SENATE—*Thursday, June 10, 1971*

The Senate met at 8:30 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

Chaplain, Maj. Gen. Francis L. Sampson, Chief of Chaplains, Department of the Army, Washington, D.C., offered the following prayer:

At the beginning of another day's deliberations in this honored forum, O God, we pause to invoke Thy blessing upon each Member of this Chamber whose voice is the voice of our Nation.

Guide these dedicated statesmen in their quest for solutions to the problems that confront them today. Give them courage to seek Thy wisdom. Grant them ability to understand the needs of our land. Help them to view international policies through the eyes of those whose lives they alter. Give to them an awareness of the rights and wrongs of every issue which they consider. Add to their good intentions good judgment, to their political expediency courage to defy it when right demands, and to their words for peace the will to achieve it.

Grant that in seeking to minister to a troubled and turbulent world, their minds and hearts may be tempered with that calm and steadfast spirit which finds its refuge and strength in Thee.

In the great adventure of building a better nation, by their sincerity, integrity, and wisdom, give them the skill to coordinate practical commonsense with lofty idealism, so that their decisions shall heal the wounds and bridge the gulfs of these embittered days.

Bless every citizen of our great Republic. Be with the members of our Armed Forces wherever they serve the cause of freedom, especially those who are prisoners of war or missing in action. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 9, 1971, be dispensed with.

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.

THE UNITED STATES AND NATO; TROOP REDUCTIONS—IV

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may insert in the RECORD set number IV of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO.

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

[From Newsweek, May 24, 1971]

FOREIGN POLICY: MANSFIELD'S REBELLION

From the earliest days of the Republic, the United States Senate and the President have been locked in a constitutional wrestling match over control of foreign policy. In recent years, the undeclared Presidential war in Indochina has intensified that struggle, and last week it flared into the open again in all its historic virulence. Spearheaded by Majority Leader Mike Mansfield, the Senate launched its sternest challenge yet to the authority of Richard Nixon. And when the President grasped the dimensions of the challenge, he handed the Senate what amounted to a demand for unconditional surrender.

The immediate issue was a measure introduced by Mansfield that would compel Mr. Nixon to cut U.S. troop strength in Europe in half. Although a vote on the proposal was deferred until this week, the mere suggestion was a blow to the Administration, which felt it undermined the credibility of Washington's commitment to European defense. But the crisis went far beyond that. Mansfield's maneuver was only the first onslaught in a Senatorial spring offensive designed to break the White House monopoly in the field of foreign affairs. Clearly aware of this aim, Mr. Nixon unlimbered every political weapon in his arsenal to thwart the proposal. But there was a strong possibility that, even if the President prevailed, he would do so only at the cost of further aggravating his already strained relations with Congress.

Last week's confrontation was a long time abuilding. The steady postwar trend toward excluding Congress from a direct role in the formulation of foreign policy has long disturbed both supporters and opponents of the war in Vietnam. Just how sensitive Congressional toes had become was illustrated early in the week, when Mississippi's powerful Sen. John Stennis, an ardent backer of the Vietnam war, introduced a remarkable bill that would prohibit the President from committing U.S. troops to future wars without Congressional consent, except for emergency periods of no more than 30 days.

Though Stennis was in no hurry to bring his proposal to a vote, other Administration critics were rushing ahead with plans to short-circuit Mr. Nixon's foreign policies. The vehicle chosen by most of them was the normally impregnable bill to extend the draft for another two years. One senator, Alaska's Mike Gravel, vowed to conduct a filibuster that would prolong the debate past June 30, when the current draft authorization expires. "We in the Senate," Gravel declared in a letter to his colleagues, "have a chance to put an end to the draft, and thereby also *put an end to the war.*" Many doves hoped to accomplish the same purpose by tacking amendments onto the draft bill. Senators George McGovern and Mark Hatfield revived their year-old measure to set a date for an end to the war. Other amendments sought to limit the draft extension to one year and to prohibit the assignment of draftees to Vietnam.

Stir: But of all the senators trying to hold the draft bill hostage, Mansfield kicked up the biggest stir. Sensation is hardly the style of the mild-mannered man from Montana. But over the years, Mansfield's quiet appeals for a reduction of U.S. military expenditures in Europe have repeatedly come to naught, and in the wake of the recent European monetary crisis, which was caused principally by America's balance-of-payments problems, his patience finally cracked. In what was surely the most extreme legislative proposal of his career, he presented an amendment that would require the U.S. to withdraw half of its 300,000-man European garrison by the end of the year.

The Administration's reaction to this proposal was little short of horror. "It couldn't have come at a worse time," complained a European specialist at the State Department. "Many Europeans already blame us for the monetary crisis. If we begin to reduce our forces unilaterally, it will look like abandonment, and we just can't afford that." Administration spokesmen also argued that Mansfield's formula would eliminate any hope of achieving a more useful goal: a negotiated reduction of forces in Central Europe by both the U.S. and the Soviet Union. "In order to do this," said a White House aide, "we must have some assets to discuss. We cannot strip ourselves of the counters we need for effective bargaining."

Recovering from its initial astonishment, the White House promptly launched an all-out counterattack. Mr. Nixon convened an extraordinary assemblage of men who have helped to shape U.S. foreign policy since the days of FDR. In response to his call, former Secretary of State Dean Acheson, former Under Secretaries Nicholas Katzenbach and George W. Ball, John McCloy, Lucius Clay, Henry Cabot Lodge, Cyrus Vance and a host of active and retired generals all assembled at the White House. "All of us had our fighting gloves on," reported Dean Acheson, who later called the Mansfield amendment "asinine." The participants unanimously opposed withdrawal from Europe, and Mr. Nixon, citing the defense policies of five successive Presidents from both parties, announced a troop slash would be "an error of historic dimensions."

Mr. Nixon's mind was also made up on the question of tactics. Although several Republican senators had offered to present compromise amendments in an effort to undercut Mansfield, the President was unwilling to give an inch. Indeed, he privately told aides that he would veto the draft bill if the Mansfield amendment were part of it. "There must be no compromise—not even talk of one," he said to foreign-policy alumni. "We have

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to meet this one head-on." Accordingly, the statesmen began to discuss how each of them could lobby most effectively to defeat Mansfield. Acheson offered to draw up a brief statement of support for the President, and to get it signed by every eminent American statesman he could lay his hands on. And Democratic elder statesman Averell Harriman, who did not attend the meeting, was enlisted to put pressure on two of his party's key leaders, Edmund Muskie and Hubert Humphrey.

Elation: But the President's most unlikely "ally" of the week was Soviet leader Leonid Brezhnev. In a speech in the Georgian capital of Tbilisi, Brezhnev reversed his government's earlier stand and offered to negotiate a mutual reduction of forces in Central Europe. Although Brezhnev's motives were not clear, Administration officials were elated by his offer. "It's almost as though we had prearranged it," gloated one White House staffer. And, another added, "It underlines so well what we have been saying—that now is not the time to unilaterally dismantle our forces."

Mansfield himself professed to be undaunted by Brezhnev's bombshell. And late in the week, his Senate head count showed 41 or 42 "solid" votes in favor of the amendment. At that point, Mansfield was still planning to go for broke. "I'm not prepared to compromise," he declared. But clearly, the Brezhnev speech and President Nixon's vigorous counteroffensive had taken some of the wind out of his sails. And Congressional sources said that, if necessary, the Majority Leader might be receptive to changes in his amendment, to attract greater support through a more flexible approach. One alternative was said to be a plan under which 25 per cent of the U.S. troops would leave Europe by the end of the year, and another 25 per cent six months later, unless the NATO allies agreed to absorb half of the present cost of the American garrison in Europe.

Whatever Mansfield decides, this week's vote promised to be close, and it was the Administration that had the most to lose. If the White House is beaten, it could be the worst foreign-policy setback sustained by any President since Woodrow Wilson. But even in the event that Mr. Nixon wins this round, he will, sooner or later, face other Congressional efforts to end the war and the draft and to legislate a stronger role for the Senate in the conduct of foreign policy.

"If the executive branch undertakes to thwart the current effort to restore constitutional balance by all the considerable means at its disposal," Sen. J. William Fulbright warned late last week, "it is entirely possible that Congress will be driven to employ some of the unused means at its disposal, and that, as a result, the pendulum will swing too far, carrying us toward the kind of overbearing Congressional role which resulted in the rejection of the League of Nations in 1919."

In essence, what Fulbright was saying was that the Mansfield amendment, injudicious as it might appear to foreign-policy experts, constituted a warning shot across the Administration's bow—and in the long run the reply could not merely be the cry of "no compromise."

[From the Boston (Mass.) Globe, May 24, 1971]

POLITICALLY POTENT COMMON MARKET FEARED

Behind the insistence of the Eastern Establishment that American troops stay in Europe is the fear of a strong and politically unified Common Market that would interfere with the free flow of American corporate capital and its multinational ambitions.

If the original purpose of NATO was to facilitate American interests in the ultimate European settlement with the Soviet Union, the new purpose has shifted to account for developments within Western Europe more than outside it.

Although both the US and USSR will enter into joint troop cut negotiations, the timing and scope of these cuts is all important and does not change the irony that a very important communality of interest exists between NATO and the Warsaw Pact. This isn't the positive fact that military establishments are expensive to maintain, but the negative fact that both America and the USSR fear the Common Market.

Moscow has traditionally opposed the Common Market and worries about the attempts of Warsaw Pact countries to form closer business relationships with prosperous Western Europe. The USSR keeps its troops in Eastern Europe for the same reason the US does in the west; to maintain hegemony over the area. Over time it has become clear that the troops are needed less to counter an external threat than to prevent developments that would realign power relationships within the respective blocs.

Of course, the appearance of external threat is required in order to justify the military establishment. Thus, Russian troops are needed to crush the Czechs physically while American troops are needed to block the movement for European political unification. The US and USSR have cooperated in an unholy alliance.

"In effect," writes Theodore Geiger of the National Planning Assn., "the role of the US in European unification is today, and for the foreseeable future, the reverse of what it was in the 1940s and '50s. Whereas in the early postwar period the movement toward European union would not have gotten underway without strong American leadership and support, so now even the much reduced US presence in Europe and more qualified commitment to its defense constitute hindrances to that goal."

While the United States is finding it difficult to control the outcome of events, it needs to be understood that there is a big difference between economic integration that facilitates multinational corporate growth, and political unification that would harm American interests. The United States has no desire to see, for example, the establishment of a common European currency or anything else that would involve the strengthening of supranational government in Europe.

Negotiations leading to the enlargement of the Common Market are now proceeding at a very fast clip for a number of reasons. These include the desire that Britain help to balance out growing German power in Europe, and the implicit understanding that Britain's role in the Common Market will merely increase the sum total of economic integration rather than sustain a movement for unification.

Geiger, whose organization represents a whole complex of giant corporations and labor unions in Britain and the US, believes that the geographical expansion of the Common Market "would reinforce the factors inhibiting the granting of crucial military and economic powers to supranational authorities."

There is no way that the United States can avoid the business and financial complications of a widening circle of countries operating inside a tariff wall except to get its corporations inside the wall and make arrangements, as with Britain, to guarantee certain markets. These complications, however, are seen as net benefits compared with the losses that might stem from a politically unified Europe.

As long as the Common Market gets bigger and avoids making the important political determinations, the American Eastern Establishment can continue working toward its goal of an Atlantic Free Trade area where the giant multinational corporations can operate unhindered.

As far as the Eastern Establishment is concerned, NATO must continue to exist until the final form of the Common Market/Atlantic Comunity guarantees freedom of action to the multinational corporations.

[From Christian Science Monitor, May 24, 1971]

TROOP WITHDRAWAL

Robert R. Bowie, formerly of the U.S. State Department, and Lyndon B. Johnson, formerly president of the United States, have both opposed Senator Mansfield's proposal to reduce our troops in Europe by 150,000 men. Mr. Bowie's objections and Senator Mansfield's case were both printed in the Monitor, May 14 and 15.

The Nixon Doctrine of July, 1969, is designed to replace U.S. forces in foreign lands, and is served by the Mansfield proposal. Senator Mansfield is putting the Nixon Doctrine into action.

In an interview with U.S. News & World Report editors last January, Secretary of State Rogers was reported as saying: "Our general posture today is one of a lowered profile and a reduced presence of the United States, consistent with security considerations. . . . It means putting more emphasis on regional cooperation, making other nations realize that they have to take the lead in carrying out the responsibilities in their area."

There are more U.S. military personnel and dependents in Western Europe (over half a million) than there are citizens in Nevada, or Vermont, or Wyoming, or Alaska. Do we need nearly a quarter-million troops in West Germany 25 years after peace was declared? Do we need 20,000 military personnel in Great Britain, 10,000 in Italy, 9,000 in Spain, 7,000 in Turkey, or 3,000 in Greece?

Whether there are 220,000 troops in West Germany or 75,000 the continued U.S. commitment to NATO will be maintained. At present West Germany has accumulated more billions of dollars than we have gold. Europe can topple the dollar any time it chooses. The U.S. deficit for the fiscal year ending next month's promises to be in excess of $15 billion, adding further fuel to inflation.

Senator Mansfield's proposal is sensible and greatly needed. President Eisenhower, a military man, termed one of the greatest dangers to this nation's well-being as the "military-industrial complex." We see it operating in the current efforts to discredit Senator Mansfield.

WARREN HIMMELBERGER.

Wellesley Hills, Mass.

A suggestion: The United States compete in magnanimity instead of in excessive weaponry—to keep our place as a leading nation. Compete with initiatives and offers to reduce troop levels in Europe and around the world. (Military competition and quibbling has not worked in this century, or only after interminably drawn out sessions and extended suffering.)

On this small globe in "this global village," war as an accepted and recognized method of settling international disputes must go, and the sooner the better. (It is more totally wrong and insane now than in preceding years and centuries.) Let us urge our government to respond affirmatively to Brezhnev's offers of reductions and relaxation of international tensions.

In brief: Let us support Senator Mansfield vs. President Nixon and the old cold-war warriors.

Belmont, Mass. N. M. MILLETTE.

[From the North Orange County (Calif.) Daily News Tribune, May 24, 1971]

SEN. MANSFIELD AMENDMENT WAS ILL TIMED, ILL CONCEIVED

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 Soviets forces was 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 Congess 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 U.S. News & World Report, May 24, 1971]

FROM THE CAPITALS OF THE WORLD

Forces in Congress are out to reduce U.S. troops in Europe. Senate Majority Leader Mike Mansfield put in an amendment to "cut by half" the 300,000 U.S. military men there, says they could then be "twice as effective."

Here, from our bureaus in the major countries, is the European reaction.

BONN.—The chances that any of America's Allies would take up the slack of a deep reduction of U.S. troop strength in Europe are seen here as zero.

The European attitude follows these lines: "Washington has always said American troops are in Europe to provide security for the U.S., not just to protect Western Europe. If the Americans decide that there is no security threat, why should we act as though there is?"

NATO nations are likely to welcome any excuse to cut defense spending.

Only possible exception is West Germany. But even here pressures to economize are great. Also, even if the West Germans were willing to beef up their forces, already nearly half a million strong, that would bother NATO Allies as well as potential enemies on the other side of the Iron Curtain.

Too much military power under German control is a nightmare everywhere.

Most West Germans oppose U.S. troop cuts. The reasons, from one official:

"If the Americans make big reductions, that is a signal to the Russians that Washington no longer cares much about Europe, that the Kremlin can count on getting its own way on this continent by political pressure, not arms.

"Anybody who thinks, as some U.S. Senators seem to think, that Belgian or Dutch divisions impress the Russians as much as American divisions is in dire need of political education at the kindergarten level."

ROME.—There are no great fears among thoughtful Italians over the prospect of deep cuts in the strength of U.S. forces in Europe. Here's why:

Italians look to the U.S. nuclear deterrent for protection against Russia. They value U.S. troops in Europe as symbols of U.S. commitment, as "hostages" guaranteeing U.S. involvement in the event of a Soviet attack. What really matters to Italians is the presence, not the size, of U.S. forces.

Total U.S. withdrawal would cause real alarm here, could force policy changes. Short of that, troop cuts by the U.S. would worry few Italians.

LONDON.—*No great changes in European defenses* are foreseen by the British even if the U.S. does go ahead and cut troop strengths by as much as half. *Prime Minister Heath* recently told Parliament that Britain could not be expected to further increase its contribution to Europe's defenses. *"The point is bluntly this,"* he said, *"Britain's contributions to NATO,* expressed as a proportion of the gross national product, is greater than that of any of the other major NATO powers . . . This must be recognized by our allies."

This financial year Britain will spend *5.5 per cent* of the total value of its goods and services on defense. *Ninety per cent* of this goes to NATO.

What Britain really will do if and when the U.S. reduces forces in Europe depends on whether the country is *inside or outside of the Common Market.* If Britain is in, then Britain would be likely to work out *a common strategy with France,* probably involving nuclear forces, a low level of conventional forces.

Whatever the U.S. does, no one in Britain talks of NATO collapse, of deals with the Kremlin. For Britain it's *a perfect time for "wait and see!"*

PARIS.—French view is that *only token U.S. forces are required in Europe* to back up the U.S. pledge to defend the Continent. But there is *bitterness* about current U.S. financial policies. A writer in the Paris daily "Le Monde" asks: *"Just how much confidence* can you put *in a nuclear umbrella* brandished by a Government which, without intervening, allows the currencies of the countries it protects militarily to be *flooded by dollars?"*

Chinese Communists are doing well with their new "friendship diplomacy."

Southeast Asia particularly seems eager to let *bygones be bygones.* Even anti-Communist countries which spent years squelching Communist-led uprisings now are trying to make friends with Chinese Reds who backed the rebels.

Look over the list of *recent visitors to the Chinese mainland.*

Thirty Filipino businessmen turned up in Peking, where they had a warm welcome and a chat with Chou En-lai. The Chinese Communist Premier stated his aims. Economic relations, he said, inevitably lead to *diplomatic relations.*

A 19-member Malaysian trade mission, the first since 1956, spent 10 days of May enjoying Chinese Red hospitality and promoting Malaysian rubber sales.

Listen to the leaders of Southeast Asia *speaking publicly at home.*

Thailand's Foreign Minister Thanat Khoman not only has preached the idea of seeking better relations with Red China, but has announced that he has *a friendly answer from Peking* through a third party. Talks may begin soon.

Indonesia's Foreign Minister Adam Malik also is promoting friendship with Mao's men. Best way to start that, he says, is for Indonesia to *trade directly with Communist China* rather than letting its exports go there through middlemen. Such suggestions are *a worry for the merchants of Singapore and Hong Kong.*

As *President Tito,* now 79, works at *preparing Yugoslavia* for his going . . .

Keep in mind *what the Yugoslavs have right now,* despite all their troubles.

As in no other Communist country, they can see "Dr. Zhivago" on film, read Solzhenitsyn's novels or "Khrushchev Remembers," buy many Western goods.

As in no other East European country, the Yugoslavs took the lesson of the Soviet invasion of Czechoslovakia to build up their defenses against Russia.

Tito has promised "a lot of changes" in "a few months." *So it is no wonder* that the U.S., Russia and all Europe keep *a close watch on Yugoslavia.*

[From National Observer, May 24, 1971]

CAPITOL HILL HAS AN EXPERT SHORTAGE

(By Jude Wanniski)

When the turbulence in the international money market reached its peak some weeks ago as the West German government temporarily stopped exchanging marks for dollars, Capitol Hill reporters approached Senate Majority Leader Mike Mansfield and asked for a comment.

"I have no comment," he said tersely. "I'm afraid I don't know much about the international monetary system."

The newsmen drifted over to Senate Minority Leader Hugh Scott, who was holding his daily press briefing a few feet from Mr. Mansfield. They asked him for a comment. He also shrugged, mumbling an

apology that he didn't know too much about the problem.

These honest admissions by the two Senate leaders are typical of the entire Congress. Of the 535 members, perhaps a dozen have a grasp of the workings of international economics. Indeed, one of the reasons that Chairman Wilbur Mills of the House Ways and Means Committee is held in such high esteem by his colleagues and the press corps is that he seems to have mastered this mystifying subject.

Almost overnight, however, Congress has become dimly aware that there are big and disturbing problems in this area, and that increasingly in the decade ahead its attention will be forced to these problems. In simplest terms, the United States has used up the cushion it enjoyed by virtue of being the only industrial power left unscathed by World War II. This reality has been suspected for some time, but it is now being freely admitted.

Treasury Secretary John Connally, the only Democrat in the Nixon Cabinet, has been breaking this bad news every chance he has. He told a Senate trade subcommittee last week: "Our trading position shows that we will have to work harder just to maintain our position. . . . The simple fact is that in many areas others are outproducing us, outthinking us, outworking us, and outtrading us."

George Schultz, director of President Nixon's Office of Management and Budget, told the same subcommittee: "We have got to change the U.S. image from that of Santa Claus to that of the old hard-bargaining Yankee trader."

It is one thing to recognize the problem, another to correct it. Reflecting the character of the American people, Congress has an instinct for direct action. The balance-of-payments deficit—the excess of dollars flowing out of the country over those flowing in—is soaring, so pull U.S. troops out of Europe. U.S. industry is getting murdered on textiles, shoes, steel, consumer electronics, so slap on import quotas.

As Secretary Connally points out, though, the problems are more fundamental and direct action is not the answer: "Productivity, in its broadest sense, is truly 'the name of the game' in the hard, competitive world of international trade."

Yet on this score the Administration is stymied. Almost anything the Federal Government could do to assist increased productivity of American industry instantly brings forth the wrath of AFL–CIO president George Meany, consumer advocate Ralph Nader, and the Democratic Congress. The Administration would like to propose legislation to discourage union featherbedding practices and encourage more efficient union work rules, but it dare not. Not only would labor scourge Richard Nixon, but Congress would likely turn the legislation in the other direction, the White House believes.

When Mr. Nixon announced an easing of tax depreciation rules for industry to give it a more competitive footing with overseas industry, the liberal Democrats predictably denounced the move as a giveaway to Big Business. Some top Administration economists yearn for an easing of antitrust laws, convinced that American industry would benefit by mergers. But stiff antitrust enforcement is an article of faith among Democrats. There are also dreams in the White House of a complete overhaul of the nation's tax laws—a modernizing that would give American industry new life. But again, Congress has a tradition of turning tax reforms around, stripping away long-term benefits to business and handing out quick bonuses to the people who vote. Direct action.

As it is, the plans Mr. Nixon sent to Congress are being turned around. Instead of revenue-sharing, which the President says would immediately attack unemployment by putting cash into the hands of local governments, the Democrats are pushing 35-year-old ideas that they say will also attack unemployment: public-service jobs and accelerated public works. Such projects are so cumbersome to operate, argues the Administration, that it would be years before funds trickled through the red tape down to the country.

The pulling and hauling between Congress and the President, Democrats and Republicans, goes on at a time when the Capital freely admits it has big troubles in the world's economy; so it is no wonder Europeans doubt the United States will ever get things under control. The outlook is not that bad. In fact, as the war in Southeast Asia continues to wind down, members of Congress can begin firing a few hundred Vietnam experts and hire some people who understand international economics.

[From the Boston Globe, May 25, 1971]

OUR OWN HOUSE IS ON FIRE

WASHINGTON.—We think a tremendous shift of public attention is now going on in America that may be the dominant feature of the 1970s. There are fascinating signs of it everywhere. Right in the midst of spraying the fire 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 US troops in Europe, say, and the ghetto riot up in Brownsville, N.Y., over state relief cuts; 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 isn't 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 won't wait.

Take hunger. It is easier to visualize it in personal terms. "About a month and a half ago," Sen. 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 amidst the other children eating their good meal, eating a chocolate cookie. She had a little dirty bag that she brought, that her mother had sent, and two other chocolate cookies. And 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 million 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 percent 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 percent of total income to the top half of the population, and only 23 percent to the lower half.

The fact is, America is stingy. As 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 Rep. Wilbur Mills has picked up the ball. There's a lot that's 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's 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's a translation from the Latin, "Pacem in Terris," by Pope John XXIII.

Senate Majority Leader Mike Mansfield 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 need half a million persons in Europe including dependents, with 7000 tactical nuclear weapons or even 128 generals. Nobody paid much attention.

Then suddenly, the mouse roared. 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 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 assert itself. Mr. Nixon would be wise to adjust policies less the pendulum swing too far.

[From the Washington Post, May 25, 1971]

DEAN ACHESON ON "THE RIGHT WAY TO DEFEAT MIKE MANSFIELD"

Apropos of your leader this morning (May 19—The Right Way to Defeat Mike Mansfield), the President might be reminded of a saying about citizens of a certain European country—that with them as friends one did not need enemies. You say that, while it is important to defeat the Mansfield amendment sharply, it is wrong for the President to fall upon it combatively as an assault upon his prerogatives, his responsibilities, and his policies. You urge that the part of statemanship is to accept a Senate instruction to the President to negotiate with our allies and opponents some sort of a reduction of forces somewhere. In other words, don't fight; and, eve i if you lick 'em, join 'em. "It is well known," as Mr. Vishinsky used to say when stating something not known at all, that editorial writers are guided by revelation and fortified by infallibility. But even with these aids to native intelligence, you seem to have gone pretty far astray. You seem to regard the President and the ancient mariners who rallied to his support to have been merely miffed on a matter of "presidential prerogatives and personal authority." The Supreme Court, however (and indeed the Senate Committee on Foreign Relations) has viewed the issue involved here as of the deepest constitutional moment.

"The President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." The Court quotes the Senate Committee on Foreign Relations as re-

porting to the Senate on March 7, 1800: "'The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiations may be urged with the greatest prospect of success. For his conduct he is responsible to the Constitution. The committee consider this responsibility the surest pledge for the faithful discharge of his duty. They think the interference of the Senate in the direction of foreign negotiations calculated to diminish that responsibility and thereby to impair the best security for the national safety.'" (United States v. Curtiss-Wright Corp., 299 U.S. 304, 315 et seq.) What a committee that was!

This is exactly what Senator Mansfield was attempting to do—to determine policy and to speak for the United States. The President had both the right and the duty to face up to a constitutional confrontation and return the Senate to its "proper interest in foreign policy" and not to accept your mistaken notion of it.

Moreover, though it may be a surprise to you, your suggestion regarding the substance of wise foreign policy is not new. I breach no confidence in letting you know that President Nixon and several of his predecessors have heard of it before in various forms. Indeed, dusty and long-forgotten files of your own newspaper for November 1951 report that President Truman in Washington and the next day the Secretary of State at the General Assembly in Paris made a proposal for the reduction and control of armed forces and armaments. The proposal was joined in by Great Britain and France. Of course, you can't be expected to remember Andrei Vishinsky's reception of this proposal. From the rostrum of the United Nations he told the world that he hadn't slept all night for laughing at the President's speech. One can always trust the Russians for the *mot juste*.

There are other drawbacks, too, to this bright idea of yours—and your predecessors. Do you mean a mutual reduction of forces or a mutual withdrawal of forces from Europe? If the former, do you mean reduction without inspection, which is what the Russians mean? If the latter, how are our allies to be reconciled to a Russian withdrawal of three hundred miles and an American withdrawal of three thousand miles? I suppose, too, that the senators for withdrawal would also be for no return without their consent. As my grandchildren might say, "Big deal."

DEAN ACHESON.

WASHINGTON.

[From the Evening Bulletin, May 25, 1971]

MANSFIELD MAY BE VINDICATED

(By Clayton Fritchey)

WASHINGTON.—Despite the defeat of the Mansfield amendment calling for the reduction of U.S. military forces in Europe, the country is going to clip valuable coupons from it. First, it is only a temporary setback, for eventually the idea will prevail. Second, it will hasten overdue reforms of the whole structure of European defense.

Sen. Mansfield (D-Mont.), the majority leader, proposed cutting America's European forces from 300,000 to 150,000. The Administration charged that this would fatally weaken NATO, but that was not, and is not the intent of Mansfield and his supporters. Their main object is not to reduce strength of the NATO forces, but simply to reduce the excessive and unfair American contribution to it. The other NATO countries could easily make up the deficiency, or even enlarge NATO if they thought it desirable.

Mansfield has said on more than one occasion that there is no reason why "over 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians—who are contending at the same time with 700 million Chinese."

MANSFIELD'S ARGUMENT

And Kurt Kiessinger, the former chancellor of Germany, has asked, "Is it not a disgrace that 200 million Americans must protect 250–300 million Europeans?" He urged the NATO countries of Europe to "unite their power so that they can play a completely new and completely different role in the world."

But why should they if the United States is willing to continue paying most of the cost for their defense, as it has for over 20 years? Sen. George Aiken (R-Vt.), the senior Republican in the Senate, said in backing Mansfield, "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."

The Mansfield amendment lost not on its merits, but careless legislative strategy. As Sen. Margaret Chase Smith (R-Me.) said, the majority leader could not have been "more wrong" in his timing. He brought it up without warning, without broad consultation with key senators, and without time to develop and publicize the persuasive arguments for its adoption.

Mansfield also exposed himself to a White House blitzkrieg, which included lining up former President Johnson and Truman against the amendment. The public, however, was not told that another former President, Gen. Eisenhower, had called for reduction of American NATO forces even before Mansfield. The Administration argued that any action at this time would be "hasty" and "precipitant." Mr. Eisenhower, the first commander of NATO, disposed of that old stall when he said on October 26, 1963:

"Though for eight years in the White House, I believed, and announced to my associates, that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops."

ANOTHER 8 YEARS PASS

Yet, after still another eight years, the Senate is again being warned against acting hastily, although prosperity long ago returned to Europe. Germany, with a small defense budget, is thriving so mightily that its mark is now stronger than the U.S. dollar. Nevertheless, the German defense minister, Helmut Schmidt, now says, "The idea that the United States will extend its nuclear umbrella to Europe in a showdown has very little credibility unless it is backed up by the Americans having a substantial on-scene commitment."

[From the Philadelphia (Pa.) Evening Bulletin, May 25, 1971]

PRESIDENT'S CLEARCUT VICTORY DID NOT HURT SENATOR MANSFIELD

(By Robert Roth)

WASHINGTON.—It does not often happen in politics—or anywhere else—that one side in a controversy can win without defeating the other. Yet something very like that occurred last week in the confrontation between President Nixon and Senate Majority Leader Mansfield on the issue of troop withdrawal from Europe.

It is not to be disputed that Mr. Nixon scored an impressive victory.

The proposal of Senator Mike Mansfield (D-Mont.) that the President be required to bring home half of the 300,000 American troops assigned to North Atlantic Treaty Alliance duty in Europe was defeated by a lopsided Senate vote.

A SUCCESS

There are some here who seek to belittle the President's triumph, who say that the Mansfield proposal never really had a chance to prevail, that the Administration used over-kill tactics and that in doing so it alienated some and allied itself with others in a manner that will come back to haunt it later.

But that is carping. It does not alter the fact that the President did what he set out to do, that he kept his foreign policy prerogatives at least temporarily intact and that he registered a success at a time when—if the public opinion poll popularity ratings are to be believed—he badly needed it.

This does not mean, however, that Mansfield suffered a defeat proportionate to the Nixon victory or, indeed, that Mansfield lost at all. The evidence is strong that the senator from Montana achieved all he wanted or expected to achieve.

Mansfield knew—the Senate has no better vote counter than he—that he couldn't swing a Senate majority to his side on this issue at this time.

He knew that even if he did, he would lose in the House, and that if by some remote chance he won there the President would nullify everything with a veto.

What Mansfield wanted was to make an Administration which had blithely ignored him pay some attention. He wanted to force it to take a public position on an issue it seemed determined to ignore. He wanted to bring home to the public the fact that the United States was spending $1 billion a year in Europe to maintain an army to defend those who are able but unwilling to spend proportionately for their own defense at a time when they are prospering and the United States is reeling under the impact of a huge balance of payments deficit.

ORIGINAL PROPOSAL

This Mansfield accomplished, and then some. He forced the Administration to work as it has never worked before to achieve a legislative result, to call to its aid as allies a whole generation of Democratic foreign policy makers whom the President had on many occasions castigated and repudiated.

Mansfield clearly established, through the vote on various amendments to his original proposal, that a majority of the Senate wants the U.S. military establishment in Europe curtailed and differs only as to when, how and how much.

He made it certain that if the Administration does not act in a reasonable time the Senate will intervene again, and he made it probable that on a second test the Administration will not win easily, if it can win at all.

It is noteworthy that in the process Mansfield gained significantly in stature. The Senate has long regarded Mansfield with affection and respect, more so than any majority leader in modern history.

NO LIGHTNING ROD

It admired him for his fairness, for his respect for senatorial dignity and prerogative for his keen insight, his imperturbability, his ability to fight hard without raising his voice, his grace in accepting defeat and his persistence in fighting on even so.

He lost none of this in the recent controversy, but he gained a national prominence he had not previously commanded. This was something he had never sought. Alone among the many senators who might justly harbor presidential ambitions, Mansfield has carefully avoided putting himself in a position where lightning might strike.

He has always scrupulously avoided the fact as well as the appearance of being a candidate for any honors other than those he now holds.

The troop controversy did not change that. It did not make him a contender for Demo-

cratic presidential nomination, and it will not. But it made the Democratic rank and file, and the country as a whole, more conscious of Mike Mansfield than they ever were before. It gave him a voice that will not easily be ignored when the time for nominations rolls around.

[From the Philadelphia (Pa.) Evening Bulletin, May 25, 1971]

MR. MANSFIELD MAKES A POINT

Now that the dust of battle has settled, it is worth noting that in the congressional effort to reduce by half the U.S. forces in Europe, fully 58 senators showed by their votes that they are not at all satisfied with things as they are.

Not all of these senators, of course, supported Senate Majority Leader Mike Mansfield in his rejected call for the withdrawal of 150,000 Americans now assigned to NATO units in Europe. Many persons, outside of Congress as well as in, had reservations about the Mansfield Amendment while remaining convinced that a sizeable cut could and should be made in this country's NATO commitment.

But in addition to the 36 senators who did vote for Mr. Mansfield's proposal there were 22 more who cast votes in support of other measures designed to register opposition to the present level of U.S. troop strength in Europe.

It is clear, too, that the Senate was not willing even to appear to tie President Nixon's hands by limiting his options in any negotiations with the Soviet Union toward mutual troop reductions in NATO and the Warsaw Pact.

Thus the headcount on Mr. Mansfield's cutback proposal did not accurately reflect widely shared misgivings in the Senate over the size of the U.S. force— 310,000 men—still stationed in Europe. There is certainly a majority of the Senate anxious to have President Nixon review this country's NATO troop strength.

By insisting that the size of the American army in Europe is not fixed or immutable, Mr. Mansfield is challenging a lingering, postwar dogma that NATO would fold up without four American divisions to hold it together.

The alliance must have deeper roots than that. With Britain, as well as Ireland, Denmark and Norway as members, the European Common Market will have a larger population than the United States or Russia and the second richest economy in the world.

And with a growing, historic union of the European democracies to defend, the NATO allies can surely afford a bigger share of the manpower and other costs involved in keeping strong militarily.

Our European allies, then, would do well to look closely beyond the 36–61 rollcall by which the Mansfield Amendment was rejected. They will thus realize that the days of what has been so aptly described as this country's role as NATO's "patient patron" are ending. The United States is determined to lower its profile—responsibly but surely—in Europe as well as in the rest of the world.

[From Chester, Pa.]

MIKE IS RIGHT; LET EUROPE GIVE MEN AND MONEY

(By Holmes Alexander)

WASHINGTON.—"Oh, my achin' back. Aleck, don't let 'em do it to us. We never had it so good."

The cry of anguish, circa 1950, came from an old Air Force buddy who, after a short hitch in civilian competition, had got his commission restored and was back in the happy rut of being a peacetime navigator.

During the mid-1940s he'd guided formations of B–24s which had dumped this very city Stuttgart, into its own streets.

I went through there in a jeep just after V-E day, and one mental picture of that devastation was worth a thousand words like LeMay's famous phrase, "Bomb 'em back to the stone age." Rubble, rubble, toil and trouble.

But by the time of this second visit to Stuttgart, the German "miracle" was beginning. Marshall Plan money, and American garrison troops to soothe European nerves, meant prosperity-cumpeace, despite rumbles on the Berlin autobahn and in a place called Korea which Secretary of State Acheson had forgotten to mention in a National Press Club speech when he outlined the U.S. sphere of responsibility.

My old buddy and his pretty wife were living it up in a spanking new apartment that set him back only a small fraction of his major's pay, plus the bonus for flying status, overseas assignments and allowance for dependents.

But the ugly serpent of a rumor had wiggled into this Eden. Senators like Taft, Hickenlooper, Jenner and Knowland had been persuaded against their will, if it all, to go along with this Atlantic Alliance (NATO).

Taft, in particular, disliked the idea of stationing troops abroad in peacetime. Some of the other Republican senators thought we hadn't heard the last of Red China, and that the next showdown was going to be in Asia not Europe.

Acheson, who presented the Truman administration's NATO plan to the Foreign Relations Committee, harped on the emergency, temporary, share-the-expense aspect of the scheme.

The liberal press taunted all who opposed it as "isolationists." If there had been foresight that NATO would be with us 25 years later and that the European allies never would pick up their proper tab, Acheson might well have been howling at the moon.

Thousands of American servicemen, like my buddy, were knee-deep in four-leaf clover. Their wives, who weren't used to much back home, had been bargain-shopping all over the beat-up Reich.

You never saw so many antiques and objets d'art in private collections as found their way into those quarters where the married officers lived. The post-Hitler poverty population sold everything, from warm bodies to cold marbles, for the Yankee dollar.

You went into your old pals' rooms and you saw linens and china that graced only the tables of millionaires back home. You saw walls hung with steel engravings, with medieval fencing weapons, with High Church ornaments.

Now and then, you would see oil portraits of the man-of-the-house, his mate and their children, done by the impoverished hands of unknown masters who had survived the allied victory tide.

Bliss was it in that day to be American, and to be in uniform was very heaven. We were the conquerors, and this was never overlooked. Germans snapped to attention, and didn't talk back to those who occupied and protected their country of the Hun from the country of the Tartar.

These times have passed. The current way of saying so comes in three words: "Mike is right."

You will hear it all over town, sometimes aloud, sometimes muted.

Like all prophets worthy of audition and of memory, Senator MIKE MANSFIELD (Democrat, Mont.), the Majority Leader, is ahead of his time, and he's a pain in the neck to the stand-patters.

Although his amendment was beaten 61–36 he will have a try again.

The Mansfield amendment which calls for us to bring back from West Europe some 150,000 troops and some 235,000 dependents simply means that the days of Conqueror have expired.

That doesn't mean that we are the ex-Conquerors in Europe, for we have not been defeated.

It doesn't mean that we have surrendered any territory, but only that we are giving it back to the original settlers.

Europe is prosperous enough and populous enough to supply the money and men that we must now withdraw.

MANSFIELD will suffer the prophet's usual abuse. He will be accused of saying much that he didn't say and of saying it at the wrong time.

MIKE knows as well as the next man, and knows much better than most, that we still have a war to fight against world communism.

But we will be stronger, militarily and financially, if we do it his way. And the Europeans, after much bawling, will muscle up and become our allies in more than name.

[From the Chico (Calif.) Enterprise Record, May 26, 1971]

TIME FOR U.S. TROOP CUTS IN EUROPE

You can say what you like about Senate Majority Leader Mike Mansfield—and a lot of unkind things have been said about him during the past fortnight—but the veteran Montana Democrat is correct in his desire to reduce the American troop commitment in Western Europe.

Mansfield's Senate colleagues voted him down last week after being put under great pressure from the White House and from an unusual Democratic-Republican "coalition" of present and former congressional and diplomatic officials (as well as former Presidents Johnson and Truman).

The put-down of Sen. Mansfield was so sharp that little consideration was given to the fact that he and Sen. Gaylord Nelson of Wisconsin had offered a program of slow and gradual reductions that would have taken until 1974 to reduce the troop commitments by half.

We have not been a big booster of Sen. Mansfield over the years. But on this matter, we feel he is on the right track. America's huge and expensive consignment of more than 300,000 troops to Western Europe should have been brought home long, long ago. Yet here we are—26 years after the end of World War II and 23 years after the Soviet blockade of Berlin—still providing the backbone of defense for a bundle of nations who won't bear the burden or the cost of defending themselves.

The American troop commitment was understandable in the early days after the war. The European nations were bankrupt and in a shambles—and former ally Communist Russia was showing signs of wanting to take over the whole continent.

The Russian blockade of Berlin in 1948 was an obvious first step in a move to sweep all of Germany into her grasp. Under that threat, the free nations of Europe joined with Canada and the U.S. in setting up the North Atlantic Treaty Organization (NATO). The original NATO treaty was signed by 12 nations. Three other nations joined later to stretch NATO from Iceland all the way to Turkey as a line of defense against Soviet expansion. The U.S., naturally, provided most of the military muscle and money.

Over the years, the European nations—with our steady assistance—recovered and grew to prosperity. Significantly, however, none of them offered to bear a much greater load of their own defense. Rather, they sat back and raked in money we were spending on our troop establishments there (see today's editorial cartoon). France, as a matter of fact, ultimately withdrew her forces out of NATO—and kicked U.S. and NATO forces off French soil (but still is counting on us to defend her against Russia in case of attack).

In the bargain, not even our old friends the British have helped much. As a matter of fact, England has even discontinued her

draft—while young Americans still are being conscripted to help British interests not only in Europe but in other parts of the world.

West Germany always cries the loudest when talk comes up about reducing U.S. troop commitments in Europe. More U.S. troops are stationed in Germany than elsewhere—and Germany is getting a lion's share of the defense money spent by the U.S. But while we have troops stationed in Germany to protect her from Communist Russia, German officials are busily negotiating friendship and trade treaties in Moscow!

Many arguments were brought against Mansfield's proposals. They included the old "help our friendly allies" pitch and the pitch about upsetting possible "mutual withdrawal negotiations" being mentioned by Russia.

But the basic facts cannot be altered by those arguments. In Europe we are stuck with the same sort of sucker deal that plagued us in Korea. The Korean War "officially" was a United Nations war—but Americans did 90 per cent of the fighting and dying there while other U.N. members sat back comfortably, and some even traded with the enemy. Now in Europe we are manning and financing the defense of nations who won't man or finance their own defense.

Ironically many of those hollering loudest in Congress for us to keep troops in Europe (to defend people who won't defend themselves) are at the same time hollering loudest for us to withdraw all troops from Vietnam (where the South Vietnamese not only are helping with their own defense but are suffering casualties now at four and five times the U.S. rate). As such, it is difficult to find consistency in those who holler the loudest, eh?

At any rate, we believe it is about time for Europeans to begin assuming primary responsibility for their own defense. We believe it is about time to stop the "dollar drain" prompted by our expensive military establishment in Europe—this drain is a chief factor in the sorry U.S. balance of payments deficit threatening the dollar.

In short, Senate Majority Leader Mike Mansfield may have been "a little ahead of time" in asking for the reduction of U.S. troops in Europe, as some of his critics are saying. But we think 25 years of defending nations who won't defend themselves is just about long enough. Especially when we are drafting young men to do the job—and are ruining our economy in the bargain.

[From the Philadelphia (Pa.) Inquirer, May 26, 1971]

TROOPS IN EUROPE ARE TOP-HEAVY

(By James McCartney)

WASHINGTON—Generals are a dime a dozen, combat troops a rarity.

The U.S. military force in Europe has been accused on the Senate floor of being "inflated and musclebound," laden with "fat".

One military expert has computed that the 300,000-man U.S. force contains only 80,000 troops who would ever confront the enemy in battle.

And it has more generals and admirals on a continent at peace than have ever been used to command nearly twice as many troops actually fighting a war in southeast Asia.

These are some of the arguments advanced in the Senate last week in the debate over Sen. Mike Mansfield's losing attempt to slash the number of troops in Europe in half, to 150,000.

They are arguments that are bound to recur as Mansfield and others continue a campaign to trim back the number of troops—for they were not refuted by administration defenders.

Take the case of the generals and admirals.

There are 128 generals or admirals in Europe today for a force of 300,000. That is about one for every 2300 men.

In Vietnam, where there has been a war, there were only 91 generals or admirals at the peak of the U.S. effort.

They handled 542,000 troops—about one for 6000.

That, says Sen. Mansfield, is what he means by "fat."

Says Sen. Frank Church (D., Idaho):

"All of us know that the force we have in Europe is a fantastically featherbedded, sedentary force. . . .

"There are majors serving tea to colonels. The colony of women and children we maintain, together with the men in uniform, is larger than the population in any one of three American states."

Church was referring to 227,000 U.S. dependents in Europe.

Says Sen. John Pastore (D., R.I.):

"We have men there picking up butts and painting flag poles and they should be home with their families doing their jobs in America.

"We are overcommitted."

There was little argument in the debate over the contention that the essential role of U.S. commitment to defend Western Europe against potential Communist attack.

Sen. Mansfield relied heavily on the advice and computations of a retired Army officer, former Lt. Col. Edward L. King, who for years worked on logistics planning for the European theater.

King computed that a maximum of about 80,000 of the 300,000 U.S. military personnel in Europe can actually be considered combat personnel.

The rest, he said, are assigned to administrative and supply duties. Says King: "We're structured to waste our people. The system is built to make jobs for people.

"The American people are spending a lot of money—billions, in fact—that produce nothing for national defense."

Even in a 16,000-man combat division, says King, only about 7,000 soldiers "are assigned the mission of firing at the enemy."

The remaining 9,000, he says "are assigned to administrative command and logistic support positions within the division."

King, who was a Regular Army officer, finds this shocking—and says that many of his colleagues in the military in Europe agreed.

King says the U.S. European contingent breaks down like this:

Army, about 180,000 of which only about 35,000 may be properly classified as combat troops.

Air Force, 40,000 of which about 25,000 are combat.

Navy (the Sixth Fleet in the Mediterranean), 20,000 of which about 10,000 are combat.

The number of combat troops in this breakdown comes to only 70,000, but King says he used the 80,000 figure to give the Pentagon the "benefit of the doubt" in identifying combat troops.

King is particularly upset about the organization of the Army.

"There is no valid military reason," he says, "why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers—of which less than half fire at the enemy.

He says the U.S. Army in West Germany has grown "top heavy" for three reasons:

Bureaucratic inertia.

Military preference for soft career living.

Civilian abdication of control over military policy.

[From the Washington Daily News, May 26, 1971]

MAYBE THE REDS WILL STOP TRYING TO SPLIT THE ALLIES

(By Stan Carter)

WASHINGTON, May 25—A Soviet move to break the East-West deadlock over Berlin may be in preparation. If it comes, it will be another warming breeze in the spring diplomatic thaw—and may mean that the Russians have embarked on a new, more conciliatory policy toward the West.

A hint that the Kremlin was planning a new Berlin move came from Moscow last week, but it was generally overlooked in the flurry of other diplomatic developments.

It was in a communique issued after a visit to Moscow by East Germany's new Communist Party leader, Erich Honecker, and Premier Willi Stoph. The Germans met with Soviet Communist Party chief Leonid Brezhnev and Premier Alexei Kosygin.

The communique said the Russian and German Communist leaders had discussed the Big Four negotiations on Berlin and "are unanimous that an understanding on this question would meet the interests of all parties to the negotiations and would remove the grounds for disputes and conflicts in this region."

But it also said: "In the discussion of international problems, the GDR (German Democratic Republic) representative states that the peace program adopted by the 24th (Soviet) Party Congress was met with general approval in the GDR and was regarded as an expression of the two countries' common aims and interests."

This language was far short of a hearty East German cheer for the still-secret foreign policy decisions made at the Soviet Communist Party Congress last March. It was read by analysts here as meaning that the German Communists were, in fact, quite unhappy over the Soviet views on how to proceed in the Berlin talks.

These talks between the Soviet Union, the United States, Britain, and France—the Big Four allies of World War II—have been going on since March 26 of last year without having produced any results so far.

The Western aim has been to negotiate a four-power umbrella agreement recognizing continued Big Four responsibility over the isolated city, with East and West Germany then working out practical details on access. This was fiercely resisted by Walter Ulbricht, East Germany's hard-line, long-term Communist Party boss who has just been replaced by Honecker.

It is, of course, entirely possible that the analysts are reading too much between the lines of the Soviet-East German communique, but the hope here is that it signals a Soviet policy change on the Berlin talks. Despite their lack of progress so far, a Soviet decision to recognize four-power responsibility over Berlin could bring a quick agreement at the Big Four talks, removing one of the biggest obstacles to East-West agreements on other issues.

The stalemate over Berlin has been a source of major East-West tension since the very beginning of the Cold War.

Right now it is holding up the West German ratification of treaties between Bonn and both the Soviet Union and Poland, which are part of West German Chancellor Willy Brandt's "Ostpolitik"—or Eastern policy. Under the two pacts, Bonn would formally accept the borders imposed on Germany after World War II. Thus they would in effect formalize and ratify the postwar division of Europe—something the Kremlin appears to desire very much.

WARY OF MOVING ON OTHER ISSUES

Further, the West Germans have been wary of Brezhnev's recent proposal for negotiations on reduction of forces by both Nato and the Communist Warsaw Pact so long as the Berlin issue remains unresolved.

Along with other Nato allies, the United States has opposed convening of an all-European security conference—another idea the Communists have been pushing for the past few years to formalize the postwar division of the continent.

But the United States is on record as endorsing the more limited proposal for East-West talks on mutual and balanced force reductions in central Europe. Secretary of State William P. Rogers will seek to line up the other Nato allies at next month's ministerial meeting in Lisbon to seize the opportunity offered by Brezhnev's recent invitation to "taste the wine" of negotiations.

There is some concern here—which is undoubtedly shared by Moscow—that the Nato meeting will not be unanimous because of Bonn's worry about Berlin. This may be an incentive for the Russians to put pressure on their East German allies to accept a Berlin settlement.

A MORE EVEN-HANDED POLICY?

Although it is admittedly a hopeful assessment, some Washington officials believe that the "struggle for peace" program stated by Brezhnev in his March 30 speech to the Moscow Communist Congress may signal abandonment of the Soviet policy of the past few years of simultaneous attempts to reduce tension with Western Europe and keep tension high with the United States.

According to this theory, the Russians may have given up hope of splitting the United States from its allies and to have embarked on a new course of seeking U.S. as well as West European acquiescence in continuation of the European status quo.

This would explain at least partly why Brezhnev issued his invitation to begin negotiations on mutual reductions of troops and defeat Senate Democratic Leader Mike Mansfield's proposal for a unilateral slash in American forces in Europe—which might have tipped the European power balance in favor of the Communists without their giving anything.

The Soviet agreement to a new formula to break the impasse in the U.S.-Russian strategic arms limitation talks may be another indication of a more conciliatory policy.

[From News of Congress, May 26, 1971]

SENATORS PUSH MILITARY CURBS AND BAN ON FUTURE UNDECLARED WAR

A sharp series of Senate challenges on military matters have been facing the Nixon Administration. These are mostly keyed in to the Senate's debate over a House-passed bill for a two-year extension of the draft.

One issue was the move by Majority Leader Mike Mansfield (D. Mont.) to cut in half the 300,000 U.S. troops and dependents still stationed in Europe, many in West Germany. These cost the U.S. $14 billion a year.

Mansfield suggested the European can now—with the German mark stronger than the dollar—afford to pay for more of their own defense. A vote on his proposal was slated just after LABOR's press time. It was vehemently opposed by the Nixon Administration, which also enlisted wide bipartisan opposition.

Defeat of the Mansfield motion, submitted as an amendment to a bill extending the draft, was pictured by Administration leaders as opening the way for negotiations with the Soviet Union on "mutual reduction" of their troops in Europe.

[From Wauchola, Fla.]

RICHARD'S ALMANAC

(By Richard Allen)

Sane judgment seems to have prevailed in the U.S. Senate recently as by an almost 2-1 margin. Mike Mansfield's madcap scheme of halving U.S. troop strength in Europe was defeated.

Mansfield, as is well known, originally tied his star to Teddy Kennedy's wagon, which declined considerably after the Massachusetts senator left that girl in the car—underwater. So apparently Mansfield has decided to recoup his lost fortunes tagging himself onto what is known as "controversial" legislation. This gets his name back before the public.

Fortunately for the nation, Mansfield's scheme, which smacks of senility at best, was not endorsed by the Senate.

In making his plea for heavy cutbacks of U.S. ground and air strength in Europe, Mansfield chose—as so many of our "leaders" have chosen in recent years—to give the benefits of the doubt to the good intentions of the Soviet Union's military machine.

Mansfield argued that a cutback of American strength in Europe would make the Russians see that our aims were peaceful. This good feeling on the part of the Soviet dictators would then irresistibly impel them to withdraw Russian units from the East German border.

And they all lived happily ever after.

In the first place, the Russian lust for control of highly industrialized West Germany is no secret. Does Mansfield think that because the U.S. tells the Soviets in effect "go ahead and take West Germany," that the Russians will lose their hunger—their need—for the factories of West Germany?

Furthermore, Mansfield has stated, the present Soviet strong man has indicated he might withdraw Russian units from East Germany and the Czech border if the U.S. will only lighten its own troop strength first. This seems like a dandy gentleman's agreement at first sight. But suppose tensions rise along the Iron Curtain one of these days? Won't Russia then feel compelled to move its "withdrawn" units back into position along the West German and Czech borders? And won't the U.S. feel compelled to meet any threat of Soviet or Satellite force in Europe by building its troop strength back up?

Yes.

But unfortunately for us, we will find under these circumstances that Russia is located on the mainland of Europe and the U.S. is not. (Even Mike Mansfield should know that.)

Russia will be able to concentrate enormous military weight against West Europe simply by using the highways and railroads that it controls, while we, poor fools, will have to ship thousands of men and machines via two-week ocean voyage. It shouldn't be too difficult to understand that by the time Russian armies reach invasion strength along the Iron Curtain. American forces in numbers large enough to resist will have hardly begun to arrive in German seaports.

Thus, the free world loses while the Soviets gain the enormous industrial power of Western Europe; other governments throughout the world see that the U.S. is unable to live up to its most solemn treaty agreements, and the Soviet propaganda and revolution machine is turned loose to convert Africa and South America to its way of thinking.

At this stage, America will be almost completely isolated and in bad, bad trouble. The situation will worsen the day the pressure on this country grows to such an extent that men of Mansfield's ilk will decide that the only way to "survive" is to once more trust the good intentions of the Soviets. On that day the U.S. will surrender to the Soviets.

The Soviets are convinced that the American people do not want another "Vietnam." They believe that most of the fight was taken out of the American people by the no-win endless war that they've been fighting for almost a decade.

Their task now is to get American troops out of Europe, so that when their allies (East Germans, Czechs, etc.) decide to provoke and invade Western Europe, the American people will think it is the pathway to another Vietnam and that they don't have to get involved because "none of our boys are over there."

On both counts, men like Mansfield have aided the Russians in this strategy.

In the first place, they ensured that Vietnam would indeed become a bloody, no-win war by tying the hands of presidents and military men. Now, in the final phase of "Operation Surrender" they are hastening to call for withdrawal of Americans from Europe.

The Russians know that if they attempt to annihilate half-a-million American soldiers in conquering West Europe it will mean nuclear war.

They don't want nuclear war because they want West German industry to be alive and well when they seize it. More smashed cities and barren grounds is certainly something the Soviets don't need. Their aim is to seize an economy—not a desert.

So as long as American troop levels remain high enough to actively resist (not repulse) a Soviet-Satellite invasion, the Russians will have to keep hands off West Germany or face nuclear war.

But the Soviets also know that as soon as American troop strength falls below such a level as to make resistance ridiculous, there might be no resistance. Bloodshed could be kept at a minimum. The American people would probably accept this rather than work up enough courage to face total war. After all, don't the American people now accept the brutal treatment of a few hundred POWs without taking strong action?

The Russians know what their plan is and they also know what they can and cannot get away with. The West Germans know this too, the NATO planners also know. Why doesn't Senator Mansfield know?

Or is he really willing to sell out his country—indeed the whole world—for a few days' headlines?

Or is he really, as asked before, in his second childhood?

[From the Boston Globe, May 27, 1971]

MANSFIELD PLAN: LET WEST EUROPE CARE FOR ITSELF

(By David P. Calleo)

WASHINGTON.—Sen. Mansfield's proposal has been treated as an aberration by the normally balanced and solid politician. But with hindsight, it is Mr. Mansfield who is likely to appear the statesman and his opponents irresponsible. For there is an excellent case to be made for a substantial reduction in American forces in Europe.

The United States is seriously overextended throughout the world. The signs of domestic strain are rather obvious, the pressures for a reduction of military spending compelling. To avoid a disastrous collapse of our whole world position, our foreign policy must develop a sense of priority and measure. We must stop trying to do things for others that they can much better do for themselves.

We should, therefore, devolve our swollen responsibilities for security wherever other countries are rich and stable enough to assume them. There is no serious reason why the major nations of Western Europe cannot take over from us the primary responsibility for their own defense, especially conventional defense. It would not be the end of the alliance, but its rejuvenation. Britain, France and Germany have nearly 1,400,000 men under arms. If they believe these forces inadequate, they have ample resources to raise more.

Under the circumstances, to argue that we should wait for "balanced and mutual force reductions" is to miss the point entirely. What is needed is an unbalanced and unilateral reduction of America's excessive share in Western Europe's ground defense. Above

all, there is needed a fundamental reform of NATO's structure to place the primary responsibility for organizing European defense upon the European states themselves.

It is quite understandable that many European politicians prefer us to continue the heavy outlay for their defense. But even if they were willing to pay much more of the real cost, why should we? Why should American youth be turned into condottiere for a prosperous Western Europe?

Ironically, the heaviest cost falls upon Europe's future. It is in Europe's best interest, and our own, that the European states build among themselves a solid military coalition before negotiations for a definitive European settlement.

By doggedly insisting that the Europeans should rely primarily on us, instead of each other, we are subsidizing European disunity and adventurism. Indeed, our dollar deficit, caused in considerable degree by NATO's costs over the years, now threatens the whole structure of that economic community which is Europe's best hope for the future.

It should be painfully obvious that nostalgia for great accomplishments in the past is a poor substitute for a foreign policy. Senator Mansfield, at least, has acted with imagination, courage and common sense. It is a pity these qualities have become so rare elsewhere in the American Government.

[From the Boston Globe, May 27, 1971]

MANSFIELD PLAN: WRONG MOMENT FOR TROOP CUTS

(By Stanley Hoffmann)

Sen. Mansfield's amendment calling for a drastic reduction of American forces in Western Europe had only one merit: that of raising an important issue. But he did it in the wrong way and at the wrong moment.

It was the wrong moment, for reasons which the Administration, and its supporters have provided. A sudden forcible reduction would have shaken West Germany's confidence in the United States, at a moment when Chancellor Brandt, in order to pursue his Ostpolitik from a basis of strength, and to discourage Soviet hopes of weakening Bonn's ties to its Western allies, absolutely needs their support.

West Germany's refusal to impose exchange controls, wanted by France and by the EEC Commission, during the recent monetary crisis, was largely due to Bonn's desire not to weaken the dollar. The Mansfield amendment would have been a ghastly reward for a German policy that quite deliberately subordinated monetary concerns to foreign policy priorities. Nor would a unilateral reduction have provided the Soviets with incentives toward negotiations on mutual troop reductions.

It was also the wrong way, for two reasons—of procedure and of substance. US troops in Europe are part of an alliance. Even though other members of that alliance have shaken it through unilateral actions, the leader of NATO could not act in the same way without thoroughly destroying confidence and inciting the Europeans to irresponsible moves of their own.

One argument for the amendment was that only a firm move by the US could push the wealthy Europeans into increasing their own contribution to NATO. But a sudden US decision taken without consultation, at a moment when West European governments are all battling inflation and trying to devote their resources to indispensable domestic reforms, would have had the opposite effect. It might have precipitated, if not a rush to neutralism and accommodation with Russia, at least a dangerous loosening of NATO.

More serious is the substantive reason. Forces—in Europe as in Vietnam—ought to be at the service of a policy. What is needed, in the Atlantic alliance is a political conception. The mistake made by Sen. Mansfield was to propose acting on the military level without any political design, or even any clear idea of the political process his action would have set in motion.

The mistake made by many of the elder statesmen who rallied to the defense of the Administration was to give the impression that the present level of US forces in Europe was a necessary and adequate substitute for a political concept, or that the concepts of 1949 were still appropriate. The real issue is not the troop levels: it is the network of political relations between the US and the West Europeans on the one hand, the Atlantic allies and the Soviet Union on the other.

The basic principles that should underlie American policy are simple. Concerning East-West relations, a political detente would allow for a limited amount of Western relaxation about force levels (limited, because of the closeness of the Soviet Union, and of the need to have enough conventional forces to avoid, in case of local incidents, the dreadful alternative "humilitation or escalation to the nuclear level.")

Such a detente cannot occur unless the Ostpolitik succeeds, in other words unless there is a formal reconciliation between the Federal Republic and the Soviet Union and Poland. Such a reconciliation would make it impossible for Moscow to use the myth of German revanchism as the cement of its East European Empire, and to fear that Bonn's inroads into Eastern Europe aim deliberately at undermining Communist regimes and Russia's hold.

Reconciliation now hinges on a Berlin agreement. Unilateral troop withdrawals by Western powers would be diplomatically absurd in its absence. Should such an agreement be reached, and a political detente follow, Bonn would then gradually discover that the security of Western Europe could be assured by a smaller number of American troops in Germany—just as it finally discovered that its refusal to recognize the status quo in Central Europe did not increase the chances of eventual reunification.

The point is that it is up to Bonn to discover the obvious; for Bonn's allies to force Bonn's hands, in either instance, would have been counter-productive.

Moreover, a political detente would be enhanced by mutual force reductions. Unilateral cuts should be postponed until every effort has been made to arrive at such reductions. But since mutual reductions by themselves cannot produce a political detente—which requires political settlements—the negotiation toward balanced cuts should not be part of the European security conference which the Soviets have sought for so long. Such a conference should follow a Berlin settlement and the ratification of the Bonn-Moscow and Bonn-Warsaw agreements of 1970, whereas military negotiations could begin at once.

Concerning relations within the Atlantic alliance, the time is indeed coming for a fundamental reorganization. Our goal ought to be to transform a highly uneven alliance of one giant with 14 weaker powers (one of whom bolted the alliance's military structure five years ago), into a balanced association between the US and Canada on one side, a West European defense organization on the other.

Such an organization cannot be built very rapidly: enlarging the Common Market has to come first. Creating a West European defense system will meet very serious obstacles of its own—both in the nuclear field, because of Bonn's exclusion from it and of Britain's ties to the US in it, and in the conventional field, because Bonn's allies fear West German preponderance. But in the long run, only such an organization will make it possible for the US to withdraw a large part of its troops without endangering the physical and psychological security of Western Europe.

To be sure, the West Europeans may never move toward a defense organization of their own without some jolt—some indication that the US will not keep all its troops in Europe forever. But the present rebate in the Senate must have been jolting enough (whereas the Administration's mobilization of the cold warriors against Mansfield overshot the mark in the direction of an "immobilism" which is, in the long run, untenable and opposed to the interests of both the US and Western Europe).

As for the indication, it could be given by the US government to its allies, quietly and without pressure, in order to provoke the gradual emergence of a European defense entity, with which the US could agree on a calendar of progressive withdrawals. This is what the "Nixon Doctrine" supposedly aims at; and while Vietnamization in Vietnam is probably doomed, given the weakness of South Vietnam, the "Europeanization" of NATO is likely to succeed, given the solidarity, prosperity and self-confidence of Western Europe.

A gradual devolution through agreement—this should be our goal, instead of either frozen obsolescence or unilateral disengagement regardless of consequences.

[From the Washington Post, May 28, 1971]

EUROPE'S NEEDS FOR U.S.

Anatore Sub, in one of his recent reports, claims that Western Europe has come of age and desires nothing as much as to throw off American tutelage. But though the whole security system of the nineteen fifties has become quite obsolete by now and even West Germany shows greater independence than before, none of our NATO allies actually wants to go it alone.

This never became clearer than during the last week. When the Mansfield plan of withdrawing half of our armed forces from West Germany was discussed in the Senate, the German, Dutch, Belgian and Italian press waxed hysterical and predicted the direst consequences. The main German newspapers published long articles warning that the destruction of the entire NATO was in sight, and even French publications, uttered some misgivings. The defeat of the Mansfield amendment was greeted in the West German press as a victory over the "sinister" forces of American neo-isolationism, the most dreaded shibboleth among Bonn politicians.

One leading writer who usually expresses the ideas of the Brandt-Scheel government said: "Western European security still clings to American power. The Atlantic is still the Mediterranean of our century. Traffic on this ocean is now booming in both directions. . . . But one should never forget that without America's decisions at Yalta and Potsdam the world history of this century could have been completely different." The article was titled: "Europe Needs America More Than Ever."

HENRY WALTER BRANN.

TAKOMA PARK.

[From the Commonweal, May 28, 1971]

INTERNATIONAL ROUNDUP

For the moment international politics seem to have come unstuck. The most spectacular instance was of course the Great Ping-Pong Revolution in relations between

Washington and Peking. On the other side of the world, Europe was badly shaken up by the latest currency crisis, and whether the end result is to weaken or strengthen the Common Market, all one can say for the moment is that European unity has suddenly been given top billing on the diplomatic marquee. The shift in France's attitude at Brussels which led to agreements on such items as British tea and sugar may have marked an historic breakthrough even greater than that involving Chinese ping pong balls. At the same time, America's position toward Europe has not only been put on the agenda by our continuing monetary troubles but also by Senator Mansfield's insistence that *this time* he was finally going to bring the question of withdrawing half of the 300,000 U.S. troops in Europe to a vote. One other event, now buried by the headlines of succeeding weeks, posed in new terms the long-term relationship between industrialized and developing nations, namely last April's bargaining over oil prices between Western consumers and Middle Eastern and African producers.

The China episode suggested that international relations may be as much the province of drama critics and sportswriters as geo-strategists and weapons experts. Perhaps the most astounding—really, almost frightening—aspect of the turn-around was the apparent enthusiasm of U.S. public opinion. Overnight, it seemed, the nation whose aggressive designs supposedly necessitated all the bloodshed of Vietnam was "just folks." When Mr. Nixon worries about a post-Vietnam reaction of public opinion (for which his own statements too often appear to provide a stimulus), he ought to recall what a little leadership could do in the China instance. Apart from that, however, his Administration deserves credit for its careful groundwork; it surely realizes that a new era in U.S.-China relations will not be built on a burst of good feeling alone, but on a reasonable estimate of the interests of both nations in issues like Taiwan, Southeast Asian security, and nuclear weapons policy. Perhaps at last we are recognizing that China is not a demon nor a problem to be "solved" but a great nation to be lived with.

On the European question, Senator Mansfield's troop-withdrawal proposal became entangled with numerous other issues such as the tug of war between Senate and President in foreign policy making. U.S. troops in Europe hardly seem like the most likely candidates for withdrawal by year's end. Except as an economy measure—and in that line better ones come easily to mind—the Mansfield resolution seems less a practical step than a prod for further Washington consideration of its relations with an independent and restive continent no longer fearful of a Soviet invasion. Foggy Bottom might start with an honest estimation of the long-term cost of supporting fascism in Greece.

[From the Washington Post, May 28, 1971]

WESTERN HERITAGE VERSUS KREMLIN IMPERATIVE—THE KIND OF EUROPE THE TROOPS WILL LEAVE BEHIND

(By Stephen S. Rosenfeld)

Negotiating military reductions in Europe sounds fine but there's a big hitch. By making the division of the continent safer and cheaper at least for the great powers, negotiations may confirm that division and provide a more permanent basis for its continuance. This would please Moscow but dismay Washington. In fact, the two capitals hold very divergent views of the kind of Europe they would like to see come to be—views which in the flurry of the news and the fineness of the issue's details have not been paid proper heed.

Mr. Brezhnev, in his major foreign policy statement of March 30, presented the authoritative Soviet case. He made clear that for his government "Europe" simply does not exist as a political entity or concept. The unit of value and relevance to Moscow is the "world socialist system" (in our language, the Soviet bloc), most of which—outside Russia—just happens to lie in East Europe. It is this "system" whose security and welfare preoccupied Mr. Brezhnev. For him "Europe" is a term of art, a word used for the sake of diplomatic convenience in dealings with the West.

By stark contrast, Mr. Nixon holds the traditional Western view of Europe as a unit with a common history and culture and a natural and necessary association with the United States. His Europe includes West and East, though, granted, the border starts to blur somewhere east of Warsaw, Prague and Budapest. Even the sharpest domestic critics of the administration's European policy accept the essentials, the sentimental underpinnings, of his view. "Europe" means something to us all.

Divergent policies follow. Moscow wants to strengthen the "world socialist system." Often we speak of this as a desire to confirm the status quo, a formulation that slips too lightly over the fact that the particular status quo in question is the one created recently by the Red Army. Mr. Nixon—and everybody else with a Western heart—would like to restore the traditional status quo: Europe. In his state of the world message of Feb. 25, he peered ahead to the "reconciliation" of Europe whose "cruel and unnatural division," he said, "is no longer accepted as inevitable and permanent."

To Moscow, of course, the division of Europe is not in the slightest "cruel and unnatural"; it is "inevitable and permanent." The Western heritage dictates one view, the Kremlin imperative the other. And the difference is expressed by much more than Moscow's perennial efforts to engineer universal acceptance of the division of Europe, particularly of Germany.

There is Mr. Brezhnev's boast of success in integrating East Europe economically, politically and militarily into the Soviet Union—even while Mr. Nixon notes, with accuracy and some anxiety but with justifiable pride, that "our closest (European) friends are now developing a collective identity and collective policies separate from us." It is that very success in integration, by the way, which permitted Mr. Brezhnev the grand gesture of offering to dismantle NATO and the Warsaw Pact: Washington would be left with no formal ties with West Europe, and Moscow would still have its bilateral treaties with East Europe. One can note that enlargement of the Common Market, with its likely inward focus, will probably facilitate Moscow's absorption of its allies.

There is, too, Mr. Brezhnev's sweeping paranoic reassertion of what has come to be known as the Brezhnev doctrine—by which the Kremlin took to itself a duty to invade Czechoslovakia in 1968 "in defense of socialism." This doctrine is no less pernicious for being consistent with Moscow's notion of a "world socialist system."

No American President could formally license Moscow to invade its neighbors at will, and Mr. Nixon has not. He acknowledged in his message the "special circumstances" of Soviet power which fray East Europe's "historic ties to Western Europe and to the United States" but he insisted that "every nation in Europe has the sovereign right to conduct independent policies." His visits to Rumania and Yugoslavia have further amplified his conviction that "a detente that does not apply equally to Eastern and Western Europe will be inherently unstable."

Even this rapid survey ought to show that the forthcoming East-West negotiations will involve far more than the murderously difficult technical exercise of matching the "mutual and balanced force reductions" sought by NATO with the "reduction of armed forces and armaments" asked by Mr. Brezhnev. For at least in the eyes of the leaders of the two alliances, the point will be not only to reduce the costs and risks of the existing military confrontation but to advance their respective conceptions of the Europe they wish the departing troops to leave behind.

In the heat of his campaign against Senator Mansfield, Mr. Nixon did not manage, or much try, to define his overriding political dimension of his European troop policy—a dimension quite foreign, it seems, to many of the elder statesmen whom he chose to marshal to put down Mr. Mansfield. That dimension is there, nonetheless, and as his own state of the world message shows in convincing measure, nobody in town understands it better than the President.

MANSFIELD ON RIGHT TRACK

(By Thomas A. Lane)

WASHINGTON.—President Nixon rounded up ex-Presidents, ex-Secretaries of State and ex-Secretaries of Defense to defeat the Mansfield proposal for reducing U.S. troop strength in Europe. They had all been supporters of policy which for fifteen years had wasted U.S. resources in superfluous and fruitless contributions to NATO troop strength.

The heart of NATO is in the Treaty proclamation that "an attack on one is an attack on all." The force structure, with its allied command and its national contingents, is a supporting element which must be attuned to the requirements of the time. When the proposal to furnish an American contingent was first discussed in Congress, the Truman administration gave assurances that the commitment was temporary. U.S. troops would be replaced by European contingents when our allies had recovered sufficiently from the distress of World War II to shoulder the responsibility.

By 1957, our allies were prospering and the balance of payments had turned sharply against the dollar. But powerful U.S. diplomatic, military and commercial interests had become attached to the status quo. Moreover, our allies did not want to put their money into defense if they could persuade the United States to bear the burden. For President Eisenhower, it was easier to continue the status quo than to face the protests, at home and abroad, which a proposal to withdraw U.S. troops would provoke.

Through the years, the U.S. troops were maintained in Europe, a heavy burden to American taxpayers and an obstacle to European unity. It was said that the troops gave credibility to our nuclear deterrent—as though our treaty commitment could not otherwise be trusted. In truth, our allies avoided the costs of replacing U.S. units while American bankers prospered from our dollar expenditures in Europe.

Maintaining U.S. troops in Europe is a foolish waste of defense resources. European forces of comparable quality could be provided at half the cost, or less. Instead of wasting our defense dollars on tasks which our allies could and should perform, the United States should be building its strategic nuclear forces to recover parity with the U.S.S.R.

Our present policy is bad both for the United States and for our allies. The security of Europe in the seventies is going to depend not upon the deployment of U.S. infantrymen on the continent but upon the efficacy of our strategic strength in precluding Soviet blackmail.

In his statement of the Nixon doctrine the President said: "we shall look to the nation directly threatened to assume the primary responsibility of providing the man-

power for its defense." NATO is given an unaccountable exemption from the Nixon doctrine. Our allies have the manpower and the resources to replace U.S. tactical forces in Europe and should be required to do so.

The Nixon administration speaks of negotiating a mutual withdrawal of U.S. and Soviet troops from positions in Europe. Who can still believe it after 25 years of such talk! Lenoid Brezhnev is holding out the bait of mutual withdrawal as a ploy to keep U.S. troops in Europe. Soviet strategy is well served by U.S. defense expenditures to maintain conventional forces in Europe because those expenditures effectively preclude U.S. response to the Soviet drive for decisive strategic superiority.

The continuing presence of U.S. troops in Europe since 1957 has weakened the NATO alliance. It has reduced the consciousness of danger in our allies by fostering a sense of U.S. protection. It has diminished their incentive to unite in the common defense. It has fathered illusions of detente and of Soviet cooperation reflected in such measures as Chancellor Brandt's turn toward Moscow.

The Mansfield proposal was too drastic but it was on the right track. We should begin now to phase our tactical forces out of Europe at a rate which allows allied replacement. If our allies do not replace these U.S. units with their own, we have indeed been in Europe too long.

DOLLAR CRISIS, MOVE BY MANSFIELD LINKED

(By Frank Getlein)

WASHINGTON.—President Nixon has made something of a career, as well as a small fortune—as fortunes in book-writing go—out of facing the crises of his life and subsequently dramatizing them in confessional literature and on the tube.

Right now, he is faced with two new ones. They will be good raw material for the next volume of his memoirs, "Six More Crises and How they Grew," but the President's performance in handling them unfortunately reveals him as a linear, one-at-a-time, isolationist crisis-handler, the last thing in the world called for by the times.

The first is the dollar crisis. Travelers in Middle Europe are finding their travelers' checks unexpectedly discounted and sometimes simply refused. These home voices from abroad however, are the least of the troubles of the dollar crisis. The dollar has taken a nose-dive in terms of the German mark and several other, less powerful European currencies. The problem: how to save the dollar. The solution so far; don't bother, let it seek its own level in relation to hard currencies like the mark.

New crisis No. 2 is the proposal of Sen. Mike Mansfield, the majority leader, to cut in half the number of American troops in Europe by the end of the year. The White House response to this dread threat of reduction in military expenditure was in the classic Nixonian moment-of-crisis tradition. Instead of his dog Checkers who presumably has gone to the Happier Hunting Ground, President Nixon brought on the ghosts of policies past. In an old-grad reunion of the architects of NATO, the White House presented the wisdom of the aged. The Where-Are-They-Now show included Dean Acheson, Truman's secretary of state, once regarded by Nixon as of questionable loyalty to the United States; his fellow Democrat and former undersecretary, George Ball; John McCloy, our one-time ambassador to the Krupp cannon works and high commissioner of occupied Germany, and a handful of old NATO soldiers who give no sign of fading away.

Their verdict, to no one's particular surprise, was that what they had wrought in the noontime of their lives was for eternity and should be changed not a jot or tittle by such young whipper-snappers as Mansfield.

If ever two crises were intimately linked together, they are these. The real question is not what to do about day-to-day exchange-rate jiggling between the mark and the dollar, but how the mark got so hard and the dollar so soft.

The answer is clear. It happened in great part as a result of our smashing defeat of the Germans in World War II, thus forcing them to rebuild their industry from scratch, thus getting newer and better systems than our old ones. This process was enormously helped along 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 an impending threat of Russian attack.

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

The mark got hard not only in contrast to the dollar getting soft, but as the direct and inevitable result of that process. The most dollar-softening part of our economy is the money we spend on arms, especially arms for the defense of the former enemy from the former ally.

The Russians took a different view of their Germans. They kept them. All we got was Wernher von Braun, who has done nothing but increase the flow of dollars into dollar-softening activities like space.

In view of all this, the Mansfield amendment to the draft extension bill is the most sensible thought anyone has had about either the dollar crisis or the crisis of the American military presence in Europe.

The two things are not separate crises, except on the nonstop Checkers show that the President has been producing and starring in since even before Checkers. They are inseparably linked and will stay that way regardless of the Golden Age Club's outings at the White House or Secretary of the Treasury John Connally's cool.

Due to considerations of domestic politics and foreign relations, the Mansfield amendment has little chance of becoming law at this time. Even if it is passed, the President can veto it and make his draft quotas out of deferred college graduates.

But the amendment points the way to some serious and long overdue rethinking of the high cost of our 20-year, largely accidental history as a military-imperial power.

[From the Washington Post, May 29, 1971]

THE ABC'S OF FBS AND SALT AND MBFR AND CES (OR ESC)

(By Chalmers M. Roberts)

This is the story of FBS and its relationship to SALT and to MBFR and how they all relate to ESC which some call CES.

It is all as complex as the abbreviations make it sound. But it is a vital, live subject because it is about the new Soviet and American initiatives to reduce the troop and arms levels of the two most powerful alliances in the world today, NATO and the Warsaw Pact.

One has to begin at the beginning and that means with SALT, the strategic arms limitation talks between the United States and the Soviet Union which have just wound up their fourth round. One of the conundrums of the months of SALT talks has been how FBS, as it is known, fits in.

FBS is an American acronym for forward-based systems, meaning those U.S. aircraft based outside the United States capable of carrying nuclear weapons to Soviet soil. But that is only the quick definition.

What Moscow is talking about is several hundred U.S. planes, their crews, maintenance and support facilities, based in Western Europe, principally in West Germany, and several hundred more aboard Navy carriers with the Sixth Fleet in the Mediterranean. But that is not all; the Soviets at SALT have included U.S. carriers in the Pacific whose planes can reach Siberia.

The Soviet logic about FBS is impeccable, as American officials concede: any American nuclear weapon that can reach Soviet soil is "strategic" and the SALT talks were designed to "curb" strategic weapons; therefore they must be included in any overall agreement.

The FBS issue provided the sticking point in the SALT negotiations until Moscow last December suggested skirting it by proposing a limited agreement confined to the control of only one phase of strategic arms, the rival anti-missile (ABM) systems. But President Nixon refused to accept this "ABMs only" proposal, insisting on "some mix" of offensive weapons control in any agreement.

This deadlock was broken with the May 20 Moscow-Washington agreement to negotiate concurrently both an ABM agreement and an agreement "on certain measures with respect to the limitation of strategic offensive weapons." This latter agreement most likely will be a pledge by both super-powers that, as of the date agreed, neither will build any more land-based missile launchers.

This would mean a halt to construction of the giant SS-9 Soviet missiles which have aroused so much concern in Washington. But it also would mean both nations would be free to continue construction of sea-based missiles and of bombers and to "modernize" existing missiles. This latter means there would be no halt to emplacement of multiple warheads (MIRVs) by either nation.

The agreement, aside from its intrinsic worth which is clearly considerable, enabled Moscow and Washington to put aside the FBS issue as far as SALT is currently concerned. The net effect was to transfer the FBS problem to MBFR, or at least to transfer part of the problem.

MBFR is a NATO acronym for "mutual balanced force reductions," a carefully selected term designed to imply that cuts in armed strength in Europe should be "mutual" (i.e., by both NATO and Warsaw Pact members), "balanced" (i.e., in a way that does not upset the balance of power now existing, but reduces the balance to a lower level) and cover "force."

"Force" is used instead of "troops" because in the American and allied view a one-man for one-man cut would be an unfair advantage to the East since U.S. troops would travel thousands of miles to come home whereas Russian troops would move back only a few hundred miles into the Soviet Union. "Force" thus means a combination of men and machines, that is, of integrated units of power. A matching move back of such "force" on each side would be more likely to maintain a balance of power, it is argued, though such "matching" is highly complex because of the differing "force" structures in the two alliances.

The American FBS are a part of that "force" on the allied side. These aircraft however, are often dual purpose in capability, that is they can carry conventional as well as nuclear bombs or missiles. Furthermore, there are such aircraft flown by other NATO nations which can be nuclear armed although they cannot be so armed except by American permission.

It should be noted here that former Defense Secretary Robert S. McNamara on Sept. 23, 1966 disclosed that the United States then had 7,000 tactical nuclear weapons in Western Europe. Most but not all of them are thought to be in West Germany.

That figure, probably somewhat higher today, includes weapons designed for use from projectiles against battlefield targets, as well as nuclear land mines which could

be used to impede movement of troops Yields of these weapons are in the kiloton and sub-kiloton range. The Hiroshima bomb was a 20-kiloton affair. ("Strategic" weapons are monsters in the megaton range.)

There has never been a Soviet disclosure of how many tactical nuclear weapons there are in the Russian arsenal or where they are located. The authoritative London-based Institute for Strategic Studies estimated in its current "military balance" survey that the figure for comparable Soviet warheads is "probably about 3,500, delivered by roughly comparable aircraft and missile systems." Short-range missiles are what is meant in this context. Some of the delivery systems, but not the warheads, are in the hands of non-Soviet Warsaw Pact forces, ISS added.

On the NATO side, then, the FBS issue concerns only part of the American nuclear arsenal, as far as MBFR is affected. American officials say that in moving the FBS issue from SALT to MBFR probably the bulk of American land-based systems would be covered.

However, the American-NATO contention has always been that the FBS are in Western Europe not only as a counter to comparable Soviet aircraft systems but as a counter to Moscow's intermediate and medium range nuclear missiles targeted on Western Europe. ISS lists their total at 630 such Soviet missiles plus another 70 targeted against China.

When American Ambassador Jacob Beam met on May 17 with Soviet Foreign Minister Andrei Gromyko to seek clarification of Communist Party leader Leonid Brezhnev's call for "negotiations" on "reduction of armed forces and armaments in Central Europe," he is now said to have been told two things: that Brezhnev was not including nuclear weapons based within the Soviet Union and that FBS could be discussed within the context of such negotiations.

The form and context of such a negotiation is currently far from clear or settled. Brezhnev spoke of "Central Europe" without defining that area. Washington officials believe that at least the initial East-West negotiations would concern only "force" in West Germany, East Germany, Poland and Czechoslovakia.

(That limited area would exclude such NATO nuclear "force" as the 18 French intermediate range missiles (IRBMs) being deployed in silos, the 36 French Mirage bombers or Britain's 50 Vulcan bombers, all theoretically capable of hitting the Soviet Union. These also are excluded from SALT, as in the burgeoning Chinese nuclear "force" of uncertain quantity, which may explain why Brezhnev also has renewed the Soviet call for a conference of all five nuclear powers.)

If the limited area of Central Europe should turn out to be what is covered in the forthcoming East-West negotiations, whether they are called MBFR talks or by some other less tongue-twisting acronym, then parts of the FBS problem in SALT quite obviously remain outside. This includes FBS elsewhere than in West Germany and especially the Sixth Fleet in the Mediterranean.

Most of the talk about MBFR has suggested the idea of NATO-Warsaw Pact discussions. But the French, still a member of the North Atlantic Treaty and with two divisions in West Germany though not a participant in the integrated military command, and Romania, the stray in the Warsaw Pact, publicly oppose bloc-to-bloc negotiations.

Quite clearly Washington and Moscow alone cannot conduct such negotiations, as they do at SALT, because so many allies are affected. The probability is that the NATO ministerial meeting in Lisbon on June 3–4 will call for initial discussions by many NATO members with Moscow and his allies, possibly led or directed by NATO Secretary General Manlio Broslo. The idea would be to find a mutually acceptable forum. That forum most likely would be a group from each alliance.

There are infinite complications in trying to find snatching reductions of "force" in Central Europe, once that term is defined. But at least some principles are clearer than before. By emission from his latest statements, Brezhnev seems to have accepted the Western demand that not just American and Soviet troops but also troops of the rival allies be covered as well as their weapons systems.

But much remains to be disclosed Brezhnev said on May 14 that Western "representatives ask: whose armed forces—foreign or national, what armaments—nuclear or conventional, are to be reduced? They ask whether the Soviet proposals concern all this taken together?" Brezhnev provided no answer but resorted to an unusual bit of humor, for him, by way of the Soviet Georgian love of drink (he was speaking in the Georgian capital of Tbilisi.")

Said Brezhnev: "Don't these curious people resemble a person who tried to judge the flavor of wine without imbibing it? If anything is not clear to somebody we are ready to make it clear. But you have to muster the resolve to try the proposal you are interested in according to its taste. Translated into diplomatic language this means—to start negotiations."

Secretary of State William P. Rogers on May 16, asked about Brezhnev's proposal that the West uncork the wine, replied: "He said we shouldn't ask about the wine, we should drink it first, and we would like to know first is it wine, and is it sweet wine or is it sour. We want to be sure, in other words, that this has some potential for success."

Nonetheless, Rogers and his colleagues at the NATO meeting in Lisbon are likely to judge Brezhnev's wine in an affirmative way even without tasting in advance. One reason is that when Beam met Gromyko on May 17 he found the Soviet foreign minister willing to separate MBFR from ESC. ESC stands for the Soviet-sponsored and Warsaw Pact-backed call for a European Security Conference.

The West as an alliance has never bought the ESC idea though a number of NATO members have endorsed it at least in principle as have European neutrals who also have been invited, including the Finns who have been actively promoting such a meeting, hopefully in Helsinki. Up to the Beam-Gromyko meeting the Communists had always in one way or another tied the idea of force reductions to the ESC.

Warsaw Pact descriptions of ESC have had a heavy accent on trade and scientific exchanges which the Americans find too much of a one-way street for the other side. Indeed, U.S. officials resort to talking about a CES, or Conference on European Security, in part to make it clear that not only Europeans would have to be involved and in part to accent progress on "security" as the main topic of any such gathering. For a long time Moscow indicated that Washington and Ottawa, the two non-European NATO members, could sit in but the Kremlin finally got around to saying both could be full participants. However, this issue is currently moot since Gromyko has divorced MBFR from ESC/CES. But many questions remain, including those described about FBS and its relationship to SALT and FBS.

The Nixon administration beat back Sen. Mike Mansfield's efforts to slash unilaterally the American force level in Europe. But it knows the senator will keep the pressure on. And it knows that even once an MBFR conference is arranged, which could be done before the end of this year, it probably will be a long, long time before an agreement which could mean U.S. troop reductions.

One of the rewards thus far of SALT, which began 18 months ago, has been the insight the many discussions have provided for each side in the other's thinking and approach. It has taken this to produce the new agreement on how to frame an initial SALT pact. Much the same can be expected from protracted MBFR talks, that is, long and intricate discussions until each understands the other and thus a frame for agreement can be evolved.

But that means a race with time: can domestic pressures here at home for cutbacks be held off long enough to reach such a frame for agreement which puts in their proper places all the acronyms and the problems they represent?

Congress and Foreign Policy

This Memorial Day weekend is a particularly appropriate time to consider the national mechanism which decides when young Americans shall be sent abroad to fight—and perhaps to die—for their country. That mechanism has been dominated by the President in recent decades but a new mood of greater foreign policy assertiveness is now evident in Congress.

It is not necessary to approve every Congressional initiative in order to applaud the new spirit. This newspaper, for example, strongly opposed Senator Mansfield's untimely—and wisely aborted—attempt to impose a sharp cutback in the American troop commitment to Europe. But it is clearly the right and duty of Congress under the Constitution to debate and pass judgment on such critical issues, thereby compelling Presidents continually to examine and justify their actions.

This is not a question of depriving the President of legitimate authority, as some Administration spokesmen have contended. Rather it is an attempt to restore the concurrent, and sometimes conflicting powers of Congress which are essential to the effective functioning of the American system of checks and balances.

In recent years, Congress has tried to restore balance to the war-making process through such relatively mild measures as the "sense of the Senate" resolution calling on the President not to undertake commitments to war without Congressional sanction, repeal of the Tonkin Gulf resolution and passage of resolutions barring the use of American ground forces in Thailand, Laos and Cambodia. President Nixon has ignored these warning signals by expansion of the war into Laos this year, by widespread use of American air power in Cambodia and Laos and, to a more limited extent so far, again over North Vietnam.

Current legislative proposals fall into two categories: bills designed to speed complete American military withdrawal from Vietnam, and measures designed to prevent future overseas military adventures without express Congressional approval.

Senator Javits has addressed the broader issue in a bill which would forbid the President to initiate hostilities in the absence of a Congressional declaration of war except to (1) repel a sudden attack against American territory; (2) repel an attack against United States forces on the high seas or lawfully stationed on foreign territory; (3) protect American lives and property abroad; (4) comply with a treaty or similar commitment, provided it was approved by Congress.

These exceptions allow ample opportunity for prompt reaction in emergencies, limited by the further stipulation that "military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress."

This provision serves the dual purpose of forcing the President to consider in advance possible Congressional response to his actions and of enabling—indeed, compelling—Congress at an early stage to face up to its re-

sponsibilities in the war-making process. The broad support this moderate approach commands was indicated when a similar proposal was introduced by Senator John C. Stennis, chairman of the Armed Services Committee, who has been a strong supporter of the Vietnam policies of Presidents Johnson and Nixon.

Congress is more divided over the most appropriate means to hasten the end of the Vietnam conflict. The Hatfield-McGovern amendment, calling for withdrawal of all American forces from Vietnam by the end of this year, was defeated last year by the relatively close vote of 55–39. Although the persisting ambiguity of President Nixon's policy has led increasing number of Congressmen to move toward a specified pullout date, prospects for a negotiated settlement would be better served by less drastic Congressional action at this time.

No action of Congress could—or should—fully restrain Presidential initiatives in the use of American military diplomatic maneuvers. But this Memorial Day weekend is a good time to remember that in an era when rash Executive deployment of this country's vast military power could precipitate a universal holocaust it is more essential than ever that Congress act vigorously to restore its own crucial constitutional role in the war-making process.

[From the New York Times, May 30, 1971]

GI'S IN EUROPE: ESSENTIAL OR SURPLUS?

To the EDITOR: The proposal of Senator Mike Mansfield for a large-scale troop reduction in Western Europe, depending on how you looked at it, was roundly beaten by almost two-thirds of the Senate, or earned, on its first time around, the unquestionably daring support of more than one-third of the Senate.

The proposal, this time, was kept mostly in the context of saving U.S. dollars as one part of the response to the recent monetary crisis. Yet it is—and next year it probably will be debated as—an overdue adjustment to the changes that have taken place on the European scene since 1949.

The critical question is and has been since 1949, "What is the likelihood of a conventional military attack by the Soviet Union on Western Europe?" In 1949 there was a reasonably high likelihood that given a military vacuum in Western Europe, the Russians might attack.

Despite the refusal of recognition by the President and his octogenarian foreign policy squad (but it was bipartisan), the times have changed. Soviet relations with Western Europe are good. Even now, these nations pose no serious threat to Russia; indeed, they would serve much better as prosperous trading partners than as devastated colonies.

But these points presuppose the existence of a military vacuum, and so such vacuum would result from the Mansfield proposal. The reduction of the number of American troops there by half would not at all mean the reducton of American military might in Europe by half.

The only strategy served by troop presence is a conventional defense from a conventional attack, and by all estimates the American presence there now is absurdly inadequate to meet a concerted attack. So, after all, what difference if there are only half of us there tomorrow?

The true defense of Europe, through deterrence of a Soviet attack, is not the quantitative presence we maintain, but the commitment, in the terms of the NATO alliance, of unhesitating assistance to the attacked. As long as the commitment is there, the presence really need not be. Let us hope that the absence of a monetary crisis next year will lift the facade which this year prevented discussion of this proposal on its merits.

JOHN F. POST.

Washington, May 24, 1971.

TO THE EDITOR: The thrust of the argument in favor of unilaterally reducing American troop strength in Europe is that this would end an old policy. Apparently, not only do candy bars and mouthwash now have to be new, but so does foreign policy.

No matter that the policy has been demonstrably successfully in its central purpose—the deterrence of Soviet aggession in Western Europe—it still must be scrapped for the sin of reaching age 22.

The American commitment to Europe through its primary vehicle, NATO, has assisted Europe economically, politically, militarily and psychologically. Should all be jeopardized because Europeans may not have shown sufficient gratitude—as if this could be measured—or, what is worse, because a good thing has aged?

ALAN R. GOLDMAN.

Framingham, Mass., May 20, 1971

TO THE EDITOR: The strong editorial stand of The Times in favor of President Nixon's determination to keep an American "presence" in Europe shocked me. I spent some time in U.S. Army Counterintelligence after the end of World War II and have been in fairly close touch with the "Communist threat" ever since. It seems useless at this late stage to rehearse the arguments in favor of Senator Mansfield's courageous attempt to recognize certain realities—above all the reality of an economically powerful Europe richly endowed with American nuclear warheads.

In fact, it seems hopeless to argue any position, when, on the same day, C.B.S. shows films of American G.I.'s tensely peering through telescopes and binoculars at the daily, routine antics of the East German border guards; whereas the real concerns of American military life in Franconia, Hesse and Bavaria seem to be PX prices, race relations, and the mugging of German taxicab drivers.

Perhaps the Mansfield move was ill-timed. On the other hand, President Nixon has shown little willingness to pursue the Soviet invitation to discuss troop withdrawals, even though our powerful Mediterranean forces are not involved.

Can't The Times admit that the world, too, has changed since the days of John Foster Dulles?

MARIO S. DE PILLIS.

Amherst, Mass., May 19, 1971

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire the floor?

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes.

A SOUND ECONOMIC BALANCE BETWEEN RURAL AND URBAN AMERICA

Mr. TALMADGE. Mr. President, I want to speak to you today about togetherness.

It was not very long ago, shortly before the days of confrontation and civil disobedience, that togetherness was fashionable in America.

Somehow we seem to have lost our respect for that sort of thing, but I believe it is something that we as human beings had better start thinking about once again.

Because today, the emphasis is on apartness.

We are supposed to have a generation gap which separates us from our young people. We have separated ourselves from our neighbors in so-called secure buildings, protected by private police. And even our women have supposedly become alienated from us men.

You know, it amazes me that what with all the wonderful things that are going on around us every day that we should wake each morning as if each day were Monday.

Confrontation as a political way of life often seems to succeed. But the wins posted by the crazies of this country are only skirmishes. There are responsible ways to get things done in America, and they have nothing to do with the primitivism we see screaming on our streets.

I think our people have had enough of this sort of thing. The politics of confrontation is also the politics of alienation. And no matter what the alleged scholars of radicalism may say about the value of violence, the pragmatic American public will prove them wrong.

But my purpose here today is to talk about another kind of apartness which is not quite so strident.

The Washington Post newspaper has a little humor column on its editorial page to brighten up what is otherwise very heavy material.

The other day in this column there was a reference to restrictions which the Department of Agriculture has placed on the distribution of food stamps.

The column said:

New Agriculture Department rules will cut thousands out of food stamps. They can use the money saved to pay nonfarming farmers.

I do not want to discuss the food stamp problem here, but this little item makes an important point.

Our big city press has finally reached that place where it does not report anything at all about American agriculture unless it is to kick the farmer around.

I think it would be bad enough if the urban majority was merely indifferent to the people who put the food on our tables. But the farmer is now someone to be laughed at, a man who steals from the public trough, a country bumpkin who merits no respect.

We hear about farmers who do not farm. We hear exaggerated stories about crop support programs.

In the fashion of these times, the farmer is no longer pictured as a hay shaker or hick. Instead he is a slick character who owns 20 combines and gets a million dollars a year in subsidies.

But then it is easy to attack the farmers. There are not many of them left. As a matter of fact, if current trends continue, there will not be any of them left at all in 20 years. Our farmers are a silent minority who can never threaten the circulation of the Washington Post.

It is very well for the press to write about farm subsidies as if they were giveaways. It makes excellent fodder to feed the people in the big cities who think Federal money ought to be used for other purposes.

This whole attitude is no longer funny to me, and the logic of it is specious.

The basic needs of America's urban poor are food and shelter. And though our farmers cannot do much about the shelter, other than to grow the forests to build it, our farm programs, and the farmers' intense effort have created a situation where Americans have more food available to them, and pay a lower percentage of their income for it, than any people in the world.

Despite this, our hog farmers often do not receive as much for their pork as it costs to raise the pigs. Most of our midwestern farmers are operating on a net profit margin of 5 percent or less. They could do better if they sold out and put the money in the savings and loan.

City housewives complain about rising food prices. Well, they should not turn their displeasure on the farmers, because farmers do not see any of that additional money.

I have formed a new subcommittee on rural development. And it was not for nothing.

Rural America is poor. More than half of the poverty in the United States is out there, but our rural areas have only three out of 10 of the people.

Two-thirds of our substandard housing is in rural America.

Rural Americans are deficient in education, health, housing, and other services, and largely because their incomes are too low.

If a farmer's wife gets pregnant, he had better know how to deliver the baby, because decent health care often is not available nearby.

And what kind of an investment does it take to get into this "high paying" business in the first place?

A farm big enough to produce enough income to enable a farm family to live decently could cost $240,000. That says nothing of $10,000 tractors and $20,000 combines needed to run it.

You talk about the gamblers in Las Vegas? The biggest gamblers in the world are our farmers.

In the past we have had heavy surpluses of commodities. But our population here, and particularly abroad, is growing. There will soon be no more surpluses.

In just a few years, we will need everything our farmers can produce when the population time bomb begins to go off.

The people who live in our big cities are now in the majority. But they must understand that every day they are dependent on a healthy agricultural economy in America.

They must understand that the food which goes on their tables each day, does not get there simply through the efforts of the A. & P. It takes a lot of 14-hour days by a lot of farmers to get it there.

Now, in this country, we have a psychological hangup about the small farmer. You talk about subsidies, and people will say, "All right. Let us help the little man. But why should we subsidize the huge farm operators?"

We have forced a condition of agricultural bigness in this country.

In order to make a living, the farmer has not only improved his technology to grow two stalks of corn where one once grew, but he has purchased additional land where he could because only the large volume operations could make it.

On May 3, our rural development subcommittee went to Iowa, where it heard from a farm auctioneer and salesman named Harold Ruden.

Mr. Ruden testified that he would have to sell out 1,000 farm families in Plymouth County, Iowa, so that there would be enough land for those remaining to make a decent living. Mr. Ruden dispassionately dispatched one-fifth of the farms in the county with that remark. Most of those people are his friends, but Harold Ruden is also a practical man.

Big agriculture, or agribusiness is not something that is as bad for the people in the cities as it is for those displaced from rural America.

Few people understand that the biggest technical revolution that has occurred in this country is not in computers or space, but in the production of food and fiber. That is why food prices have been so little affected by inflation over the past 20 years.

Yet there are no medals nor any live television coverage given to this.

The adverse effects on the cities as a result of bigger and fewer farms has been the migration of rural people to the cities, adding to the population burdens in the Chicagos and Detroits.

My appeal today is not simply a cry for better treatment for American agriculture. It is a plea for what I earlier called togetherness.

It is a plea for understanding between city and country people so that we do not have urban America on the one hand and rural America on the other, with both taking political potshots at one another.

This is one Nation, and there is nothing to be gained by the urban-rural political civil war that is now being waged.

We are all dependent upon one another. The Chicago housewife is just as dependent on agriculture as the farmer is on the machinery which that woman's husband manufactures.

We on the Senate Committee on Agriculture are calling for an economic and social balance between rural and urban America.

But first, I believe we need a balance in our attitudes about one another.

It was announced in the Wall Street Journal last year that farm parity with city incomes was the lowest that it has been in more than 30 years.

No one cared.

Equally, I am sure there has been little concern in the rural communities of America about some of the troubles of our cities.

In Milwaukee, Mayor Henry Maier once complained that the State of Wisconsin would not appropriate enough money to support vocational schools throughout the State. As a result, he said, young people were flocking into the city from rural areas to get vocational training at city expense.

At the same time, on the other hand, rural school districts in the same State were complaining that they were spending money to educate children who would move to cities like Milwaukee once they became taxpayers.

As Richard Hausler, executive director of the Area Development Institute says:

> It is too bad that rural and urban people did not get together 20 years ago to consider the inevitable impacts of the chemical, mechanical and management revolution then clearly underway in agriculture. Together they could have discerned the inevitable impact on rural and urban areas alike.

Mr. Hausler concludes:

> Perhaps they could have avoided some of the problems for which we are all now paying, because rural and urban problems were shaped in isolation from one another.

The heartland of our Nation is emptying out of people and economic promise. I believe this is wrong. We must have a sound economic balance between urban and rural America. We must do some important things to give people a chance to stay in their small towns if they wish.

But all of this must begin with a reasoned, mutual understanding of our needs and our troubles.

First, we must have a little togetherness.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 12 minutes.

Mr. BELLMON. Mr. President, I want to commend my distinguished colleague, the Senator from Georgia, for his insight in assessing the problem of rural America and his recognition that the problem is of all America. As long as our Nation thinks in terms of rural versus urban or urban versus rural interests, the problems will go unsolved and more will be created. The able Senator from Georgia, in his capacity as chairman of the Agriculture and Forestry Committee provides extraordinary leadership to agriculture and he has rendered a great service to all America this morning by calling the attention of the Senate and the country to a problem which threatens our national well-being.

Mr. President, I see that the Senator is about to leave the Chamber. Before he leaves, I would like to ask him a question about a statement he made in his speech.

I notice that on page 2 he says:

> Most of our mid-western farmers are operating on a net profit margin of five percent or less. They could do better if they sold out and put the money in the savings and loan.

I wonder if the Senator means they get 5 percent on their investment and nothing for their labor.

Mr. TALMADGE. That is entirely correct, and frequently they get much less than that. I know many farmers who are operating on a deficit, without any gross profit at all.

As the Senator knows, in Oklahoma and in the State of Georgia and many other parts of the Nation, year after year, farmers have been operating at a loss. They have been borrowing more and more on their land, and they finally get

to the point where they can no longer make it. Eventually they find some fellow who is willing to buy their land, and they sell out and move. That is going on all over America today.

Mr. BELLMON. So the farmers not only get no reasonable return on their investment, but they get nothing for their land, and in these times, when they are faced with the requirement of expanding and getting more efficient, they have no source of income to buy the new tools or expand their operations?

Mr. TALMADGE. The Senator is entirely correct. As a matter of fact, farm debt at the present time is the highest in the history of America. And, as the Senator so well knows, being one of the abler members of our Committee on Agriculture and Forestry, farm parity today is at the lowest level in more than 30 years, lower than since the depths of the great depression.

Mr. BELLMON. I wish all Americans had the understanding of the farm problem which the distinguished Senator from Georgia has. I am sure we could do much better in finding a solution to this problem.

I would also like to ask the distinguished Senator another question about a statement in his speech, where he refers to the adverse effect on the cities as a result of bigger and fewer farms, which has brought about a migration of rural people to the cities. I wonder whether the Senator agrees that the real solution to a lot of our urban problems is found, not in our cities, but out in the rural areas, where a lot of these problems originate.

Mr. TALMADGE. The Senator is correct. That is the fountainhead of the problem. Particularly since World War II, and even prior thereto, because of mechanization of agriculture, low profit margins and increased productivity of farmers, fewer and fewer people have been required to produce food and fiber, not only for our country but for a good part of the world as well. Millions of people have been forced off the land. As a general rule, those with the least education, with the least technical skills, move first. They have moved and migrated to our urban areas, seeking a better way of life, seeking job opportunities, and frequently seeking high welfare benefits.

Many of these people, once they got to the cities, found that they were ill-equipped to compete in an urban environment; and there, in many instances, they lost the stability of their lives, of their families, and of their friends. They wound up on unemployment rolls in many instances. Some of them turned to crime and similar undesirable situations.

It is my opinion that the great problems we find in urban America today, particularly in our ghettos, plagued by crime and narcotics and disease and poor housing and welfare and pollution, have their origin in the mass migration of people from rural America to urban America.

When 75 percent of the people in America live on 2 percent of our land, it is an impossible situation. We have begun to attack this problem about 25 years too late. Many other countries have done a much better job than we have in this regard—Great Britain, for example, and some of the Scandinavian countries.

I was tremendously impressed by what I saw in Israel. The population of that country has increased from about 600,000 to about 2,800,000 in 22 years. Many of the people came from backward countries and were illiterate. They had no skills, no talents, no jobs. They were trained and resettled by the Government of Israel in less densely populated areas. I have visited some of them. I have seen some of their industries and their farms. I think they would be models for our own country.

Mr. BELLMON. I certainly hope that the work which the distinguished Senator from Georgia and the Committee on Agriculture—particularly the Subcommittee on Rural Development—are doing would help bring about some such result here.

I feel, as the Senator has said, that perhaps the answer to urban renewal is in rural renewal. We certainly have been very deficient in attacking this problem in the past, and I hope we can do better in the future.

The Washington Post column, which my colleague referred to, reminds me of a song popular many years ago. In the lyrics the singer bemoans the fact that "every time I come to town, the boys keep kicking my dog around." The final verse of the song tells what happened when the hound had finally had enough kicking around:

He seen his duty there and then and he lit into them gentlemen and he shore messed up the courthouse square with rags and meat and hide and hair.

Agricultural interests in this country have been getting the same sort of kicking around as that fellow's dog from big bootwearers in our cities, who seem to take agricultural abundance for granted and who delight in defaming agriculture. This game has gone on much too long and the able Senator from Georgia has wisely put the Senate on notice that this sport must be ended. The alternatives are not pleasant—an aroused agriculture can make "May Day" look like a family reunion. A further weakened agriculture which cannot finance modern production methods will cause city sophisticates to turn into roaming savages seeking food wherever it can be found.

The Secretary of Agriculture, Mr. Hardin, stated earlier this year that far too many farm people still have far too little income, and the fact that farm incomes remain low relative to incomes of nonfarmers is the number one problem of agriculture. The fact that agriculture has been given a black eye by an unknowing consumer oriented press is a problem of almost equal importance since it has produced a feeling of frustration, apartness, and mutual contempt. Farmers who rank near the bottom on the Nation's income scale are taking the brunt of the consuming public's blame for higher food prices in the grocery stores. In light of the latest farm statistics published by our Government, that blame is seriously misdirected.

Mr. President, our "old faithful" farmers are producing the highest quality food more cheaply than ever before. In the last 10 years they have advanced their efficiency twice as fast as the rest of the economy. The American public can buy its food with only 16.7 percent of the family income, the lowest percentage in history and the lowest of any country in the world.

But the public has continued to expect bigger and better supplies of low cost food without understanding the basic facts of agricultural production and economics. The misunderstanding has helped create the myth that big, rich farmers are getting richer at the expense of the consumer. The myth is being advanced as fact by big city publishers capitalizing on popular public opinion. And in turn, such sentiment has influenced the making of the same kind of short-sighted Government policies that have brought on an energy crisis in this country.

A badly conceived national energy policy has caused production rates to decline at a time when the Nation's energy demands are greater than ever before. As a result many areas of the country and many industries face major power shortages, and nationwide our ready supplies of oil and gas are dangerously low.

We will face, as well, a food crisis in this country, unless our Government and our people fully understand that a strong agricultural economy is as vital to our Nation's health and welfare as is a strong industrial economy. Farm and factory are interdependent elements of American life. If we continually shortchange one element, the system of interdependency will eventually crumble. Yet, we continue to risk such deterioration by giving agriculture the short end of the economic stick.

Mr. President, it is true that farming operations are getting bigger, but not because more land is being put into production. The burden of feeding our Nation is falling on fewer and fewer shoulders, because small farmers cannot survive economically and are giving up their land to take jobs elsewhere, hoping to earn wages they can live on. The 4 million farms in the United States in 1960 dropped to about 3 million in 1970. At that rate of decline, we will not have any farms left at all in 30 years.

The 5 million plus people forced off the land during the decade of the 1960's have added greatly to the congestion and the misery in the cities. Surveys have shown that these farm families would prefer to live on the land if they could make a living there. An imbalance of rural-urban economics is producing a dangerous imbalance of rural-urban population with an explosive potential.

The return to a wheat farmer on a loaf of bread selling for 25 cents in the grocery store is 3½ cents. A fruitgrower gets about 7 cents on the store's 20-cent pound of apples. The dairyman receives 29 cents on a 58-cent half gallon of milk, and the potato grower gets 20 cents on 10 pounds of potatoes retailing for 82 cents.

On the average, the farmer's share of the American food dollar is 38 cents.

Though farm prices are up 25 percent from 1960 levels, they still lag behind the average 35 percent increase for all other goods and services which, like the rest of us, the farmer must buy with a lower average income. The average farm household today lives on $2,000 less income than the average nonfarm household.

Add to the low rate of return, the high capital investment requirements, and the high risk factor in farming, and the exodus from country to town is easily understood. The farm population has declined by more than 5 million in just the last 10 years. The bad public relations which agriculture suffers is another factor that is drawing rural people, especially the farm youth, toward the bright lights of the city.

Mr. President, rural urban separation and rural urban migration has gone on far too long for the good of either city or country. The ability of the country to feed city dwellers and the ability of cities to provide a reasonable quality of life has reached the point where in the interest of mutual survival a reconciliation is essential. Let us look at what is happening to food production in this country.

The 1971 carryover of grain sorghum is expected to be only one-half of last July's supply of 246 million bushels. The wheat carryover in July this year is estimated to be 700 million bushels. Last year it was 885 million. Corn carryover is down from a billion to 700 million bushels. These reductions amount to a 30 percent reduction in grain reserves in 1 year. Three more years like last year and this country's grainery will be empty. Why is our food bank balance in deficit? There are many factors. The corn blight, drought, and heavy exports have played a role. But so has poor farm economics which reduces a farmers ability to cope with the multitude of hazards he must overcome and the loss of rural population which places an even greater burden of production on those who remain. For the first time in history our ability only to feed ourselves, and the citizens of other nations, who depend on our agricultural exports to feed their people, is in doubt.

Just as our Nation has been slow to insure a steady supply of energy to the Nation by providing the economic incentives to encourage greater production, so it has lagged in fostering a healthy economic and social climate for agriculture.

For the first time in our history, our Nation feels an energy pinch. We see this in the summer brown outs which are common. How long will it be before the shortsighted division which exists between urban and rural citizens manifests itself in meatless Mondays? Will the same shortsighted kicking around turn this "One Nation" into "Two Nations"—one rural, poor and well fed and another urban, rich and hungry? For the good of both, we cannot permit such a national cleavage. The distinguished chairman of the agriculture committee has wisely and eloquently alerted the Senate to the need for timely action.

Agriculture is no stray dog come to town to be kicked around by all the boys loafing at the drug store.

Agriculture is as much a part of the national scene as General Motors, U.S. Steel, IBM, Harvard, Stanford, the Bank of America, the New York Times, or NBC.

A healthy nation must have a healthy agriculture. To be healthy, agriculture needs to sit at the first table and receive an occasional pat on the back. It cannot go on much longer living on table scraps and unfeeling kicks in the ribs.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado (Mr. DOMINICK) is recognized for not to exceed 5 minutes.

Mr. DOMINICK. I understood that it was 15 minutes.

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. DOMINICK. I was told last night that it was 15 minutes. Am I incorrect in that?

Mr. BYRD of West Virginia. Mr. President, the request that came to me was for 5 minutes for the able Senator from Colorado. I am sorry if I misunderstood or I was not informed correctly.

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

Mr. DOMINICK. If I have only 5 minutes——

Mr. CURTIS. I want to give the Senator some time.

Mr. DOMINICK. I thank the Senator from Nebraska.

Mr. CURTIS. Mr. President, I have a special order for 15 minutes. I ask unanimous consent that 5 minutes of that time be transferred to the distinguished Senator from Colorado (Mr. DOMINICK).

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

Mr. DOMINICK. I appreciate that very much.

THE REAL COMMUNIST CHINA

Mr. DOMINICK. Mr. President, which is the real Communist China?

The smiling welcome of Chou En-lai to an American table tennis team visiting mainland China in mid-April? Or anti-American slogans shouted in the streets of dozens of Chinese cities on May Day, only 2 weeks later?

A hint by Mao-Tse-tung to journalist Edgar Snow last December that he favored a visit by President Nixon to mainland China? Or an editorial in the Peking Review of April 16, 1971, vilifying President Nixon as an "archcriminal," "archmurderer," and "chief butcher"?

Suggestions from Peking that it wants to negotiate its differences with the United States? Or its insistence in every Chinese Communist propaganda organ that "U.S. imperialism is the common enemy?"

Interpretations by various so-called experts in this country that the People's Republic of China is ready and willing to enter the United Nations? Or Peking's own declaration that it will reject a seat in the U.N. unless the Republic of China is expelled?

During our consideration of these factors, keep in mind the record of Mao's China which, first, has brutally subjugated the Chinese people for 22 years; second, has been and still is branded by the U.N. as the "aggressor" in the Korean war; third, has been accused of "genocide" in Tibet by the International Commission of Jurists in Geneva; fourth, continues to supply most of the small arms and ammunition to North Vietnam which is now invading free countries; and fifth, has fostered and encouraged insurrection, subversion and "wars of national liberation" in Asia, Africa, Europe, and even the United States.

On New Year's Day, 1971, the three official publications of the Communist regime in mainland China—the People's Daily, the Liberation Army Daily, and Red Flag—editorially enunciated Communist China's foreign policy for this year:

> We will persistently fulfill our proletarian internationalist obligations, firmly support the revolutionary struggles of the people of all countries and learn from them, and together with them we will fight to the finish to defeat the U.S. aggressors and all their running dogs . . .

By radio, displayed slogans, and editorial propaganda, hardly a day has gone since the first of this year that this theme has not been repeated.

It surprises no one. It shocks no one. It amounts, simply, to the reaffirmation of Peking's basic outlook on the world that it has adhered to since Mao Tse-tung came to power by revolutionary conquest in 1949.

In April, while many columnists and some Members of the Senate were asking for a total turn-around in our Nation's China policy; abandoning 14 million people in the Republic of China on Taiwan; and advocating a confusing assortment of one, two, and even three China policies; Peking gave a lavish reception to Le Duan of North Vietnam and pledged new assistance in the war of aggression against Southeast Asia.

In April, while the people of Washington, D.C., prepared offsetting action to organized efforts to stop the Government of the United States from functioning, the People's Daily of Peking saluted "a new revolutionary storm—surging up vigorously among the American people."

And on May Day, the Communist Chinese again used their favorite theme:

> Peoples of the world unite to crush American aggressors and their runnings dogs.

Are Communist China's real attitudes and objectives disclosed by Chou En-lai's cordial smiles for a few days in mid-April or by the following anti-American slogans which the faithful were instructed to shout as their slogan in support of the quoted theme:

1. Support the Indochinese people against American aggression.
2. Support the heroic Korean people against American aggression.
3. Resolutely oppose American imperialistic support for Israeli aggression against Arab countries.
4. Support Cuba against American aggression.

5. Support the American people against the American government's aggressive policy.

Is all this offset by playing ping-pong with Mao's specialists in the sport? The question answers itself and some commentators and news media have spoken out forcefully as well.

The respected Scripps Howard newspapers said on April 28:

> We ought not to forget that the Red Chinese have been substantial contributors to the Communist attempt to take over South Vietnam, that the Red Chinese have been involved in ambitious schemes for mischief everywhere in the world (Indonesia, for example) and that their total policy the last 25 years has been arrogantly anti-American.
>
> Every friendly gesture by this country has been labeled a "fraud" and Mao Tse-tung's central theme, widely proclaimed, has been that "political power grows out of the barrel of a gun."
>
> If the Reds have indeed decided on a change of course, the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a "thaw" in Red China as well as here.

The noted NBC news correspondent, John Chancellor, reminded us in his April 20 commentary on NBC Radio that—

> China still holds American prisoners, not many, but people held in a detention which flaunts international law . . . China is a a country drenched in anti-American propaganda . . . How do you make friends with such a country? Very carefully.

Which is the real Communist China? The "winsome" China which wines and dines visiting athletes and journalists? Or the brutal China of the cultural revolution which tortures its citizens and lets their bodies float down the rivers to the South China Sea? Hundreds of dead bodies found floating in the bay of Hong Kong tell us far more than ping-pong does about the real nature of the Chinese Communist Government.

Peking itself admits that 10 million Chinese have died in the "communization" of China. Other estimates range as high as 50 million. This, Mr. President, is "genocide" and has been so labeled by by the International Commission of Jurists in Geneva.

Mr. President, no student of the history of Communist rule in mainland China—1949–71—can look at the record of persecution and purges and honestly conclude that this regime in Peking represents the will and interests of the people it rules. This is rule by force, not mandate. This is government by bayonet, not the ballot box. This is dictatorship by degree—not the result of a peoples' self-liberation.

If Communist China truly represents the people of the mainland, why have so many Chinese perished opposing the Communist regime?

If Communist China is the expressed wish of the Chinese masses, why have hundreds of thousands sacrificed all of their possessions—many of them their lives—attempting the flight for freedom?

If Mao's "thoughts" reflect the aspirations of the citizens of that troubled land, why did so many join in civil war against Mao's cultural revolution?

No—Mr. President—the regime in control of Communist China today is not representative of the Chinese people. It is, in fact, an imposter, imposing its own authority over a victimized population because, and only because, it has the guns and power to do so.

This record does not reflect well on its right to enter the U.N. But added to it, the rule of terror over their own people should be noted. The record of aggression and affronts already cited strongly suggest that Communist China has no intention, let alone desire, to keep the peace or contribute to world stability.

Time and again, Peking's propagandists have belittled the United Nations as a "tool" of U.S. imperialism, declaring that—

> The fundamental question for the present is one of freeing the United Nations from the control of the United States and its collaborators, reorganizing it completely and rectifying all the mistakes it has committed.

The U.N.'s mission to bring peace to a war-weary world is ridiculed by Communist China, which persists in its policy of international revolution and wars of so-called "national liberation."

Mao Tse-tung, and those who publicly espouse his views, want nothing more nor less than chaos and upheaval to engulf anti-Communist, anti-totalitarian societies everywhere.

Many have said that the admission of Communist China to the U.N. is inevitable. These predictions are not new and as yet have been universally wrong when the proper information is laid before the member countries.

Following the Panmunjom Agreement of 1953, it was "inevitable" that Peking would enter the U.N. a year later. But following the refusal by Communist China and Communist North Korea to release American prisoners of war, U.N. members voted 43 to 11 with 11 abstentions to oppose admission of Peking.

It was "inevitable" in 1958 that Communist China would be admitted to the U.N., but the vote in 1959, following the collapse of Mao's "great leap forward" and invasion of Tibet, was 44 to 28 against with nine abstentions.

After an extensive propaganda campaign in 1965, it was "inevitable" once again, but 1966 brought the horrifying excesses of the Great Proletarian Cultural Revolution, and the vote that fall was 57 to 46 against admission, with 17 abstentions.

Nothing is inevitable insofar as admission to the U.N. is concerned, and it is not a universal organization. In fact, in contradiction of the concept of universality, article 4 of the U.N. Charter provides for expulsion from United Nations membership.

Nations such as West Germany have not been admitted—thanks to the opposition of Soviet Russia—so obviously universality is not the rule, nor are Spain or Switzerland members.

Article II of the U.N. Charter prohibits any member or applicant from using the threat of force against the "territorial integrity or political independence of any state" which are sufficient grounds for excluding a regime like Mao's which has invaded neighbors such as Korea, India, Tibet; sought to overthrow the Government of Indonesia; has been branded by the U.N. as an aggressor; and has been labeled by jurists as genocidal. In addition, Communist China has made it clear it will not participate in any nuclear disarmament discussion inside or outside the U.N. It denounced the Partial Test Ban Treaty of 1963, it refused to consider signing the Nuclear Nonproliferation Treaty of 1961, and in 1971, it rejected the nuclear seabed treaty. Surely nothing in those actions implies any respect for the problems of welfare of any kind including nuclear holocaust.

Despite the fact that Communist China is not and under its present leadership should not be a member of the U.N., this does not necessarily stop communications. After all, we communicate quite well with nonmembers West Germany, Spain, and Switzerland. We have had more than 130 diplomatic meetings with Communist China through Warsaw since 1955. Peking abruptly cancelled the last scheduled meeting approximately 1 year ago—not the United States—and despite our best efforts, there has been no firm indication of when Peking will allow the talks to resume.

Some argue that acceptance of Communist China will lead to a softening of that regime's hardline approach to peace and stability. But do we have any evidence to support this theory? To the contrary, every overture made by the United States since 1949 has been snubbed or rejected until 1 month ago.

The last four American presidents offered to exchange journalists, trade and tourism in an effort to open the doors to Communist China, but to no avail. The first break in the Bamboo Curtain has been Peking's entertainment of an American ping-pong team. Since then a few carefully selected scientists, journalists and politicians have been allowed to visit the mainland to see carefully selected sights. All these are good steps but hardly offset the fact that Peking has never even suggested that it will rescind its intransigent position simply because the West seeks friendship and mutual understanding.

Premier Chou En-lai spelled out Peking's positions on the U.N. seat now held by the Republic of China in an interview with Filipino journalists. As reported in the Washington Star of May 16, Chou said:

> It is impossible to sit in the U.N. unless the question of Taiwan is settled. We oppose the seating of two Chinas . . . We are even more opposed to one China and one Taiwan.

That does not leave the United States much room for diplomatic maneuvering, and we are certainly not going to abandon an old ally despite some urging to the contrary.

Throughout the history of the United Nations, the Republic of China has been a most honorable and responsible member of that body, upholding the Charter at every turn, fulfilling its obligations on every occasion including payment of all its dues and assessments.

Mr. President, I think the record is overwhelming—there are no legal, moral,

or even practical reasons why the present Government of Communist China should be admitted to the United Nations.

Despite recent headlines that the President's Commission for the Observance of the 25th Anniversary of the U.N., headed by Henry Cabot Lodge, had recommended that Communist China be brought into the U.N., that is not what the Commission reported. Here is what the Commission report said:

The Commission recommends that under no circumstances should the United States agree to the expulsion of the Republic of China on Taiwan from the U.N. but that the U.S. seek agreement as early as practicable whereby the People's Republic of China *might accept the principles of the U.N. charter* (emphasis added) and be represented in the organization.

This recommendation of the Commission places the responsibility for admission exactly where it belongs—with Communist China. If the Peking Government wants to become a member of the United Nations, it must and should accept the principles of the U.N. Charter, including the renunciation of the use of force against its neighbors, and that it has flatly refused to do.

I cannot see how progress toward lasting world peace would be enhanced by downgrading the standards of the U.N. Charter by admission of a government which has publicly denied the U.N. Charter and continues to sponsor worldwide revolution. What is needed is patient insistence that Communist China upgrade its behavior to the level of standards prescribed in the U.N. Charter. If Peking wishes the benefits of membership in the community of nations, it can take the necessary steps to meet those standards.

Dr. Walter Judd recently said:

The United States must not make the fatal mistake of:

"Abandoning 750 million Chinese people on the mainland to Mao's cruel tyranny;

"Consigning the Republic of China to the same fate;

"Throwing our other Asian allies, however, reluctantly, into acceptance of Communist China on *its* terms;

"Discrediting the U.S. around the world as a nation unwilling or unable to keep its pledged word; and

"Turning the U.N. into an agency which our enemies can increasingly use to prevent—not make—real peace in the world.

Mr. President, given Communist China of today, Mao's China, the United States, and the United Nations have no other honorable choice but to adhere to a policy of nonadmission until such time as Peking stops playing games and begins to prove by deed as well as word that it really wants to be a responsible member of the international community of nations.

I commend President Nixon and previous Presidents who have attempted to open lines of communications with mainland China, but in our own self-interests we should not deceive ourselves into believing that a wolf is a sheep or a dragon a butterfly simply because of ping-pong exchanges.

I ask unanimous consent to have printed in the RECORD a selection of editorial material dealing with our relations with mainland China.

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

[From the Los Angeles Times, May 7, 1971]

EXPECTATIONS REGARDING CHINA

Marshall Green, the assistant secretary of state for Asian affairs, warned the other day that we should expect mainland China to continue pursuing some policies that could prove troublesome if not downright dangerous to various American friends and interests. His implicit point, of course, is a perfectly sensible one: any thaw in Sino-American relations that might develop in the foreseeable future would be most unlikely to affect fundamental national policies in either country, and these policies in many cases are in conflict.

There is nothing startling in this appraisal, only a realistic recognition of the way things work. One can certainly hope for a continuing expansion of contacts between the United States and China, for an improvement in knowledge and understanding, for a lessening of suspicion and fear. But even under the best of circumstances there are limits to what can be accomplished. In the end, the two countries will continue to go their own ways, and at times their courses could come very close to collision.

Our experience with the Soviet Union makes the point. We have had formal diplomatic relations since 1933. Long before that, newsmen, scholars, traders were going back and forth. All these formal and informal contacts have had negligible influence on basic policies and goals.

The Russians remain formidable and dangerous antagonists—indeed, they have grown more dangerous as time has gone on—and they more often than not see the furtherance of their interests coming from the erosion of ours. We can talk with the Russians, we can negotiate with them, but very seldom can we rightly expect a coincidence of views or interests.

So with the Chinese, China sees itself as the legitimately dominant force in Asia, and a great world power besides. It wants international recognition of that role and it will seek it with deeds and symbols alike. It will go on building and testing nuclear weapons and the systems for delivering them. It will try to expand its political influence in neighboring countries and elsewhere in the world either by dealing with governments in power or by supporting insurrections. It will do whatever the perceived interests of Chinese nationalism and the flexible doctrines of Maoist communism suggests is best for China.

A few smiles from Chou En-lai or tours by newsmen won't change this nor should we expect it to. While everyone would like less tense and more trusting relations with the Chinese, wishing won't make it so. Improved relations might do a lot to reduce the risks of conflict by misjudgment or misunderstanding, but that is about all we should anticipate.

[From the Boston (Mass.) Herald Traveler]

THROUGH A GLASS, ROSILY

Reading the correspondence from mainland China by a reputed journalistic expert on the Far East gives one the sense of "deja vu." For even the uncritical (and unperceptive) dispatches describe a state and a society that was foreseen years ago.

Red China's monolithic society is based not on the inane and simplistic injunctions in the "Quotations from Chairman Mao," but on the sinister assumptions and operative motives contained in George Orwell's "1984."

Time was when the visions of Big Brothers and the totalitarian society were terrifying to a pluralistic, democratic problem-plagued nation. But today Mao Tse-tung, the Emperor of the Blue Ants, has imposed on 720 million people a system which, to judge from some current reports, is less than repugnant to many persons.

Repugnance, one might suppose, is in the eye of the beholder. Since few Americans have traveled inside Maoist China, they must rely on what others relate—measured, one should hope, on what knowledge and information is available elsewhere.

When an Associated Press correspondent files a dispatch from Canton, China that begins: "The orange sun set in a purplish mist over the Pearl River estuary yesterday," one can either wait for the organ peals to begin or turn the page.

But it seems incumbent to add a few words of explanation to certain lightly dismissed or euphemistically phrased observations. One example should suffice: "The road has been anything but smooth since Mao proclaimed the People's Republic in 1949. Over the years he has felt it necessary to purge the party and the people of what he regarded as unhealthy elements . . ."

"Purge" is a nice term for slaughter, especially when by Peking's own estimates the number of counter-revolutionaries eliminated from the Maoist utopia number no fewer than 10 million. Other clumsy citations could be explored, but the point remains that if increased contact with Communist China is in the cards, American observers ought to keep a firm grip on their perspective. Ping pong games, or commercial transactions should not be allowed to create false optimism; improved relations, if possible, should not be a signal for instant historical revisionism. The People's Republic of China should be taken for what it is, with neither undue grimace nor undue gloss.

[From the Washington Daily News, April 28, 1971]

THE CHINA "THAW"

Under the auspices of President Nixon, a new U.S. policy toward Red China appears to be evolving.

It is illustrated by the report of a special 50-member commission named by the President. This commission, headed by Henry Cabot Lodge, now envoy to the Vatican, was assigned to make recommendations about the United Nations.

But its foremost proposal is to support the ultimate admission to the United Nations of all "firmly established" governments—no matter how they got there. First of all, this includes Red China, but also North Korea, North Vietnam and East Germany.

The Lodge group took note of "awkward and discordant" possibilities in letting Red China join the United Nations and seemed to favor a play-it-by-ear policy; no instant initiative on the part of the United States along this line.

It also strongly insisted that Nationalist China, whose government in effect is in exile on Taiwan, should remain a U.N. member, even tho both Red China and the Nationalists now say they will not sit in the United Nations with the other.

Red China probably is headed for eventual membership in any event, whether the United States supports the admission or not. A majority in the United Nations voted favorably only last year—but the vote fell short of the necessary two-thirds.

But U.S. support for this move should hinge on something more than Red China's wish to get in, if it does wish membership, or on the majority view on this issue. Our support be based on conclusive evidence that the recent Ping-Pong diplomacy is more than a propaganda gesture.

We ought not forget that the Red Chinese have been substantial contributors to the Communist attempt to take over South Vietnam, that the Red Chinese have been involved in ambitious schemes for mischief elsewhere in the world (Indoensia, for ex-

ample and that their total policy the last 25 years has been arrogantly anti-American.

Every friendly gesture by this country has been labeled a "fraud" and Mao Tse-tung's central thesis, widely proclaimed, has been that "political power grows out of the barrel of a gun."

If the Reds have indeed decided on a change of course the United States and the whole world should take advantage of this. But we need to be sure, as we go along, that there is a "thaw" in Red China as well as here.

[From the Rocky Mountain News, May 1, 1971]

"OLD SMOOTHY" CHOU EXPLOITS PING-PONG TOURNEY: JUDD

(By Alan Cunningham)

One of America's most determined old China hands, Dr. Walter H. Judd, warned a Denver audience Friday that Americans mustn't be fooled by the seeming thaw in relations between this country and the People's Republic of China.

Judd, a one time medical missionary and 20-year congressman from Minnesota, termed Chinese Premier Chou En-lai an "old smoothy" and said Chou was exploiting a table tennis tourney with hopes of achieving a military victory over the United States in Vietnam.

His remarks on the China question came at the tail end of a speech at the 1971 Law Day luncheon attended by about 200 persons in the Cosmopolitan Hotel. Judd expanded on his passionate views about China at a press conference afterward.

The 72-year-old Republican, who served in the House of Representatives from 1942 through 1962, contended that Red China hopes, through its new ploy of "Ping-Pong diplomacy," to "beguile the gullible" in this country—particularly anti war activists—into thinking Peking honestly wants peace.

In truth, he said, Chou and other Chinese leaders merely are substituting "honey for vinegar" in hope they can turn Americans against President Nixon and bring about an end to the war which serves Chinese interests more than our own.

"UNMITIGATED DISASTER"

He predicted that the result, if Chou succeeded, would be "unmitigated disaster" for the U.S.

Judd has been a staunch supporter of the Chiang Kai-shek regime in Taiwan since the Communists took over mainland China in 1949. In remarks that showed a goodly measure of emotional strain, Judd made it clear he hasn't swerved from his opposition to the idea of letting Peking join the United Nations.

Facing a group of young television newsmen, several of whom challenged his views severely, Judd refused to concede that the current thaw in U.S.-Chinese relations would necessarily lead to admission of Red China into the U.N. body in the near future.

The tone of his comments on this topic varied considerably from that during the main part of his speech, during which he declared that the older generation has to blame itself largely for the current wave of anarchistic attitudes among young people.

He said those who had lived through the Depression of the 1930s had succeeded in saving their children from hunger, but hadn't passed along the message that this country's system of government, with all its flaws, is far superior to any other in the world.

The result, he said, is that at a time when Americans have much to be grateful for, the nation is beset with anxiety, conflicts and confusion.

FREEDOM WITHOUT WORRY

Never having known anything but affluence, Judd continued, young people choose to seek the things they don't have, things often characterized in terms of wanting merely to be left alone, to "do one's own thing and to be free."

Judd said these ideals are distorted by a feeling among the young that they live in a sort of "never-never land" where they can pursue freedom without having to worry about responsibility. Thus, their respect for the need to maintain an ordered society through law has broken down.

He advocated that parents, teachers and others try to communicate the idea that America is "the greatest experiment in self-government man has seen—but it's incomplete, and young people are going to write the next chapter."

Weaving his remarks into the Law Day theme—"Channel Change Through Law and Reason"—Judd told his audience that he believes men cannot have peace without order. Likewise, he went on, there can be no lasting order without justice, no justice without the machinery of law—and no effective machinery without people to make it work.

Earlier in the Friday program, the Denver Bar Association's Liberty Bell Award was presented to Lt. Walter K. L. Chin of the Littleton Police Department. In presenting it, Denver Dist. Court Judge Sherman Finesilver cited Chin for his work with young people in Littleton, particularly through Sequette, an organization which sponsors a clinic and program for drug users.

[From the Spokane (Wash.) Spokesman-Review, Apr. 19, 1971]

CHINA'S MOTIVE

Among the various motives ascribed to the government of Red China for its sudden hospitality to the touring U.S. table tennis team and three American newsmen, at least one is clearly credible—Peking's desire to win favorable public opinion in the United States, Japan and other key countries for admission to the United Nations as the sole legitimate Chinese regime.

In his remarks last week President Nixon was careful to avoid speculation or discussion on that point, but he noted that any further U.S. steps to improve relations with Peking would depend on reciprocal moves.

"We have taken several steps," he said. "They have taken one."

Japanese leaders, who regard their country as a special target on the question of U.N. admission, have indicated they view the Chinese move as a change of tactics designed to step up psychological pressure on countries wavering over how to vote in the forthcoming autumn U.N. session.

The Chinese invitation and warm reception given to the selected group of Americans has drawn widespread attention and raised a flurry of speculation on the possibility of U.S.-Chinese trade development as a result of President Nixon's subsequent announcement.

The impact of the Chinese overture derives, however, from its contrast as a minor departure from Peking's otherwise intransigent position. Alone it is not enough to suggest that China is motivated to resume a constructive role in the international community of nations.

If it is, in fact, the first of a number of reciprocal and meaningful steps in this direction, it is a hopeful sign. Further developments will be awaited with considerable interest.

Summary: China's sudden gesture of hospitality will have been meaningful only if it is the forerunner of other constructive steps.

[From the New York Times, Feb. 10, 1971]

THE DALAI LAMA SPEAKS

(By Tenzing Gyatso)

UPPER DHARAMSALA, INDIA.—According to every principle of international law and custom, whether historical, geographical, cultural or linguistical, we Tibetans are an independent nation distinct from China.

Since the Chinese have little respect or scruples for such international principles, they attacked Tibet with the avowed aim of "driving out the imperialist aggressive forces."

When world opinion condemned this naked and shameless aggression, China loudly protested, with a halo of righteous indignation, that Tibet was "an integral part of Chinese territory," and as such, "an entirely domestic problem."

With the forced signing of the infamous 17-Point Agreement military operations were suspended and a program of consolidation and "democratic reforms" was vigorously carried out to meet their objective of colonizing the country.

Recent reports now tell us of massive indoctrination at compulsory meetings, radio broadcasts, distribution of leaflets, and complete control over the educational apparatus.

Yet, the Chinese everywhere meet determined resistance from both underground guerrillas and the peasants. The very Tibetan cadres, so meticulously and painstakingly trained in China, are said to be at the forefront of the freedom struggle. As a result, the Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed on such flimsy trumped-up charges as: harboring subversive designs against the regime, possessing religious objects or collaborating and helping "reactionary elements."

In short, Tibet is now experiencing a far more dangerous type of colonialism than the world has ever seen. All the resources of the land are being exploited while the Tibetans are starved and worked to death to feed the occupation army and the Chinese populace.

With such conditions existing in Tibet today, we, who are in exile, solemnly remind ourselves each year on the anniversary of the March Uprising, determinedly to achieve the sacred task of liberating our countrymen from the brutal yoke of Chinese oppression. All over the world, the twin evils of colonialism and imperialism have been condemned and resisted in the past. We too take up our share of the burden and struggle against this new form of exploitation.

Besides this all-important task, we are faced with the problem of preserving our unique culture. We have taken a number of appropriate steps in this direction. Much progress has been achieved due to generosity of the Government of India and international voluntary agencies. We are forever indebted to them.

Simultaneously, we do not delude ourselves that Tibet will remain the same as before. Such thoughts are wishful thinking and in complete contrast to the approach we have adopted in the event Tibet achieves her freedom. It is in this connection that a draft constitution was promulgated on March 10, 1963, taking into full consideration both the doctrines enumerated by Lord Buddha and the system of democracy based upon justice and equality. This constitution was warmly received by the representatives of my people in exile.

Finally, while preparing for a new and young Tibet, the opinion of the forward-looking younger generation will be an influential factor. Many young boys and girls are working or receiving an education so as to serve Tibet better. A national consciousness is slowly developing and asserting itself among the younger generation. This is a healthy sign for it indicates that the younger generation is not satisfied with the present state of affairs. It also means that they face the challenge with constructive efforts for a free and independent Tibet. In the ultimate analysis, it is they who will have to continue the struggle and preserve our identity and culture.

Our cause is a just one and I take this opportunity to appeal to all those nations who cherish freedom, to give us their firm and strong support. The Chinese should well remember that no imperialist power has succeeded in keeping another nation under colonial subjection forever.

In conclusion, I wish to offer my prayers to invoke the blessings of the Triple Gems for peace and happiness to all sentient beings.

His Holiness, Tenzing Gyatso, the 14th Dalai Lama of Tibet, lives in exile at Upper Dharamsala, East Punjab, India.

PROGRAM, JOHN CHANCELLOR, NBC NEWS, REPORTS, NBC NETWORK (RADIO), DATE, APRIL 20, 1971

JOHN CHANCELLOR. Sinophilism is a word in the dictionary which means an attraction to things Chinese. It also is a word which might appeal to Vice President Agnew, who has a passion for long words. Sinophilism is his kind of word.

And as a matter of fact, the Vice President is against Sinophilism, we are told. And he has raised some interesting points.

I'll have a report on this in a minute.

For the past few days, the Nixon Administration has been practically eating with chopsticks and wearing its hair in a queue.

China has been on everybody's mind, including United Airlines, which yesterday applied for US Government permission to fly to Peking, Shanghai and Canton.

The President's overtures to China and the Chinese response have met with widespread public approval and a sort of Sinophilia can be detected in Washington. That's a word meaning a liking for things Chinese.

But at Williamsburg, where the Republican governors are meeting, other views have been expressed. Vice President Agnew early yesterday morning asked nine reporters to his room and talked for about three hours on various topics, including China. And he said the same things to some governors the next morning.

Both meetings were private, but perhaps the word private-public is more accurate, since no politician uses forums like these, governors and reporters, without knowing that word is going to get around.

The word which got around is that Mr. Agnew is not happy with the policy of easing relations with China and that he argued against the policy at a meeting of the National Security Council.

He also feels that the press coverage of the table tennis team in China was a propaganda disadvantage to our side. And that the trip was, in truth a propaganda triumph for the other side.

Whether or not that is true, Agnew has raised some worthwhile questions. The Chinese are, in fact, still the main supplier of food and small arms to the North Vietnamese.

It is an illustration of the crazy world in which we live, that Mr. Nixon can keep troops on patrol in Vietnam, where they are shot at with Chinese guns and ammunition, and at the same time talk about the normalization of relations with the people who make and supply the weapons and the bullets.

China still holds American prisoners, not many, but people held in a detention which flaunts international law.

China is a dangerous nuclear power. Not fully developed but potentially alarming.

China is a country drenched in anti-American propaganda.

There is speculation among the reporters at Williamsburg that Agnew surfaced these thoughts because the Administration doesn't want to offend the old China lobby people. But that shouldn't obscure the fact that China is an unpredictable, thermo-nuclear, dangerous country.

How do you make friends with such a country? Very carefully.

John Chancellor, NBC News, New York.

[From the Indianapolis (Ind.) News, May 12, 1971]

VIOLATES CHARTER: PEKING DOESN'T QUALIFY FOR U.N.

(By Senator PETER DOMINICK, Republican of Colorado)

The visit of the American table tennis players to Red China marked the first time ordinary Americans have gone on an unofficial goodwill tour since the Communists came to power more than 20 years ago. It is not a meaningless event, but I doubt whether it constitutes any real thaw in the Arctic freeze of our relationship.

Despite the ping-pong diplomacy, it is well to remember that the Chinese leadership has not changed. The same men who smile at our ping-pong players are those who subjected Tibet to the most dangerous type of colonialism the world has even seen, the same ones who operate such a cruel and hated dictatorship that more Chinese attempted to escape in one recent month than all the East Germans who attempted to scale or penetrate the Berlin Wall in 10 years, and the same men who continue to declare their resolute adherence not to peaceful means of settling disputes, but to the use of revolutionary force.

Only two months ago His Holiness, Tenzing Gyatso, the 14th Dalai Lama of Tibet, now living in exile in India, reported in the New York Times that "the Chinese have launched a veritable reign of terror. Tibetans of all classes are beaten, humiliated, tortured or killed in such flimsy trumped-up charges as harboring subversive designs against the regime, possessing objects or collaborating and helping 'reactionary elements.' "

It is difficult if not impossible to relate these activities with the words in the United Nations Charter which member nations adopt on admission: "Faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, of nations large and small."

Yet, despite overwhelming evidence that Red China has no intention of changing its international conduct, many in our country overlook the difference between the Chinese people and their oppressive government, ignore the fact that all trade must be carried out through a Communist government trade organization, thus strengthening that government's cruel hold over its own people, and forget the principles of the U.N. Charter which the Red Chinese have never even given lip service.

In the coming months as the admission of Red China to the U.N. is debated it is well to keep in mind that the U.N. Charter does not advocate universal membership. Rather it has specific qualifications for admission—and Red China does not meet them. It has shown a consistent and total disregard for fundamental human rights, it has disregarded the dignity of persons, and it has obliterated the rights of individuals. Freedom has been stifled; intolerance substituted for tolerance.

In the words of the China expert, Dr. Walter H. Judd of the Committee of One Million: "If, in fact, there has been some recent 'mellowing' and 'evolution' inside Communist China, has it been caused by their successes? Or by their failures? If economic and other pressures from within and without are compelling Mao and his gang of military dictators to moderate their policies, doesn't common sense dictate that we maintain those pressures rather than reduce them?"

When a Chinese government, freely chosen by its 800 million people, agrees by actions and words that it will abide by the terms of the U.N. Charter and international law, then it would help world peace to have China as a member. Until then it is not in our national interest or the interest of 800 million subjugated Chinese to strengthen their platform for violent revolution.

If we will just wait, the Chinese people will provide the answer for us. As the Chinese say: "There is a day to cast your nets, and a day to dry your nets."

[From the Chicago Tribune, May 18, 1971]

GO SLOW ON CHINA, JUDD CAUTIONS

(By Willard Edwards)

WASHINGTON.—"Let's not play at being clever with Red China," pleaded the man to whom Congress looked for 20 years as its top authority on relations with that nation.

"When we try to be devious, we lose our shirts. Remember when Franklin Roosevelt said he knew how to handle Stalin? That cost us Eastern Europe."

The speaker was Dr. Walter Judd, a medical missionary in China in the '20s and '30s, a key Republican member of the House Foreign Affairs Committee thereafter for two decades until his retirement. When he spoke on China, leaders of both parties stopped to listen. Many still do.

Judd, in the remarks quoted above, was addressing himself to one of the theories advanced in support of warming up relations with mainland China.

This particular argument has some appeal for those who have no liking for Communism in any form. By diplomatic recognition of Red China and admitting it to the United Nations, the reasoning goes, the U.S. will be promoting a confrontation between China and Russia, the two great world Communist powers, thereby inspiring a rivalry beneficial to the rest of the world.

The trouble with this theory, Judd said, is that the quarrel between Russia and China is not based on nationalism which so often stimulates conflict between nations. It is, rather, a dispute between two factions of world Communism, each seeking international leadership, but never forgetting the common enemy—"American imperialism."

He recalled that Maxim Litvinoff, the Soviet foreign minister, talked President Roosevelt into recognition of the Soviet Union in 1933 by depicting the huge Russian market that would revitalize American industry and pull the country out of the depression. Thirty years later, industry was still waiting for Russian trade.

"Now it's 1933 all over again," Judd said, "and, unless we are alert, we are going to make exactly the same mistake. Litvinoff was smiling then, and Chou En-lai is smiling now. We had better study that lesson before we rush into any embrace with Communist China."

Judd is chairman of the Committee of One Million Against the Admission of Communist China, which has such congressional sponsors as Sen. Hugh Scott (R., Pa.), Sen. Peter H. Dominick (R., Colo.), Sen. Ernest F. Hollings (D., S.C.) and Rep. Thomas E. Morgan (D., Pa.), chairman of the House Foreign Affairs Committee.

These leaders, some of them leaning to the liberal position on other issues, have long adopted a practical approach to the problem of admitting Red China into the international arena.

They deplored the initial euphoria over "Ping-Pong diplomacy" which spread in official and congressional circles, leading Secretary of State William P. Rogers to enthuse at a cocktail party that he might go down in history as the secretary of state in office when Communist China and the U.S. were brought together.

Some reality was restored when May Day editorials in the Communist Chinese ideological and military journals continued to blast "U.S. imperialism and its running dogs." Cordiality to visiting table tennis players, it was evident, had not altered an official policy which attributes all evils of the world to this nation.

A phenomenon was noted. TV commentators, not noted for their admiration of Vice President Agnew, conceded that he had made sense in describing the press coverage of the

table tennis team in China as a propaganda victory for the other side. Editorialists all over the country suddenly recalled that Red China was still the main supplier of food and small arms to the North Vietnamese.

[From the Boston Herald Traveler, May 8, 1971]

THE TEST OF GOOD BEHAVIOR

(By John Chamberlain)

Amid all the ping-pong euphoria of recent days, one wonders how many people have actually read the few sentences that the Henry Cabot Lodge Commission on the UN devoted to the problem of bringing Red China to the "Glass House" by Manhattan's East River.

What the report says is that the UN "can best do its jobs . . . if its membership includes all the governments in the world, provided they subscribe to the principles of the UN Charter."

Somehow, the Lodge commission qualification for UN membership got lost in all the hubbub about a reported "change" in U.S.-China policy. The clack of ping-pong rackets has addled our brains, and we have lost the art of reading whole sentences.

But, as Senator Peter Dominick will soon be pointing out in a major policy speech, what the 50-member Lodge commission said about subscription to the charter is a mere repetition in substance of what the Committee of One Million Against the Admission of Communist China to the United Nations has been saying for years. Even the late Alfred Kohlberg, the self-confessed one-man "Free China Lobby," would have surrendered to Peking's good behavior.

Mao Tse-tung, Chou En-Lai and their mates must decide to accept the Geneva Convention about war prisoners, forswear their ambitions to seize Taiwan by force, call off their genocidal reign of terror in Tibet, cease their conniving in northeastern Thailand, and promise—in the Charter's words—to have faith in the equal rights of "nations large and small" (including South Vietnam, Laos and Cambodia).

If that were done, then the U.S. would certainly withdraw its objections to a UN seat for Peking alongside the one held by Taiwan. (Whether Taiwan would go along is, of course, another story, complicated by the question of who would dispose of "China's" seat in the Security Council.)

In the savage politics of the UN, which actually includes many nations that pay mere lip service to the charter, Red China could very likely get a hypocritical acceptance by a scant majority. But this would depend for its validity on the U.S. turning hypocrite on its own by deciding not to press for consideration of Red Chinese admission as "an important question" requiring a two-thirds approval.

We have always held out for the "important question" qualification. And now that Nixon has decided that Red China's good behavior is more important than ever it would look crass if he instructed the U.S. Ambassador to the UN, George Bush, to deal with the matter of Peking membership as if it were something on a par with that of the inoffensive Andaman Islanders. Surely no President of the U.S. would dare to be that cynical.

Aside from UN expectancies, there has been a subtle and damaging change in the Far Eastern balance of forces. The Orientals are looking coolly at the U.S. will to prevail, and are finding it wanting.

Thanat Khoman, the canny Thai foreign minister, thinks we are "psychologically tired," and so he is wooing Red China to his own. The Japanese are about to double their military force. Nixon may hope to get some action on the SALT talks out of Russia by playing to Peking, and he may hope to "spring" our war prisoners from Hanoi jails by getting Chou to intervene.

But if our diplomacy succeeds in building the strength of the Red Chinese at the expense of all the nations on the Asian periphery, Japan will certainly need its own atomic missiles to counter those which Peking is developing. And, in the event of war between Red China and Soviet Russia, Japan might have to move again in Manchuria to protect her western flank from possible domination by a powerful continental monolith.

The post-World War II era is coming to a close, and we'll be fishing henceforward in very troubled waters. The only sure guideline for our policy, whatever it becomes, is that it must not seem weak to the rest of the world. If we don't exact real ponderable quids for our quos, the jackals and the hyenas will gather, and there will be a mighty feasting on the U.S. corpse.

LETTER TO THE EDITOR OF THE NEW YORK TIMES, APRIL 19, 1971

Ever since the revolution against the Manchus establishing the first Chinese Republic in 1911 three generations of my family have been deeply involved in the attempt to transform China politically, educationally and economically into the kind of modern nation in which one of the truly great peoples of history could have the four freedoms that friends of China wish for all the peoples of the world—freedom of speech and expression, freedom of worship, freedom from want and freedom from fear.

That task has been difficult because China has never known internal peace for 100 years due to the attempts to exploit its resources and people by foreign powers from the time the British opened the Opium wars. Easy critics of the "failures" of those who have attempted to lead China into the modern world have never taken into account the burden deliberately caused by nations who saw profit for themselves in cheap natural resources and cheap labor in China's turmoil. The first U.S. republic was fortunate that similar attempts to take advantage of its initial weakness by the British and the French and the Spanish did not succeed as was the unlucky fate of China.

I have friends and relatives in Mainland China and Overseas China as well as in Taiwan. I, by marriage, and my sisters by birth are U.S. citizens as, of course, are our children. I can appreciate all points of view of all loyalties of Chinese and as against exploiters and China's hereditary real enemies we are all in heart Chinese together, whether Nationalist, Mainlander or Overseas. But as a practical matter in a world where Chinese hearts have to make choices, my own attitude has always revolved around the only hard certainties among idealogical fantasies.

(1) The United States alone among great powers has ever been genuinely and generously friendly to the hopes of those who want to make China a modern and peaceful nation; the United States alone, unlike Russia or Japan, does not covet or hope for exploitation of the resources of China which they have once enjoyed and which, having once possessed, have never given up hope of regaining even under a more subtle form.

(2) The Communist Government on Mainland China has never, despite fluctuations, lost the orientation and support of its Russian origin when the Western powers, mistakenly refusing to back the first revolution against the Manchus, forced its leaders to take Communist Russian help.

(3) The U.S. economic and military interest in the Pacific (inescapable in the one world of dwindling natural resources and distributed technology in which we now live) is far more securely related to Chinese power than to the power of either Russia or Japan which will never give up their original hopes to make China their pawn to unify Asia under themselves—and also will never forget the U.S. frustration of their megalomaniac dreams.

(4) By the glad adoption of U.S. methods of free enterprise the Nationalist Government on Formosa as compared to Mainland China has had phenomenal economic success in raising the living standards of all its people and even by American standards their comparative freedom. It has proved by deadly comparison that for the good of the long-suffering and deserving Chinese people everywhere the best possible orientation is toward the U.S. and Western style of Taiwan and Overseas China rather than toward the Soviet pattern of economic dictatorship with no development and no freedom. Now I do not miss the significance that all loans to Taiwan have been repaid on the nail, that the Nationalist Government's dues to the United Nations are current (as Soviet Russia's are not) and that in the last ten years Taiwan production for export has increased *ten* fold.

(5) I am a journalist and a businesswoman. I know the simplicity that trade accounts must ultimately balance. The U.S. businessman's illusion that there must be a significant profitable market for free enterprise business in a China of Communist economics is a delusion. It is the same story which the same businessmen pressed upon President Roosevelt to recognize Soviet Russia. With the help of the enthusiastic first Ambassador to Soviet Russia, William Bullitt, businessmen argued that the U.S. could be gotten out of its then depression by selling to an inexhaustible Russian market. Significantly, Ambassador Bullitt returned from his administration of that hoped-for experiment the most violently disillusioned anti-Communist of all time. We supposedly learned then that the one-buyer-one-seller economy of a Communist country in which trade is primarily a political weapon will never yield a business profit to a competitive free enterprise counterpart.

Certainly no trade can be carried on with a Communist under-developed country with nothing equivalent to export except on the basis of loans and credit supplied by U.S. taxpayers' money (whether or not under illusory masks of multinational agencies beyond the control of Congress for which the U.S. supplies the money) and which are more often than not defaulted or lost in depreciating soft currencies. The only beneficiaries of "trade" with the Peiping state-trading-monopoly supported by credits at the expense of the U.S. economy and individual taxpayers will be the first clever operators who in deals sanctioned by Peiping for political purposes like the Canadian wheat trade for recognition will ride on a few initial transactions based on such credits at everybody else's expense.

All trade of Communist China is managed for political objectives.

Total trade—export and import—has been limited to $4 billion or less with little or no growth each year.

Canada having already received the long-term wheat market in a trade for political recognition there is little likelihood, contrary to what most U.S. businessmen hope, of any significant U.S. exports to Communist China unless the U.S. in a similar political trade will agree (as I don't believe Congress will agree) to export *on credit* to Communist China technologically sophisticated equipment such as airplanes, computers and scientific instruments which can also be used as instruments of war.

As to imports from Communist China, can the U.S. take what Peiping has to export, i.e., textiles, hog bristles, peanuts, soyabeans—or heroin?

I know all generalizations about ways out of China's hundred years of agony are doubtful. No one has lived through more disillusionment with promises broken and hope deferred than my generation of Chinese. But I bite the bullet of heart-breaking real choices and look to the future. I am sure that the best interests of my own and my children's country, the United States, and all the people of my brillant, hardworking and deserving Chinese race whether in Taiwan, Overseas China or on the Mainland, are

linked to the United States. That link is to both the unambitious political generosity of the United States and the American free enterprise economic way of life. The link has to be effected not through academic theories but through living men and women with capacity and willingness to direct events. Unavoidably that compels me to hope and work for final peace and prosperity both for all Chinese and all Americans through the orientation toward the U.S. of the great majority of U.S. educated-or-trained Chinese who are now participating in the direction of Taiwan and Overseas China.

I do not say these are the exclusively dominant force in their communities, but I know their influence is growing and they have many temporarily submerged but willing colleagues on the Mainland when time will pass certain shadows.

Nor do I pretend that Nationalist China any more than any other nation but ourselves is the pure uninhibited democracy we have quixotically and unsuccessfully for a generation tried to thrust upon a rest of a world which cannot comprehend the beauty of it as it is reported to them. But we can only live with the world as it is. And the best hope as I see it for the great Chinese people and ourselves to live together in a long future is through Chinese men and women who understand and try to live by our political and economic language.

One priceless advantage of this approach is that there are as counterparts many knowledgeable, highly educated and trained Chinese and other Asian Americans among loyal United States citizens who could be most helpful in liaison in governmental and economic dealings with all Asians. This asset is now being incomprehensibly wasted. But perhaps it was truly said, "The only dynamic of democracy is catastrophe."

This statement of my views is in response to your request.

Sincerely,

MRS. ANNA CHENNAULT.

[From the New York Times, May 5, 1971]

CHINA POLICY: THE BALANCE SHEET

(By James Burnham)

From the time of Mao's conquest of the mainland in 1949 until the Great Proletarian Ping-Pong Revolution of 1971, this country has held to a two-part policy on China: (a) political and economic boycott of the Communist regime in Peking, and (b) recognition and support of the Nationalist regime in Taipei. Now that we are preparing to think along with Mao, it is easy to predict how this interlude in Chinese-American relations is going to be embalmed in the accepted mythology.

"Sound scholarship" (as Max Frankel has recently named it) will soon be agreed that the old policy was a paranoid disorder foisted on the country by the terror tactics of the China Lobby and locked in by bureaucratic sclerosis. It will be clearly irrelevant, not to speak of unmannerly, to note that this policy was consistently pursued by five Presidents so otherwise diverse as Harry Truman, Democrat; Dwight Eisenhower, Republican; John Kennedy, Democrat; Lyndon Johnson, Democrat of Texas, and, for a while at any rate, Richard Nixon, Republican, and by five no-less-random Secretaries of State.

No policy is good forever. I shall not argue here whether the time is indeed ripe for a turn, or exactly what the most desirable turn would be. But before the books are closed, I would like to check four or five of the profit items that ought to be entered when assessing the old policy's net balance.

Our policy saved the inhabitants of Taiwan, both native Taiwanese and refugees from the mainland, from conquest by Mao. Chiang Kai-shek's regime on Taiwan has not been a model of Jeffersonian democracy, but under it there has been no mass slaughter, and a negligible amount of terror as regimes go nowadays. It has carried out the world's most successful reform of peasant agriculture. In economic growth and standard of living, Taiwan ranks next to Japan in Asia. If we had not had our "hard" past policy, there can be no doubt that Mao would have taken over Taiwan in 1950.

If it had not been for our policy, the road would have been open for the Chinese Communist drive to gain ascendancy over the communities of overseas Chinese, located in the strategic port-cities of the world. Our political resistance to Mao, and our support that enabled an alternate Chinese center to continue in existence, gave these communities a chance to reorganize themselves after the trauma of the revolutionary war, and to achieve, in many cases, a sufficient autonomy to keep aloof from Mao's regime. Witness, conspicuously, our own fellow citizens of Chinese stock.

Without our policy, South Korea would probably have been conquered by the Communists in 1950. In the absence of the Soviet delegate, the Communist Chinese delegate in the U.N. Security Council would have cast the veto against U.N. support of South Korea. It is doubtful that we would have acted without U.N. sanction.

The widespread ostracism of the Chinese Communist Government fostered by our policy, and our reciprocal support of the Taipei Government, braked Chinese Communist penetration of Africa, especially in West Africa. It did so in part directly, and further by giving the Nationalist Chinese the opportunity to develop productive political, commercial and technical relations with many of the new African nations.

Our policy had the effect of shielding defeated and prostrate Japan from Chinese (and also from Soviet) influence. It provided a strategic, political and economic framework within which Japan's dazzling recovery unfolded in harmony with our interests, outside the Camp of Socialism and Peace.

I believe also—though this is harder to demonstrate—that without our hard line toward Peking and the more general global policy of which it was an expression, the Communists of Indonesia, closely linked with Peking, would have won out in that country. That would have meant the collapse of our entire position and interest in the western Pacific.

True enough, these and any other claimed credits must be set against the debits to get the final balance. What would have been gained (and lost) if we had adopted from the start a contrary policy, toward Mao's Government, of recognition and preferred detente? Hypotheses contrary to fact are notoriously slippery. The experiences of those nations that did adopt such a policy in those years, however, does not indicate a sumptuous harvest.

It may be charged that my listing of pluses for the old policy rests on an implicit assumption; that a Communist regime is a bad thing, for those locally concerned and for the United States. To that charge I plead guilty. I'm afraid I do believe a Communist regime is a bad thing, a bit worse, even, than Greek colonels.

(James Burnham is an editor of the conservative magazine National Review.)

[From the Baltimore Sun, May 6, 1971]

ANALYSIS: CHINA THAW EUPHORIA WEARS OFF

(By Peter J. Kumpa)

WASHINGTON.—It has been nearly a month since ping-pong diplomacy began a thaw in the long-frozen relations between the United States and the People's Republic of China.

The initial euphoria is winding down. A tardy rationality is creeping in. Hopefully, Americans are getting over their habitual immaturity of mistaking a symbol, a road sign of change, for hard reality.

PEKING NOT CONVERTED

The opening of contacts between the most populous country and the largest economic power is not a magic omen that portends true friendship or cooperation in the future. Peking has not experienced a Damascus-road conversion from its deep and long-held principles of dusted-over Maoist Leninism.

The Communist rulers of China still believe virtually all of the evils of the world arise from imperialism. To them, the United States is still the leading imperialist power.

To expect them to give a helping hand to Washington's problems in Indochina or in the Middle East is total self-deception.

Listen to the words of Peking's combined May Day editorial from the party paper, *People's Daily*, the ideological journal, *Red Flag*, and the military organ, *The Liberation Army Daily*. They are saying nothing more but nothing less than has been said unbrokenly for years:

"Throughout the world, the new high tide in the struggle against United States imperialism and its running dogs continues to surge forward. The international united front against United States imperialism is constantly expanding."

"BRILLIANT VICTORIES"

After congratulating Indochinese Communists for their "brilliant victories" against the United States and saluting "national liberation movements" and "revolutionary mass movements in all continents," the Peking theorists add:

"The Chinese people are marching forward shoulder to shoulder with the revolutionary people the world over in the struggle against imperialism, revisionism and reaction."

The marching ends, naturally enough, when Peking's leaders decide that Chinese national interests supersede ideology. The Russians have acted the same way for decades.

Not a small tear is shed in China for Bengalis in East Pakistan seeking revolution. The Pakistani government of generals is too important a friend. Peking has preached anticolonialism for nearly 22 years for others to act on, although it has tolerated the British colony of Hong Kong and the Portuguese enclave of Macao.

These pieces of old-fashioned imperalism torn from China's belly are allowed to live on incongruously because they mean cash in the Communist pocket.

Peking has agreed to a thaw with the United States because there are national interests that could benefit. Both it and Washington are wary of the Soviet Union.

It is to China's advantage to have friends in the harsh world outside rather than be surrounded by enemies. And American policymakers believe it is better to have the Chinese Communist leadership exposed than to misjudge outside reality.

ROCKY ROAD AHEAD

Long-term mutual advantages can flow from such a realistic relationship.

The road is certain to be rocky. The passing of milestones does not mean that spring automatically follows winter.

The admission of Mainland China to the United Nations, for example, will not solve the problems of that tired world-organization. It will add to the problems.

The opening of trade will not mean a golden era in commerce with a market of about 800 million customers. China is poor

and no great trading nation. Nor is it likely to become one for years and years.

China's best trading partner, Japan, for example, had nearly as much trade last year with Taiwan, which has a population of 14 million. Japan's trade totals were $870 million for the mainland compared to $817 million for Taiwan.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Nebraska (Mr. CURTIS) is now recognized for 10 minutes.

(The remarks of Mr. CURTIS when he introduced S. 2037 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

(The remarks of Mr. WEICKER when he introduced S. 2038 are printed in 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 ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

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

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

DISTRICT OF COLUMBIA COUNCIL

The legislative clerk read the nominations of Margaret A. Haywood, Joseph P. Yeldel., and Henry K. Willard, of the District of Columbia, to be members of the District of Columbia Council.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

QUORUM CALL

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

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

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

The PRESIDING OFFICER. Under the previous order, and the hour of 9:30 a.m. having arrived, the Chair lays before the Senate H.R. 7016, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 7016) making appropriations for the Office of Education and Related Agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time for consideration of the bill is controlled: 1 hour on the bill, 20 minutes on each amendment, and 10 minutes on each amendment to an amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. MAGNUSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the consideration of H.R. 7016.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of amendment, provided that no point of order shall have been considered to have been waived.

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

The amendments agreed to en bloc are as follows:

On page 2, in line 4, strike out "($1,500,000,000)" and insert in lieu thereof "($1,650,000,000)" and at the end of line 4, strike out "($85,000,000)" and insert in lieu thereof "($95,000,000)";

In line 5, strike out "($143,393,000)" and insert in lieu thereof "($155,000,000),";

At the beginning of line 10, strike out "($20,000,000)" and insert in lieu thereof the following: "($90,000,000), and the Follow Through program, as authorized under section 222(a)(2) of the Economic Opportunity Act of 1964 ($60,060,000),";

At the end of line 12, strike out $1,822,218,000" and insert in lieu thereof "$2,146,885,000."

In line 18, strike out "$607,580,000" and insert in lieu thereof "$677,620,000,";

In line 22, after the word "amended," insert the following new language: "$60,000,000 shall be for section 303(1)(C) for making payments as authorized in section 5(c)(3) of title I of the Act of September 30, 1950,";

And at the end of line 24, strike out "$15,000,000" and insert in lieu thereof "$25,040,000,";

On page 3, in line 15, strike out "VOCATIONAL AND ADULT EDUCATION" and insert in lieu thereof "EDUCATION FOR THE HANDICAPPED";

At the end of line 19, strike out "$115,000,000" and insert in lieu thereof "$116,500,000";

And in line 24, strike out "($21,250,000)" and insert in lieu thereof "($30,000,000)".

On page 4, at the end of line 2, strike out "($55,000,000)" and insert in lieu thereof "($90,000,000),";

In line 4, strike out "$558,042,000" and insert in lieu thereof "$602,412,000,";

In line 10, after "1963" strike out "Act." and insert in lieu thereof the following new language:

"Act: 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."

In line 15, strike the word "and";

At the beginning of line 16, insert "part A of title VI, and title XI";

At the beginning of line 18, strike out "title" and insert in lieu thereof "titles I and";

And in line 25, strike out "$1,215,451,000" and insert in lieu thereof "$1,529,704,000,".

On page 5, in line 1, strike out "$1,024,400,000" and insert in lieu thereof "$1,205,371,000";

In line 2, after the word "programs" insert the following new language: "and $25,000,000 shall be for instructional equipment under part A of title VI of the Higher Education Act:";

In line 5, after "1973:" insert the following new language: "$80,000,000 for grants for construction of undergraduate facilities under title I of the Higher Education Act of 1963,";

At the beginning of line 8, strike out "$165,300,000" and insert in lieu thereof "$230,700,000";

In line 9, after the word "grants" strike out the word "and";

In line 10, after the word "programs," insert the following new language: "and amounts reallotted for grants for instructional equipment:";

In line 23, strike out "($38,428,000)" and insert in lieu thereof "($54,709,000)";

And at the end of line 23, strike out

"($2,281,000)" and insert in lieu thereof "($3,000,000)".

On page 6, at the end of line 4, strike out "$72,109,000" and insert in lieu thereof "$100,009,000,";

In line 5, strike out "$8,000,000" and insert in lieu thereof "$11,000,000,";

In line 8, strike out "$11,000,000" and insert in lieu thereof "$15,000,000";

At the end of line 16, strike out "$105,000,000" and insert in lieu thereof "$115,038,000."

And at the end of line 22, strike out "$3,000,000" and insert in lieu thereof "$4,000,000,".

On page 7, at the end of line 4, strike out "$47,700,000" and insert in lieu thereof "$51,645,000."

On page 8, at the end of line 7, strike out "$4,119,000" and insert the following new language:

"$7,619,000, of which $3,500,000 shall be for construction and shall remain available until expended."

In line 12, strike out "$17,460,000" and insert in lieu thereof "$17,482,000,";

In line 18, strike out "$11,525,000" and insert in lieu thereof "$13,286,000,";

In line 19, strike out "$4,394,000" and insert in lieu thereof "$5,194,000";

And at the end of line 24, strike out "$45,543,000" and insert in lieu thereof "$47,277,000,".

Mr. MAGNUSON. Mr. President, I have a short statement, and the Senator from New Hampshire (Mr. COTTON) undoubtedly does also. Other Senators may want to ask some questions about this bill later, and of course some amendments may possibly be presented.

I understand from the leadership that they requested an hour's limitation of debate, and it was agreed to, but I hope, if we need more time for this important measure, we will be able to get it.

Mr. BYRD of West Virginia. Mr. President, will the distinguished manager of the bill yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. I think I can speak for the majority leader in assuring the distinguished Senator from Washington that if additional time is needed, there will be an attempt to get it, and I do not think there will be any difficulty.

Mr. MAGNUSON. I thank the Senator. Unfortunately, I was not present on the Senate floor yesterday when the unanimous-consent agreement was entered into. The Senator from New Hampshire and I were holding hearings on the Labor Department portion of the Labor-HEW appropriation bill.

But I did not want any implication that the Senate was going to blithely dispose of a bill of this magnitude and importance with only an hour's debate, if more time was needed.

It may be somewhat of a lefthanded tribute, however, to the subcommittee and the Committee on Appropriations, that the rest of the Senate seems satisfied with the figures in the bill and the critical decisions on countless programs that are reflected in this bill.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. It was a lefthanded tribute and a righthanded tribute, both hands brimful and overflowing with tributes.

Mr. COTTON. Mr. President, will the Senator yield for 1 minute on another matter?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, as I understand the rules, staff members of Senators or committees cannot be present on the Senate floor during a rollcall.

Mr. BYRD of West Virginia. Without unanimous consent.

Mr. COTTON. I have only one staff member of the committee. I also have with me an assistant from my office. He would have to get up and leave, and I might want help from him during the rollcall. I ask unanimous consent that one member of my personal staff, and the only one who will be in the Chamber, be permitted to remain in the Chamber during the vote.

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

Mr. MAGNUSON. Mr. President, the Senate Appropriations Committee, on Tuesday, reported the Office of Education bill for fiscal 1972, and this important money bill is now before us today.

After many hours and literally weeks of deliberation by the subcommittee, we think we have reported a good bill. It provides, we think, adequately for the needs of education to be supported by the Federal Government. It is not all that some of us would like, but we think, overall, after listening to all the testimony, we have a good bill that is within our capabilities in providing the Federal contribution to education. In many ways we think it is a better bill than that sent to us by the administration—that is, the budget—and a more responsive bill than that which we received from the House of Representatives.

I use the word "responsive" selectively, because there were certain special items. The overall bill from the House of Representatives was a good bill, too, but there were certain pressing items in which priorities were involved, where we think we now have a more responsive bill than we received from the House. But we will find out a little more about that when we go to conference, as to whether we did the right thing or not.

The amount of the bill passed by the House was $4,800,088,000.

The amount of the bill as reported to the Senate was $5,604,918,000.

The amount of comparable appropriations in 1971 was $4,583,206,500.

I must say in all fairness the budget estimates were much higher in this important field than last year. The budget estimates for 1972 were $5,153,186,000. This bill is over the appropriations for 1971 by $1,021,711,000, and over the estimates for 1972 by $451,732,000, and over the amount passed by the House of Representatives by $804,830,000. This bill is 9 percent over the budget requests and would provide an increase of 22 percent over the comparable expenditures for fiscal 1971.

These figures do not, however, tell the whole story as to why the committee feels so strongly about the bill. It is what the Senate bill provides in the way of meeting the educational needs of the disadvantaged, underprivileged, and educationally deprived and the average American family—the middle income students—that makes it appropriate.

At this point, I might add that Chairman ELLENDER and the full committee must have felt that it was an adequate bill. For the first time, at least in my memory on the Appropriations Committee, not a single change was made in the full committee from the subcommittee recommendation. It is for that reason that there is a strong feeling by the entire committee, majority and minority alike, that this bill should not be loaded up with floor amendments, although we do not expect to bar anyone from presenting amendments that Senators may think are necessary or desirable.

The subcommittee members, who will serve as Senate conferees, are familiar with the increases in the bill over the budget and over the House figures, and we think that we can sincerely defend them in conference; but anyone who has served as a conferee on an appropriation bill, especially an appropriation bill for the Department of Health, Education, and Welfare, will realize what a tough job is ahead of us. So we hope the Senate will give us overwhelming support, so that our position in conference will be strengthened.

This year's education budget is more confused and difficult to unravel than any I have seen.

The budget requests for the most part were based on unauthorized proposals. These are still unauthorized and include proposals not altogether related to education, such as revenue sharing. The House and the Senate Appropriation Committee had only one option if we are to provide a timely—and I underline the word "timely"—appropriation, and that was to act on programs with existing authorizations. This at best makes an apples and oranges comparison.

But I think the Senate and the education community will understand the motivation that prompted the action taken by the committee on the bill that is before the Senate today for consideration.

Mr. President, it is for this reason that the remainder of my brief remarks will be addressed to how we went about providing for what we thought were the basic needs in meeting this Nation's requirements in education with Federal support—which, by the way, has now declined to less than 7 percent of the total amount of what we as a country spend on education.

Mr. President, at this point and in order to facilitate the study of the committee recommendations by Members of the Senate, their staffs and others, I ask unanimous consent to have printed in the RECORD a table that shows in detail the progress of this bill up to date.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

TITLE I—OFFICE OF EDUCATION

Appropriation/activity	1971 comparable appropriation	1972 budget estimate	House allowance	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
ELEMENTARY AND SECONDARY EDUCATION							
1. Aid to school districts:							
(a) Educationally deprived children (ESEA I)	$1,500,000,000	$1,500,000,000	$1,500,000,000	$1,650,000,000	+$150,000,000	+$150,000,000	+$150,000,000
(b) Supplementary services (ESEA III):							
(1) State plan programs	123,712,820	123,716,432	123,716,432	133,700,000	+9,987,180	+9,983,568	+9,983,568
(2) Special programs and projects	19,680,180	19,676,568	19,676,568	21,300,000	+1,619,820	+1,623,432	1,623,432
Subtotal	143,393,000	143,393,000	143,393,000	155,000,000	+11,607,000	+11,607,000	+11,607,000
(c) Library resources (ESEA II)	80,000,000	80,000,000	85,000,000	95,000,000	+15,000,000	+15,000,000	+10,000,000
(d) Equipment and minor remodeling (NDEA III)	50,000,000		20,000,000	90,000,000	+40,000,000	+90,000,000	+70,000,000
Subtotal	1,773,393,000	1,723,393,000	1,748,393,000	1,990,000,000	+216,607,000	+266,607,000	+241,607,000
2. Dropout prevention (ESEA, sec. 807)	10,000,000	10,000,000	10,000,000	10,000,000			
3. Bilingual education (ESEA VII)	25,000,000	25,000,000	27,000,000	50,000,000	+25,000,000	+25,000,000	+23,000,000
4. Strengthening State departments of education (ESEA V–A)	29,750,000	33,000,000	33,000,000	33,000,000	+3,250,000		
5. Follow Through: (Economic Opportunity Act 1964, sec. 222):							
(a) Operations	67,981,000	58,700,000		58,700,000	−9,281,000		+58,700,000
(b) Program direction	1,019,000	1,360,000		1,360,000	+341,000		+1,360,000
Subtotal	69,000,000	[2] 60,060,000	(1)	[2] 60,060,000	−8,940,000		+60,060,000
6. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	8,825,000	3,825,000	3,825,000	3,825,000	−5,000,000		
Total	1,915,968,000	1,885,278,000	1,822,218,000	2,146,885,000	+230,917,000	+291,607,000	+324,667,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS							
1. Maintenance and operations (Public Law 874)	536,068,000	425,000,000	592,580,000	652,580,000	+116,512,000	+227,580,000	+60,000,000
2. Construction: (Public Law 815)							
(a) Program	13,900,000	14,300,000	14,300,000	24,300,000	+10,400,000	+10,000,000	+10,000,000
(Obligations)	(27,424,000)	(24,300,000)	(24,300,000)	(34,300,000)	(+6,876,000)	(+10,000,000)	+(10,000,000)
(b) Administration	707,000	[3] 740,000	700,000	[3] 740,000	+33,000		+40,000
Subtotal	14,607,000	14,040,000	15,000,000	25,040,000	+10,433,000	+10,000,000	+10,040,000
Total	550,675,000	440,040,000	607,580,000	677,620,000	+126,945,000	+237,580,000	+70,040,000
EMERGENCY SCHOOL ASSISTANCE							
1. Special education personnel and programs	57,500,000				−57,500,000		
2. Community participation programs	7,500,000				−7,500,000		
3. Equipment and minor remodeling	7,900,000				−7,900,000		
4. Federal administration and technical assistance	1,953,000				−1,953,000		
Total	[3] 74,853,000	(4)		(4)	−74,853,000		
EDUCATION FOR THE HANDICAPPED							
1. State grant programs (EHA, pt. B)	34,000,000	35,000,000	37,500,000	37,500,000	+3,500,000	+2,500,000	
2. Early childhood projects (EHA, pt. C, sec. 623)	7,000,000	7,500,000	7,500,000	7,500,000	+500,000		
3. Teacher education and recruitment:							
(a) Teacher education (EHA, pt. D)	32,600,000	34,645,000	34,645,000	34,645,000	+2,045,000		
(b) Recruitment and information (EHA, sec. 633)	500,000	500,000	500,000	500,000			
Subtotal	33,100,000	35,145,000	35,145,000	35,145,000	+2,045,000		
4. Research and innovation:							
(a) Research and demonstration (EHA, pt. E)	15,300,000	15,755,000	15,755,000	15,755,000	+455,000		
(b) Regional resource centers (EHA, pt. C, sec. 621)	3,550,000	3,550,000	3,550,000	3,550,000			
(c) Deaf-blind centers (EHA, pt. C, sec. 622)	4,500,000	5,000,000	7,500,000	7,500,000	+3,000,000	+2,500,000	
(d) Media services and captioned films (EHA, pt. F)	6,000,000	6,000,000	6,000,000	6,000,000			
(e) Specific learning disabilities (EHA, pt. G)	1,000,000	1,500,000	1,500,000	3,000,000	+2,000,000	+1,500,000	+1,500,000
Subtotal	30,350,000	31,805,000	34,305,000	35,805,000	+5,455,000	+4,000,000	+1,500,000
5. Planning and evaluation (Gen. Ed. Prov. Act. sec. 402)	550,000	550,000	550,000	550,000			
Total	105,000,000	110,000,000	115,000,000	116,500,000	+11,500,000	+6,500,000	+1,500,000
VOCATIONAL AND ADULT EDUCATION							
1. Grants to States for vocational education:							
(a) Basic vocational education programs (VEA, pt. B)	315,632,400	377,012,000	377,012,000	337,012,000	+61,379,600		
(b) Programs for students with special needs (VEA, sec. 102(b))	20,000,000		20,000,000	20,000,000		+20,000,000	
(c) Consumer and homemaking education (VEA, pt. F)	21,250,000		21,250,000	30,000,000	+8,750,000	+30,000,000	+8,750,000
(d) Work-study (VEA, pt. H)	5,500,000		6,000,000	6,000,000	+500,000	+6,000,000	
(e) Cooperative education (VEA, pt. G)	18,500,000		19,500,000	19,500,000	+1,000,000	+19,500,000	
(f) State advisory councils (VEA, pt. A, sec. 104)	2,380,000		2,380,000	3,000,000	+620,000	+3,000,000	+620,000
Subtotal	383,262,400	377,012,000	446,142,000	455,512,000	+72,249,600	+78,500,000	+9,370,000
2. Vocational research:							
(a) Grants to States for innovation (VEA, pt. D)	16,000,000		16,000,000	16,000,000		+16,000,000	
(b) Curriculum development (VEA, pt. I)	4,000,000		4,000,000	4,000,000		+4,000,000	
(c) Research:							
(1) Grants to States (VEA, pt. C)	35,033,600		18,000,000	18,000,000	−17,033,600	+18,000,000	
(2) Special projects (CRA)		36,000,000	18,000,000	18,000,000	+18,000,000	−18,000,000	
Subtotal, research	35,033,600	36,000,000	36,000,000	36,000,000	+966,400		
Subtotal	55,033,600	36,000,000	56,000,000	56,000,000	+966,400	+20,000,000	

Footnotes at end of table.

Appropriation/activity	1971 comparable appropriation	1972 budget estimate	House allowance	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
VOCATIONAL AND ADULT EDUCATION—Continued							
3. Adult education: (Adult Education Act):							
(a) Grants to States	$45,000,000	$45,000,000	$45,000,000	$80,000,000	+$35,000,000	+$35,000,000	+$35,000,000
(b) Special projects and teacher education	10,000,000	10,000,000	10,000,000	10,000,000			
Subtotal	55,000,000	55,000,000	55,000,000	90,000,000	+35,000,000	+35,000,000	+35,000,000
4. Planning and evaluation (General Education Provisions Act)	900,000	900,000	900,000	900,000			
Total	494,196,000	468,912,000	558,042,000	602,412,000	+108,216,000	+133,500,000	+44,370,000
HIGHER EDUCATION							
1. Student assistance:							
(a) Grants and work-study programs (HEA 1965, title IV)	327,700,000	971,300,000	528,000,000	708,800,000	+381,100,000	−262,500,000	+180,800,000
(b) Subsidized insured loans (HEA 1965, title IV):							
(1) Interest on basic NDEA-type loans		65,000,000				−65,000,000	
(Amount of new loans subsidized)		(800,000,000)	( )	( )		−(800,000,000)	( )
(2) Interest on special NDEA-type cost-of-education loans		20,000,000				−20,000,000	
(Amount of new loans subsidized)		(250,000,000)	( )	( )		(250,000,000)	( )
(3) Purchases of loan paper (including advances)		400,000,000				−400,000,000	
(4) Proceeds of sales of loan paper	( )	(−400,000,000)	( )	( )	( )	(−400,000,000)	( )
(5) Interest on subsidized loans	143,200,000	160,000,000	196,600,000	196,600,000	+53,400,000	+36,600,000	
(Amount of new loans subsidized)	(1,000,000,000)	( )	(1,160,000,000)	(1,160,000,000)	(+160,000,000)	(+160,000,000)	( )
(6) Reserve fund advances	(2,000,000)	(2,234,000)	(2,234,000)	(2,234,000)	(+234,000)	( )	( )
(7) Program administration	4,600,000	[6] 6,971,000	6,800,000	[6] 6,971,000	+2,371,000		+171,000
(c) Direct loans (NDEA II)	243,000,000	5,000,000	293,000,000	293,000,000	+50,000,000	+288,000,000	
Subtotal	718,500,000	1,628,271,000	1,024,400,000	1,205,371,000	+486,871,000	−422,900,000	+180,971,000
2. Special programs for the disadvantaged: (HEA 1965, title IV):							
(1) Talent search	5,000,000	5,000,000	5,000,000	5,000,000			
(2) Upward Bound	30,061,000	[7] 30,169,000	30,100,000	[7] 35,169,000	+5,108,000	+5,000,000	+5,069,000
(Administration)	(1,535,000)	(1,669,000)	(1,669,000)	(1,669,000)	(+134,000)		
(3) Special services in college	15,000,000	15,000,000	15,000,000	15,000,000			
Subtotal	50,061,000	50,169,000	50,100,000	55,169,000	+5,108,000	+5,000,000	+5,069,000
3. Institutional assistance:							
(a) Strengthening developing institutions (HEA III)	33,850,000	[8] 53,850,000	38,850,000	[8] 53,850,000	+20,000,000		+15,000,000
(b) Construction:							
(1) Subsidized loans	21,000,000	29,010,000	29,010,000	29,010,000	+8,010,000		
(HEFA III):							
(Obligations)	(21,894,000)	(39,993,000)	(39,993,000)	(39,993,000)	(+18,009,000)	( )	( )
(Amount of new loans subsidized)	(600,000,000)	(620,000,000)	(620,000,000)	(620,000,000)	(+20,000,000)	( )	( )
(2) Grants (HEFAI AND II)	43,000,000			80,000,000	+37,000,000	+80,000,000	+80,000,000
(3) State administration and planning (HEFA I)	6,000,000	3,000,000	3,000,000	3,000,000	+3,000,000		
(4) Federal administration	2,496,000	[8] 2,530,000	2,397,000	[8] 2,530,000	+34,000		+133,000
(c) Language training and area studies (NDEA VI. Fulbright-Hays Act)	8,000,000	15,300,000	15,300,000	15,300,000	+7,300,000		
(d) University community services (HEA I)	9,500,000	9,500,000	9,500,000	9,500,000			
(e) Aid to land-grant colleges (Bankhead-Jones Act)	10,080,000		5,040,000	12,120,000	+2,040,000	+12,120,000	+7,080,000
(f) Undergraduate instructional equipment (HEA VI)	7,000,000			25,000,000	+18,000,000	+25,000,000	+25,000,000
(g) Law school experience program				1,000,000	+1,000,000	+1,000,000	+1,000,000
Subtotal, institutional assistance	140,926,000	113,190,000	103,097,000	231,310,000	+90,384,000	+118,120,000	+128,213,000
4. College personnel development:							
(a) College teacher fellowships (NDEA IV)	47,350,000	26,910,000	26,910,000	26,910,000	−20,440,000		
(b) Training programs (EPDA, pt. E)	10,000,000	10,044,000	10,044,000	10,044,000	+44,000		
Subtotal	57,350,000	36,954,000	36,954,000	36,954,000	−20,396,000		
5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	900,000	900,000	900,000	900,000			
Total, higher education	967,737,000	1,829,484,000	1,215,451,000	1,529,704,000	+561,967,000	−299,780,000	+314,253,000
EDUCATION PROFESSIONS DEVELOPMENT							
1. Personnel training and development (EPDA, pts. B, D, and F, sec. 504)	67,900,000	59,700,000	59,700,000	59,700,000	−8,200,000		
2. Special programs serving schools in low-income areas:							
(a) Teacher Corps (EPDA, pt. B-1)	30,800,000	37,435,000	37,435,000	37,435,000	+6,635,000		
(b) Career opportunities and urban/rural school programs (EPDA, pt. D)	35,100,000	36,665,000	36,665,000	36,665,000	+1,565,000		
Subtotal	65,900,000	74,100,000	74,100,000	74,100,000	+8,200,000		
3. Planning and evaluation (Gen. Ed. Act, sec. 402; EPDA, sec. 503)	2,000,000	2,000,000	2,000,000	2,000,000			
Total	135,800,000	135,800,000	135,800,000	135,800,000			
LIBRARIES AND EDUCATIONAL COMMUNICATIONS							
1. Public libraries:							
(a) Services (LSCA I, III)	40,709,000	18,000,000	40,709,000	57,709,000	+17,000,000	+39,709,000	+17,000,000
(b) Construction (LSCA II)	7,092,500		8,000,000	11,000,000	+3,907,500	+11,000,000	+3,000,000
Subtotal	47,801,500	18,000,000	48,709,000	68,709,000	+20,907,500	+50,709,000	+20,000,000
2. College library resources (HEA II-A)	9,900,000	5,000,000	10,000,000	12,000,000	+2,100,000	+7,000,000	+2,000,000
3. Librarian training (HEA II-B)	3,900,000	2,000,000	2,000,000	4,000,000	+100,000	+2,000,000	+2,000,000
4. Educational broadcasting facilities (title III, pt. IV, Communications Act of 1934)	11,000,000	4,000,000	11,000,000	15,000,000	+4,000,000	+11,000,000	+4,000,000
5. Planning and evaluation (Gen. Ed. Prov. Act, sec. 402)	400,000	400,000	400,000	400,000			
Total	73,001,500	29,400,000	72,109,000	100,019,000	+27,107,500	+70,709,000	+28,000,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE I—OFFICE OF EDUCATION—Continued

Appropriation/activity	1971 comparable appropriation	1972 budget estimate	House allowance	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with— Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
RESEARCH AND DEVELOPMENT							
(Cooperative Research Act, Except as Indicated)							
1. Educational research and development:							
(a) Educational research	$11,959,000	$7,500,000	$7,000,000	$7,000,000	−$4,959,000	−$500,000	
(b) Development	3,041,000	9,000,000	9,000,000	9,000,000	+5,959,000		
Sesame Street	(2,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	+(3,000,000)		
(c) Institutional support (laboratories and centers)	33,406,000	34,000,000	33,000,000	33,000,000	−406,000	−1,000,000	
(d) Libraries and educational technology	2,171,000	3,000,000	2,750,000	2,750,000	+579,000	−250,000	
(e) Nutrition and health	2,000,000	500,000	2,000,000	2,000,000		+1,500,000	
(f) Drug abuse education (Drug Abuse Education Act of 1970)	6,000,000	6,024,000	8,000,000	15,024,000	+9,024,000	+9,000,000	+$7,024,000
(g) Environmental education (Environmental Education Act)	2,000,000	2,014,000	2,000,000	5,014,000	+3,014,000	+3,000,000	+3,014,000
Subtotal	60,577,000	[10] 62,038,000	63,750,000	[10] 73,788,000	+13,211,000	+11,750,000	+10,038,000
2. Experimental schools	12,000,000	15,000,000	15,000,000	15,000,000	+3,000,000		
3. National achievement study	4,500,000	6,000,000	5,500,000	5,500,000	+1,000,000	−500,000	
4. Demonstrations	2,250,000	2,250,000	2,250,000	2,250,000			
5. Evaluations	4,000,000	4,000,000	3,750,000	3,750,000	−250,000	−250,000	
6. Dissemination (Gen. Ed. Prov. Act, sec. 412)	8,500,000	8,500,000	8,000,000	8,000,000	−500,000	−500,000	
7. Training	3,250,000	4,000,000	3,500,000	3,500,000	+250,000	−500,000	
8. Statistics	3,000,000	3,250,000	3,250,000	3,250,000	+250,000		
Total	98,077,000	105,038,000	105,000,000	115,038,000	+16,961,000	+10,000,000	+10,038,000
EDUCATIONAL ACTIVITIES OVERSEAS							
Special foreign currency program (Public Law 480)	3,000,000	3,000,000	3,000,000	4,000,000	+1,000,000	+10,000,000	+1,000,000
SALARIES AND EXPENSES							
Salaries and expenses	46,048,000	[11] 51,645,000	47,700,000	[11] 51,645,000	+5,597,000		+3,945,000
STUDENT LOAN INSURANCE FUND							
Student loan insurance fund (HEA IV–B)	18,000,000				−18,000,000		
HIGHER EDUCATION FACILITIES LOAN FUND (HEFA III)							
1. Loans to higher education institutions							
(Obligations)	(35,000,000)				(−35,000,000)		
2. Participation sales insufficiencies	2,952,900	2,961,000	2,961,000	2,961,000	+9,000		
(Obligations)	(30,150,000)	(33,003,000)	(33,003,000)	(33,003,000)	(+2,853,000)		
Total	2,952,000	2,961,000	2,961,000	2,961,000	+9,000		
Total, Office of Education	4,485,307,500	5,031,558,000	4,684,861,000	5,482,674,000	+997,366,500	+451,116,000	+797,813,000
RELATED AGENCY							
Corporation for Public Broadcasting	23,000,000	35,000,000	35,000,000	35,000,000	+12,000,000		
SPECIAL INSTITUTIONS							
American Printing House for the Blind	1,517,000	1,580,000	1,580,000	1,580,000	+63,000		
National Technical Institute:							
1. Academic program	3,608,000	4,119,000	4,119,000	[13] 4,119,000	+511,000		
2. Construction	[12] 12,836,000	[13] 3,500,000		3,500,000	−18,336,000		+3,500,000
Subtotal	25,444,000	7,619,000	4,119,000	7,619,000	−17,825,000		+3,500,000
Model Secondary School for the Deaf:							
1. Academic program	2,212,000	2,524,000	2,502,000	2,524,000	+312,000		+22,000
2. Construction	250,000	14,958,000	14,958,000	14,958,000	+14,708,000		
Subtotal	2,462,000	[14] 17,482,000	17,460,000	[14] 17,482,000	+15,020,000		+22,000
Gallaudet College:							
1. Academic program	5,879,000	7,476,000	7,131,000	8,092,000	+2,213,000	+$616,000	+961,000
2. Construction	1,400,000	5,194,000	4,394,000	5,194,000	+3,794,000		+800,000
Subtotal	7,279,000	[15] 12,670,000	11,525,000	[15] 13,286,000	+6,007,000	+616,000	+1,761,000
Howard University:							
1. Academic program	24,912,000	31,158,000	30,321,000	31,158,000	+6,246,000		+837,000
2. Construction	1,000,000	2,490,000	2,490,000	2,490,000	+1,490,000		
3. Freedmen's Hospital	12,285,000	13,629,000	12,732,000	13,629,000	+1,344,000		+897,000
Subtotal	38,197,000	[16] 47,277,000	45,543,000	[16] 47,277,000	+9,080,000		+1,734,000
Total, special institutions	74,899,000	86,628,000	80,227,000	87,244,000	+12,345,000	+616,000	+7,017,000
SUMMARY							
Office of Education	4,485,307,500	5,031,558,000	4,684,861,000	5,482,674,000	+997,366,500	+451,116,000	+797,813,000
Special institutions	74,899,000	86,628,000	80,227,000	87,244,000	+12,345,000	+616,000	+7,017,000
Total, HEW	4,560,206,500	5,118,186,000	4,765,088,000	5,569,918,000	+1,009,711,500	+451,732,000	+804,830,000
Corporation for Public Broadcasting	23,000,000	35,000,000	35,000,000	35,000,000	+12,000,000		
Total, HEW and related agencies	4,583,206,500	5,153,186,000	4,800,088,000	5,604,918,000	+1,021,711,500	+451,732,000	+804,830,000

[1] Not considered by House.
[2] Includes proposed budget amendment of $60,000 for increased pay which was not considered by House (H. Doc. 92–93).
[3] Excludes $425,000,000 proposed for separate transmittal.
[4] Excludes $1,000,000,000 proposed for separate transmittal.
[5] Includes proposed budget amendment of $40,000 for increased pay which was not considered by House (H. Doc. 92–93).
[6] Includes proposed budget amendment of $171,000 for increased pay which was not considered by House (H. Doc. 92–93).
[7] Includes proposed budget amendment of $69,000 for increased pay which was not considered by House (H. Doc. 92–93).
[8] Includes budget amendment of $133,000 (H. Doc. 92–93).
[9] Includes proposed budget amendment of $15,000,000 for strengthening developing institutions under title III of the Higher Education Act not considered by the House.
[10] Includes proposed budget amendment of $38,000 for increased pay which was not considered by House (H. Doc. 92–93).
[11] Includes proposed budget amendment of $2,666,000 for increased pay which was not considered by House (H. Doc. 92–93).
[12] Includes supplemental of $5,700,000.
[13] Includes budget amendment of $3,500,000.
[14] Includes budget amendment of $22,000 for increased pay which was not considered by the House (H. Doc. 92–93).
[15] Includes the following budget amendments not considered by the House: $1,278,000 for Kendall School for the Deaf, and $132,000 for increased pay costs (H. Doc. 92–93).
[16] Includes budget amendment of $1,734,000 for increased pay which was not considered by House (H. Doc. 92–93).

Mr. MAGNUSON. I shall not repeat all of these figures, but only touch on what the committee did to emphasize its realization of the financial crisis in American education.

ESEA

For one large item in the bill, which is under title I, Elementary and Secondary Education, we provided a 10-percent increase to assist educationally deprived children, boosted supplementary services to assist the Office of Education in striving for innovation and change, and we encouraged States to spend more on guidance, counseling, and testing so fewer students will drop out of school and society.

We increased the amount for instructional equipment and minor remodeling in both the elementary and secondary schools as well as the higher education institutions.

Most of these funds involve matching funds and matching grants, and usually they are oversubscribed. The local educational agencies, despite the fact that they have their fiscal problems, strongly support these efforts and raise the money, and we have more applications than we have money in any bill we have contemplated. This NDEA program truly provides the basic tools, the audiovisual equipment, that makes it possible for teachers in the classrooms of America to improve the quality of their programs. It should also be remembered that this program assists both public and private schools, and in many respects fills a void that can help to meet critical needs where no other Federal support is available.

These items received strong bipartisan support in the committee and face a tough fight in conference.

Bilingual education also received strong support in the committee; and, finally, in the overall elementary and secondary education category, we provided the budget request for Follow Through—which was not included by the House—and a program that has proved to be most successful.

LIBRARIES

The committee also provided an increase of $34 million for nearly all the library programs in the bill, including elementary and secondary education, higher education, and public libraries. Together with the House allowances, these recommendations would provide almost $75 million more for these library programs—the most substantial percentage increase over the budget requests that we have recommended.

I do not know why, but when the administration looks for a place to cut the budget—this is not only true with this administration; it seems true with all of them—they always pick on libraries, and we cannot agree with this policy.

VOCATIONAL AND ADULT EDUCATION

In the very important field of vocational and adult education, the committee provided two changes. We increased the consumer and homemaking category funds and adult education programs. The bill provides a more adequate amount for adult education so that no State would receive less than it did last year under the newly expanded authority in the basic law.

We also recommend a new program for adult education to be implemented at Gallaudet College, which will provide a better opportunity for all American adults with hearing difficulties. Compared to 1971, this will allow a 22-percent increase for vocational education, and we recommend retaining the special earmarking for individual programs.

HIGHER EDUCATION

In the field of higher education, the committee had some difficult problems—the most difficult being a solution to proper funding for student assistance. We allowed the department appeal in this case and redirected the use of the forward funded appropriation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report, to explain the recommended solution to this ever-growing need, and how this would help resolve the critical problems facing hundreds of thousands of students and colleges during the 1971–72 academic year.

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

STUDENT ASSISTANCE

The Committee is recommending $1,205,371,000 for college student assistance programs, an increase of $180,971,000 over the House allowance, $486,871,000 over the amount available in 1971, and a decrease of $422,900,000 from the budget estimate. The latter decrease is, as already indicated, more apparent than real. The President's 1972 budget estimate—submitted in January—was based upon new legislation. The Committee recommendation and House allowance are based upon extension of existing authorities. In its letter of appeal to the Senate following House action, the Department of Health, Education, and Welfare indicated that it no longer expected its higher education proposals to be enacted in time for implementation this fall and, therefore, was revising its request to take this into account. The Committee recommendation is $50,000,000 above this appeal amount—the total increase being in the National Defense Student Loan Program.

In addition to providing this increase, the Committee recommendation also redistributes between academic years the total amount recommended by the Department of Health, Education, and Welfare for educational opportunity grants and college work study. (The 1972 estimate provides support for two academic years.) The Committee made this redistribution because the Administration's estimate—although generous in total—placed almost all its proposed increase in student support in academic year 1972–73. Academic year 1971–72, which begins this coming fall, represents a virtual standstill in Federal support, while college enrollments and their need for funds are expanding significantly. The committee has heard from colleges all across the country who are caught in this financial squeeze. Particularly important to the colleges is the need for additional work-study funds as high unemployment among the regular labor force threatens to eliminate many normal sources of employment for students.

As a response to this demonstrated student assistance crisis, the Committee is recommending $436,400,000 for college work-study programs, $293,000,000 for National Defense student loans, $270,700,000 for educational opportunity grants, and $196,600,000 for subsidized student loans.

The following tables compare the committee recommendation with the House allowance and the level proposed in the Department of Health, Education, and Welfare's appeal and shows how this total would be distributed by academic year.

	Academic year	
	1971–72	1972–73
Work study:		
House allowance	$197,400,000	$244,600,000
HEW appeal	197,400,000	320,000,000
Committee recommendation	281,000,000	236,400,000

Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

Each of the estimates shown in the above table for academic year 1971–72 include $81,000,000 to be made available from the 1971 appropriation. Beginning with the fiscal year 1972 budget, the funding cycle for this program will be standardized so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years. As the table indicates, the Committee recommendation, which in total stays within the Department of Health, Education, and Welfare's appeal estimate—shows a decrease for academic year 1972–73. The Committee expects that a supplemental appropriation will be requested for Congressional approval later this year to remedy this situation.

The Committee has agreed with the House and budget estimate in providing $1,700,000 for the Cooperative Education program, which is $100,000 over the 1971 amount.

	Academic year	
	1971–72	1972–73
Educational opportunity grants:		
House allowance	$167,700,000	$165,300,000
HEW appeal	167,700,000	270,701,000
Committee recommendation	207,700,000	230,700,000

The Committee recommendation provides for 347,000 educational opportunity grants in academic year 1971–1972, including 180,000 for new awards, an increase of 67,000 new awards over the House Allowance and the revised Department of Health, Education, and Welfare estimate. The latter estimates would have maintained the amount of new support at last year's level despite the fact that college requests for these funds total over $250 million for the coming academic year.

Each of the estimates shown in the above table for academic year 1971–72 include $167,700,000 to be made available from the 1971 appropriation. The committee recommendation would permit the Office of Education to shift $40 million of the amount it had proposed to use in academic year 1972–73 to academic year 1971–72 to help make up some of the unmet requirements identified for the coming school year.

	Academic year, 1971–72
National defense student loans:	
House allowance	$293,000,000
HEW appeal	243,000,000
Committee recommendation	293,000,000

Under the committee recommendation, almost 650,000 students will receive National Defense student loans, an increase of nearly 90,000 students over last year. Despite this increase, the committee recommendation still falls short by about $52 million the requests of colleges and universities.

This program—unlike the college work-study and educational opportunity grants program—is not forward funded; that is, the appropriation is used by the colleges in the same year in which the funds are appropriated. Support for academic year 1972–73 will be provided in the 1973 appropriation bill.

For interest payments on Federally subsidized student loans, the Committee concurs in the House allowance and budget estimate of $196,000,000. This will support 1,247,000 new student loans in academic year 1971–72 totaling $1,160,000,000. This is an increase over 1970–71 of 165,000 in the number of students who will benefit and an increase of $160,000,000 in the level of lending. Loans under this program average $1,000 and help supplement the assistance available under the other student aid programs. In some cases, it enables a student to attend a higher cost institution; in other cases, it supports students from higher income families who receive minimal support under the other federal programs. The Committee also is approving $6,971,000 for computer services and other costs associated with administration of this program. Included in this estimate and the committee recommendation is a budget amendment of $171,000 for increased pay costs which was not considered by the House.

MIDDLE INCOME FAMILIES

The Committee is of the opinion that middle income families are fast becoming the forgotten Americans. Nowhere is this trend more evident than in the student aid programs—both existing and proposed. Regulations have been adopted under the educational opportunity grants and college work-study programs which are redirecting student aid funds among institutions within a state on the basis of family income levels. In addition, the Administration is proposing a vastly expanded student assistance program which would target funds on the basis of family income schedules so that much of the flexibility still in the hands of college student aid officers will be gone. To help fund this expansion, the Administration proposes to eliminate present loan subsidy benefits going to a large number of students from middle income families—all in the name of equity.

This Committee has been a strong supporter of programs for the disadvantaged and has included substantial increases for such programs in this bill. Nevertheless, it is concerned that the pendulum is swinging too far in this direction, and hopes that the Department of Health, Education, and Welfare will take steps to prevent this from happening.

Mr. MAGNUSON. In addition to providing student assistance in the way of work-study, educational opportunity grants, and student loans, a modest increase was allowed for Upward Bound, a program to assist capable students leaving high school without financial resources to continue their education.

We also accepted a late amendment sent to the Senate from the administration to provide an additional $15 million to strengthen developing institutions. This increase will assist mostly the black colleges and universities located primarily in the Southern States which have dire fiscal problems.

I note an article in this morning's Washington Post which indicates that even with the amount we put in and the increase we made, the President and the Secretary of HEW are going to ask for $100 million more to assist these schools. Aid to each institution, they say, would amount to 10 percent of the total Federal grants and subsidize loans to help needy students.

This matter, of course, will have to come up for authorization to the Senate subcommittee for which the distinguished Senator from Rhode Island (Mr. PELL) is chairman, and I am sure they will find the Committee on Appropriations sympathetic with whatever they do.

We also provided construction funds for 2- and 4-year colleges and universities to assist them in a construction crisis that becomes more critical each year.

Finally, under higher education, the committee disagreed with phasing out the aid to land-grant colleges and provided the full amount of the authorization. Although the administration was quite concerned about the problem of the land-grant college program, we suggested that it is the law—the Bankhead-Jones Act has been in existence for many years—and there should not be any attempt to kill that law or to kill the effectiveness of the law by merely drying up the funds. If the policy of the land-grant college aid under the law is not right, or if the whole direction and policy of aid to land-grant colleges is not right, the President should ask for the repeal of the law, rather than try to repeal the law, in effect, by fiscal drought.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. Yes.

Mr. PASTORE. I want to compliment the chairman of the committee for his complete understanding of the land-grant college problem. As a matter of fact, I had a heart to heart talk in my office with the president of the University of Rhode Island on this critical situation. Unless we did, just what we have done I am afraid it might have been catastrophic.

Conditions are becoming increasingly difficult in these institutions of higher learning. They have their faults and failings; but when we weigh their virtues against the faults, the virtues are tremendously on the plus side. They do afford an opportunity for education to the rank and file of our people. One can go to a commencement exercise in our State University in Rhode Island and get a splendid understanding and appreciation of the various elements of our population that are there represented. There are those who are possibly less affluent as against those who are a little more affluent, but there it is. It is a representative body—all equal in their opportunity for education. It has always impressed me. I am happy that the committee understood this and took the action it did. I congratulate the Senator.

Mr. COTTON. Mr. President, will the Senator yield on the same point?

Mr. MAGNUSON. I yield.

Mr. COTTON. The RECORD should show that, so far as I know, the entire subcommittee—and I think the full committee—were in complete accord on the matter of money for land-grant colleges. I know that the Senator from New Hampshire is equally interested in this matter with the chairman of the committee and the distinguished Senator from Rhode Island. This money goes to the colleges that are furnishing education for groups in many of our States that need funds. In a small degree, at least, it makes education available to those who need it most.

So far as I am concerned, even though the administration should seek to repeal the Bankhead-Jones Act, I would be opposed to it. This money, as budgets have grown through the years, is a comparatively small sum; but it is a traditional amount of money which, ever since the foundation of the land-grant colleges, has gone to them to help those students in the States who perhaps could not go to the Ivy League colleges or some of the big name colleges and get a good education.

It so happens that at the moment I am not too popular with my own State university because of a sharp philosophical difference I had recently in the press with its trustees. But I do not intend to let it suffer to the extent of a single cent because of that.

I pay tribute to the chairman, who stood strong on this point.

Mr. PASTORE. In line with what the Senator from New Hampshire has said, these are growing colleges with growing needs. For instance, when I was Governor of the State of Rhode Island 21 years ago, the student body at the University of Rhode Island was 2,000. Today it is 10,000. That gives one an idea of what we are up against and of the strain on the local taxpayer.

What better place could we put our money? It is a paying investment in the education of our youth who tomorrow will take a very important role in the civic and political life of our community. We get our investment back in more highly educated people—capable of earning higher incomes—and, therefore, higher contributors to our income tax account.

It takes an educated people to stay solvent—and only an educated people can stay free.

Mr. MAGNUSON. Mr. President, I invite the attention of the Senator from Rhode Island (Mr. PELL)—while we are discussing aid to land-grant colleges—to the fact that he and I worked for a long time to bring about the same kind of program in what we call the sea-grant colleges. It has been successful. They have established their own priorities in different spots but we have been able to establish only six, is that not right—or the money for six?

Mr. PELL. Yes.

Mr. MAGNUSON. It is the same principle as is involved here.

Mr. PELL. Exactly the same principle. One hundred years from now we hope the sea-grant program will have been as effective as was the Land-Grant College Act enacted in 1862. I would add that

without the leadership and help of the Senator from Washington (Mr. MAGNUSON), the Sea-Grant College Act would not have gotten off the ground. Even now, its financing needs to be pepped up a bit. As the chairman of the Subcommittee on Health, Education, and Welfare Appropriations knows, I am always urging him to be more generous than he is able to be. To be specific, as of now there are no colleges yet designated as sea-grant colleges, but we do have some programs working.

Mr. MAGNUSON. What I am pointing out is that, budgetwise, the administration is trying to phase out the aid to land-grant colleges. There is a proposal now, I understand, floating around downtown, to cut back the six sea-grant programs to four or three. It is the same method they are using here on land-grant colleges. They at least are consistent, but we oppose that. I want to call that to the attention of the Senator from Rhode Island.

Mr. PELL. When we nurture a small program that is moving ahead successfully and then stifle it, it is something like a baby, it can die more easily than when it has matured. Going back into the history of the land-grant colleges, which were born during the middle of the Civil War; had they been stifled in their growth for a couple of years at their beginnings, this country would not be so preeminent today as it is in agriculture, nor would we possess the great State universities which grew under the act.

The distinguished Senator from Washington and I, as well as others, want this country to become as preeminent in aqua-culture as it is in agriculture.

Mr. MAGNUSON. I thank the Senator from Rhode Island for his remarks.

RESEARCH AND DEVELOPMENT

Mr. President, appropriations for research and development needs mentioning for at least two reasons: the increase recommended for drug abuse education and the increase for environmental education programs.

We look sympathetically and are moving ahead to beef up the drug abuse education program where it might do some good, with different techniques, different procedures, different counseling, and all the other things necessary, particularly in the elementary and secondary schools. One might think it strange that I would mention the elementary schools in a drug program, but there are drug abuse education programs in some of the elementary schools, as well as the secondary schools, and there should be more of them.

Drug-related crime costs all of us an estimated $8 billion every year in theft, criminal justice proceedings, and related expense. And that is 14 times as much as we spend to fight air and water pollution, nearly eight times our national budget for health research, almost four times our annual investment in elementary and secondary education.

The second item is an increase for environmental education, which needs no explanation of its importance in today's evergrowing adverse pattern.

Mr. President, I purposely did not dwell on figures because of the long string of zeroes involved which seem to float across the mind like soap bubbles. But they are all enumerated in the bill and they are in the report as well. That does not mean that we did not give them serious consideration and attention. We had long and tedious hearings and spent a great deal of time looking closely at every line item.

Mr. President, we think that this is a bill we can all live with and within our capabilities. We paid a great deal of attention to the most important items and tried to give more money to them so that they might proceed more expeditiously with the programs which are so important to this Nation.

One important point. The total budget now before Congress for 1972 is over $230 billion. We are talking today about a piece of that budget that the taxpayers of this country are striving so hard to provide. We are talking about education in this Nation, which is our most valuable asset, and for this key priority we are suggesting slightly more than $5 billion.

Not since 1939 has any education money bill been enacted any earlier in the year than today. It was 32 years ago that the President signed an education appropriations bill on May 10, 1939. Not since 1957 has any education appropriations bill been enacted into law as early at the month of June.

If we can get to conference with the House early next week, and complete our work without undue delay, it will be possible for this measure to become law well in advance of the 1971–72 school year. This will allow teachers and principals, college and university officials, and hundreds of thousands of students to better plan their programs for next year. Early action should also help the Commissioner of Education and all those within the Department with responsibilities for these programs to do a better job, and for the full potential of all these programs to be achieved.

This has been one of our goals on the subcommittee, one shared by many other Members of the Senate and the Congress, and I believe we can do it. Allow me to pay special tribute to those of my colleagues who were most active in helping to bring about this early action.

The Senator from South Carolina (Mr. HOLLINGS), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Hampshire (Mr. COTTON), and the Senator from Illinois (Mr. PERCY)—who all helped to chair a number of our hearings. The other members of our subcommittee all cooperated wholeheartedly to expedite these matters, and of course I owe a very special thanks to my dear friend and colleague, Mr. COTTON, who labored so long—sitting through many hours of deliberations with countless officials as we reviewed these many complex and sometimes confusing programs.

Mr. ELLENDER. Mr. President, it is not my purpose to go into any details about the bill, but to point out the fact that the House of Representatives sent us this bill in April. I am very happy that the Senate is now considering it. It is just about 6 or 7 weeks since it arrived from the House. We are making great progress in the Committee on Appropriations. I am hopeful that the education bill, which is very important, will be on the President's desk long before June 30.

It will give the schools and colleges that receive these funds an opportunity to plan their work and their programs for next year.

The subcommittee has worked diligently on the bill. I am hopeful that the amounts added will be confirmed by the Senate. I express the hope that no amendments will be offered to increase the amounts provided in the bill.

It is my considered judgment that the subcommittee went as far as it could. Of course, it was ratified by the full committee. As the Senator from Washington has pointed out, the bill is $804 million-plus over the House bill, and a little over $450 million over and above the estimate for 1972.

My theory is that if we add more to the bill, we may be confronted with a Presidential veto and delay in the bill. I hope no serious effort will be made to increase the amounts provided in the bill.

Mr. President, at this point I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, let me again express the hope that the House of Representatives will send us, as soon as possible, other bills for consideration. On June 7, we received the legislative bill from the House. The hearings in our committee have been completed and next week we shall report it to the Senate. It should be on the President's desk before June 30.

The chairman and members of the Committee on Appropriations of the House of Representatives are to be commended for the progress made in that committee on the hearings and markups of the appropriation bills and I am very hopeful that the House will be sending us some additional appropriation bills in the very near future.

I desire to report that the subcommittees of the whole Senate Committee on Appropriations have completed hearings on the Agriculture appropriation bill, on the District of Columbia appropriation bill, on the Interior appropriation bill, on the legislative appropriation bill, and on Treasury and Post Office appropriation bills.

Hearing will be completed on Tuesday, June 15 on the Defense appropriation bill and 1 additional day is required on the Public Works appropriation bill. So I am very hopeful that the House will send us these bills and that by June 30 we may be able to have from five to six of these bills on the President's desk.

I feel confident that the work that is being done and the cooperation that I, as chairman of the Appropriations Committee, am receiving from the members of the Appropriations Committee, will make it possible for us to have our schedule up to snuff by July 31 of this year.

I do not think there is any possibility of our completing the work on the Defense appropriation bill by June 30. We would be ready to go to work if the House bill were here. But we are delayed because

the authorization will has not been enacted.

Hearings are underway in the Senate Subcommittees on the foreign aid appropriation bill, the HUD-space science appropriation bill, the Labor-HEW appropriation bill, the military construction appropriation bill, and the transportation appropriation bill and are scheduled to begin next week on the State-Justice-Commerce and the Judiciary appropriation bill. I feel confident that with all of the subcommittees of the Appropriations Committee working as hard as they are, we should be able to have a fine record by June 30 and an excellent one by July 31st.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute of his time?

Mr. COTTON. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I want to again suggest that without the help of the Senator from New Hampshire (Mr. COTTON), we would not have been able to make this progress. I am deeply grateful to him and to all the members of the subcommittee. There are so many committees meeting at the same time that it usually falls upon the Senator from New Hampshire and me to hear most of the testimony. The other members of the committee have other subcommittees, but they have been very diligent in their attendance also.

I must say there is no partisanship in this bill. Education belongs neither to the Democratic or Republican Party.

I want to compliment, as I am sure the Senator from New Hampshire will, the members of the staff of the subcommittee—Harley Dirks, Bill Kennedy, Proctor Jones, and Gloria Butland, and the others who have all been working on these big appropriation bills, including the pending one.

Mr. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our subcommittee, for his remarks. I certainly join him in expressing the appreciation of the other members of the subcommittee who attended as many sessions as they could, and especially the other members of both the majority and minority staffs assigned to our subcommittee for their careful, friendly, and helpful work that they have always given in the consideration of this bill.

The chairman of the subcommittee is perfectly correct. There is no party line drawn when we take our coats off in the committee room and start to work. We may have some disagreements about the amounts. But every member of the staff is just as helpful to members of one party as he is to the other. That is particularly true of Mr. Dirks. I want to especially thank him for his helpfulness.

Mr. President, I have served as ranking minority member practically without interruption on this subcommittee for more than 10 years. It is one of the most difficult tasks. I think, of course, that everyone thinks his job is the most difficult. However, this is one of the most difficult tasks because we are not only dealing with this whole subject of education that we have in the pending bill. Later we will come in, which will be as soon as possible, with a bill that pertains to health and welfare. We will be dealing with the most sensitive subjects and the most sensitive points, points of more concern to the American people than, I think, almost any other subject we have to consider.

Mr. President, one thing that I notice every year when we have to deal with this bill and also with respect to the whole budget, there is always disagreement on the figures.

There is a certain disagreement today, not between the members of the committee, but the Department does—and I think with justification—take exception to the report of the committee which indicates that the bill presented today exceeds the President's budget by approximately $452 million.

It has been brought to the attention of the members of the committee on this side of the aisle, quite importantly, that the claim of the Department is that this bill exceeds the President's budget by $904 million, nearly $1 billion. As a matter of fact it does. But it does it in this sense, that there are big authorization bills that have not yet passed. So the committee could not take those into consideration. If those authorization bills that are called for by the President are passed, we will be compelled to face the fact that later this year we will have to consider the President's request for an additional $1,747,000,000 for education. Of that request, $1 billion will be for emergency school assistance, and $747 million for student assistance.

Our committee saw fit to add to the bill as it came from the House various amounts. Actually some of those amounts have to do with student aid, which is a part of the President's request that is coming up, although it is a different part and covers different subjects. So let it be understood for the purposes of keeping the record straight that the items requested by the President that are not included in the pending bill because they have not yet been authorized are as follows: educational opportunity grants and work study amounting to $347 million; student loan fund amounting to $400 million. That makes the total of $747 million that may, and probably will, be authorized in response to the President's request and have to be dealt with in addition to the pending bill. Second, I want the record to show that the items added by the Senate committee and brought in here today not requested in the President's budget are as follows:

Elementary and secondary education, $290 million; impacted area funds, including $60 million for public housing, $238 million; higher education construction grants, $80 million; vocational education, $127 million; other items in the higher education field, $88 million; libraries, $64 million; research, $10 million; and other items amounting to $7 million. That is almost $904 million, in addition to what the President requested and the Department presented our subcommittee in their appeal of the House action.

If it were compared with the President's original budget, which included amounts that had not yet been authorized and we could not consider, then the report of the committee shows that this bill exceeds the budget by $452 million.

That is the situation. I want the record to show exactly what the situation is. Please understand me. The committee was unanimous. I support this bill. There are some items in it that, if we got into controversy, I am not entirely satisfied with, as I am sure there are items other Members are not satisfied with. But there is no dispute that the committee is unanimous—the majority, the minority, the chairman, and the ranking minority member—in recommending that the bill be passed and in expressing the hope that the Senate will see fit to pass the bill in the amount it now contains. We are perfectly willing, as far as I am concerned, to lay aside any arguments about whether we exceed the budget by $452 million or by $904 million because, as I have carefully shown, those statements can be substantiated according to how one views the bill.

I want it clearly understood that I am not a party to the memorandum laid on the desk of every Senator, representing, I suppose, the attitude of the department. It is all right, except that I do not quite accept the language that states "the committee report implies the Senate bill is $452 million over the President's budget request. This is false and misleading." The committee report is not false. It may be misleading to the extent of how you view the bill, but it certainly is not false.

The point is that the fact remains that this bill in its aggregate is more than $1 billion over last year's budget. When one considers all the items it is $1 billion over the recommendations of the administration. It leaves to be dealt with other recommendations of the administration that, if authorized, at the request of the President, will mean that before the end of this fiscal year in dealing with appropriations for fiscal 1972, we will have to face up to the President's request for $1.747 million more.

That being the case, Mr. President, I think we have ample grounds to appeal to the Senate not to increase this bill today. We are always walking on eggs when we deal with these appropriations. There is not a single member of the committee who would not like a larger sum for some worthy cause, some necessary cause in education. There is no cause in this country, with the possible exception of health and welfare, that is more essential than education.

For instance, we have included in the bill, as I have mentioned before, the amount of $60 million of impacted area funds in category C for public housing. This is really in lieu of taxes where public housing is located. That amount is not nearly enough in any way to satisfy Senators who represent great metropolitan areas and cities that are faced with

tremendous fiscal crises, or mayors who are anxious for this help.

This $60 million is almost a pittance when divided among the cities of this Union.

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

Mr. COTTON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. COTTON. Mr. President, on the other hand there are Senators in this Chamber who feel that when we start devoting impacted area funds to public housing we are starting down a road that can lead us into billions of dollars.

There are those two points of view. I think I am justified in saying that it is my understanding that in committee we agreed that if this figure were left alone and no one raised it or tried to cut it out we could stand behind this amount when we went to conference. Frankly, I am going to say that Senators have come to me who want to increase this amount; and Senators have come to me on this side of the aisle who want to offer an amendment to cut out this amount.

We have discussed this and those Senators that I know that have any idea of offering an amendment to cut out these funds have agreed that they will not do so unless the attempt is made to increase the amount. That is a practical situation.

Mr. President, here is a bill in which we have given every cent we could possibly give in the various phases of education that runs, according to one set of books, nearly one-half a billion dollars over the President's request, and if one chooses another set of books, a billion dollars over the President's request and certainly more than $1 billion over what we had last year. That is an ample bill.

We are always faced, as I said, with a situation where we are walking on eggs because it is not that we move in fear of the President or the other body. I know that every Senator votes his conviction, fights for his conviction, and fights for his own State. I join the chairman in stating I am not asking Senators not to offer amendments. There are Senators who have to offer amendments because of the needs of their people.

It is not that we are kowtowing to the Executive or the House, but we have to try to arrive at a figure, and I am being very frank and practical, perhaps unwisely so, but we have to try to arrive at a balanced figure——

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

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the bill be extended for 30 minutes, with the time equally divided as in the order previously agreed to.

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

Mr. COTTON. I shall take 5 more minutes.

We tried to reach a balance. That does not mean we do not consider seriously and anxiously the educational needs, but when we get to the point where we are marking up the bill and getting into the billions of dollars, we try to reach a figure that, on the one hand, will give us a little to go and come on when we are bargaining, if I may use the word, with the House conferees. We have a little leeway, so we can yield here and there in order to get a reasonable bill. On the other hand, we try not to run the risk, if we can help it, that we have such a big bill that we will get a Presidential veto and have to go up and down that street as we did a year and a half ago.

I think this bill is a fair bill and a liberal bill, more liberal than I would be able to support were it not in the cause of education. This bill contains vital, necessary features that have to do with education for the handicapped, for the backward, for the disadvantaged, as well as programs that will give us more teachers, more equipment and devices to promote education. Hopefully we can pass it soon enough, if we do not get into a hassle with the House or with the Executive, so that the educational officials of the school districts of this Nation will know this year for the first time in some years what they can expect and what they can depend on and what they can plan on, in time to make their plans for next year. I pay tribute and honor to my chairman, the distinguished Senator from Washington for this.

Incidentally, that means a saving of money. I cannot think of any one thing that is more wasteful than having money improperly spent or not efficiently spent because we did not know, until the last minute, or even later than the last minute, how much we were going to have.

One of the features in this bill which exceeds the budget is the fact that we have moved ahead for the present fiscal year, the remainder of 1971 going through to July, some of the funds which otherwise would have been devoted to fiscal 1972, and that necessitated being a little more liberal.

In conclusion, let me say that I am sure nobody will be quite satisfied with everything in the bill, or everything that is out of it. I think it represents a bill that we can stand behind in conference with the House, a bill we can stand behind when it meets with the approval or disapproval of the Executive.

Recognizing the fact that some Senators must offer amendments out of a feeling of duty to their constituents, I still appeal to the Senate as my chairman on the other side of the aisle did, to please not start blowing this bill up on the floor of the Senate.

Mr. PERCY. Mr. President——

Mr. MAGNUSON. Mr. President, I yield to the Senator from Illinois. I have only 15 minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MAGNUSON. I yield such time to the Senator from Illinois as he needs.

Mr. PERCY. I thank my colleague. I would like to say, first, how eminently pleased I am with the bill. I think a perfectly magnificent job has been done by the chairman of the committee, the distinguished Senator from Washington (Mr. MAGNUSON) and our ranking Republican, the distinguished Senator from New Hampshire (Mr. COTTON).

As a member of the subcommittee, I regret that I was not able to participate in all the hearings simply because of other committees meeting simultaneously. But in those hearings that I did participate in I was impressed with the thoroughness of the statements and questions, particularly with respect to the administration's recommended figures.

If the bill is looked upon as too liberal or progressive a bill, I think it can be fully justified in the interest of national priorities. The Brookings Institution has been studying this whole question to see what can be done to reassert our national priorities, to take another good look at American society to determine what kind of Nation we want to be. The Urban Coalition has established a new proposed budget to see what things we can do to strengthen this country. And it might interest the Senate to know that the counterbudget proposals are substantially higher than the Senate committee's. The League of Women Voters, in their meetings and seminars, have been holding discussions on national priorities. I believe they all will applaud what the Appropriations Committee of the Senate is attempting to do in this bill.

There are certain specific sections of this appropriation bill that I would like to comment on.

The first is bilingual education funds. Last year, in the bilingual education program, 30 projects went completely unfunded and 22 projects were substantially under-funded, all of which the Department has passed on and found to be exceptionally worthy, for want of adequate funds.

The House allowed some increase in funds, but hardly enough to overcome the impact of inflation. It will more than likely leave the office short again in attempting to fund deserving programs.

So the $50 million in funds recommended by the subcommittee and the full