standing order, the following Senators will be recognized in the order stated for not to exceed the times set forth:

Mr. TALMADGE, 15 minutes; Mr. BELLMON, 12 minutes; Mr. DOMINICK, 5 minutes; Mr. CURTIS, 15 minutes; Mr. WEICKER, 10 minutes.

At 9:30 a.m. the Chair will lay before the Senate H.R. 7016, an act making appropriations for the Office of Education. Time will begin running thereon and will be limited to 1 hour on the bill. Time on any amendment thereto will be limited to 20 minutes. Time on any amendment to an amendment will be limited to 10 minutes. No amendments not germane will be received. The agreement is in the usual form.

At the conclusion of action on the bill making appropriations for the Office of Education, there will be a rollcall vote thereon. The yeas and nays have not yet been ordered, but they will be.

At the conclusion of action on the bill making appropriations for the Office of Education, the Chair will lay before the Senate the unfinished business. The McGovern amendment (No. 143) will be the pending question.

A time agreement has been entered into thereon, with a final vote on the McGovern amendment, as amended, if amended, to occur no later than 5 o'clock p.m., on Wednesday, June 16. Time on all amendments thereto will be limited to 1 hour.

Senators are on notice that, other than the rollcall vote which will occur on the bill making appropriations for the Office of Education tomorrow—and there is no time at this point which can be stated for such a vote because it will depend on how many amendments, if any, are offered to the bill—there may be rollcall votes on amendments to the McGovern amendment at any time on tomorrow, on Friday, on Monday next, and on Tuesday, and on Wednesday.

Additionally, there may be rollcall votes on conference reports, et cetera.

When the Senate completes its business on tomorrow, it will stand in adjournment until 11 a.m. on Friday.

ADJOURNMENT UNTIL 8:30 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 8:30 tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 10, 1971, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1971:

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The following-named persons to be Members of the Federal Metal and Nonmetallic Mine Safety Board of Review as indicated: (New Positions)

W. W. Little, of Arizona, for the remainder of the term of five years expiring September 15, 1971.

Peter J. Bensoni, of Minnesota, for the remainder of the term of five years expiring September 15, 1972.

Robert W. McVay, of Missouri, for the remainder of the term of five years expiring September 15, 1973.

Charles E. Schwab, of New York, for the remainder of the term of five years expiring September 15, 1974.

Howard L. Hartman, of California, for the remainder of the term of five years expiring September 15, 1975.

IN THE NAVY

Hugh W. Marcy, midshipman (Naval Academy), to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefore as provided by law:

Jack C. Barrs	Robert L. Holdredge
Ronald O. Beene	Robert G. Horn
Robert H. Christian	W. F. Humphries III
Jon R. Cummings	Glenn E. Love
Jerald L. Daniel	Kenneth W. Starr
David W. Duma	Paul E. Taylor
John T. Hammond	William H. Ward
Charles R. Hedden	Flake M. Wilcox

Ian M. Laird, U.S. Navy (retired), to be reappointed from the temporary disability retired list as a permanent captain in the Line of the Navy, subject to the qualification therefor as provided by law.

Clyde H. McAllister (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Raymond G. Allen	Peter D. Logen
William R. Clarke	James H. O'Callaghah
Otis H. Edge, Jr.	Franklin H. Ross

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Dennis D. Anderson	Kenneth J. Kimbrough
William N. Carter	Benedict Ligotti
Michael A. Cochran	Thomas A. Lynde
Greogory W. Gramm	Gerald F. Moore
Henry J. Deangelis	Mark W. Richards
William F. Doms	Joseph T. Rowbottom III
Bruce R. Fox	Richard A. Smith
Richard R. Gartner, Jr.	Jerry L. Stovall
Floyd W. Gedutis	William T. Theroux, Jr.
Daniel W. Haney	
Craig W. Jester	

The following candidates to be permanent ensigns in the Medical Service Corps (Allied Sciences) of the Navy, subject to the qualification therefor as provided by law:

James W. Malinoski	Robert M. Debell
Roger D. Hughes	Richard Wolf
Eric J. Mueller II	Ronald D. Porter

The following candidates selected as alternates to be permanent ensigns in the Medical Service Corps (Allied Sciences) of the Navy, subject to the qualification therefor as provided by law:

David V. Edling	Michael J. Reinig
Wesley J. Leverich	Thane S. Thurmond
John C. Lane	

HM1 Donna R. Martin to be a permanent ensign in the Medical Service Corps (Health Care Administration) of the Navy, subject to the qualification therefor as provided by law.

The following-named enlisted personnel to be ensigns in the Medical Service Corps (Health Care Administration) of the Navy, for temporary service, subject to the qualification therefor as provided by law:

Steven L. Smith	Norman J. Barber
Larry R. Weappa	Anthony J. Peters III
Michael L. Todd	Warren Williams, Jr.
Larry D. Holman	Steven R. Hixson
Robert L. Malinky	John E. Greenan
Arvid C. Fristad	William S. Dial
Jimmie J. Mullin	John R. Hetrick
Roger D. Crabtree	Robert J. Kane
Harry E. Yost	Rodney D. Hickey
Francis J. Hughes	Arlen D. Morey
Richard B. Kurtich	Tommy M. Tomlinson
Tommy L. Ruffin	Peter F. Sheridan
Clyde E. Kunkel	Kenneth R. Shannon
Gary E. Schick	David E. Johnson
Dale O. Knee	Lemuel A. Waggoner
Jack L. Peterson	J. Ronald Thompson
John I. Huju	Donald J. Lemmerman

The following-named enlisted personnel selected as alternates to be ensigns in the Medical Service Corps (Health Care Administration) of the Navy, for temporary service, subject to the qualification therefor as provided by law:

Fred G. Barina	Ronald C. Ewing
Jerry D. Penn	Robert M. Carroll
George R. Willis, Jr.	George W. K. Stewart
Robert L. Stratman	Joe M. McCaig
Richard T. Oldham	William R. Moses
James M. Keenan	Joseph M. Cosenza
Orlando J. Santore	Jose M. Silvas
Roy R. Skog, Jr.	Michael J. Maskulak
James L. Raymond	Len S. Watts
John W. Denayar	Ronald E. Bennett
Dennis C. Dunkleman	David Dittman
Thomas R. Defibaugh	

William L. Benedict (Naval Reserve Officers Training Corps candidate) to be a permanent Ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Larry B. Thompson (civilian college graduate) to be a permanent Lieutenant and a temporary Lieutenant Commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be Permanent Lieutenants (junior grade) and temporary Lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jack T. Curren	Robert D. Markowitz
Ernest G. Glass	John K. Stephan
Jack A. Hale, Jr.	Charles L. Zimliki
Gary N. Harnois	

Charles A. Vedra, U.S. Navy officer to be reverted to permanent chief warrant officer W–4 in the Navy, subject to the qualification therefor as provided by law.

Theodis Dillard, U.S. Navy, retired, to be reappointed from the temporary disability retired list as a lieutenant commander in the Line of the Navy, for temporary service, subject to the qualification therefor as provided by law.

Gary Wayne Blair, midshipman (Naval Academy), to be a permanent ensign in the line or staff corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1971:

DEPARTMENT OF STATE

Joseph F. Donelan, Jr., of New York, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

Charles J. Nelson, of the District of Columbia, a Foreign Service Reserve officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

U.S. ADVISORY COMMISSION ON INFORMATION

John Shaheen, of Illinois, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1974.

HOUSE OF REPRESENTATIVES—*Wednesday, June 9, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We are troubled on every side, yet not distressed: We are perplexed but not in despair.—II Corinthians 4: 8.

Almighty God, whose power is adequate for all our needs, whose wisdom makes us truly wise and whose love keeps good will alive within us, bless us in full measure as we wait upon Thee in prayer.

Give us the spirit to put into our lives the principles found in Thy Word and may they become the practices of our daily living, so we can lead our Nation in ministering to the needs of our people that no one may be forgotten, no one neglected, and no one left alone.

Grant that a new sunrise of peace and prosperity may dawn upon this planet and upon this our beloved land and upon us, as we pray in the spirit of Him who is the way, the truth, and the life. 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.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended."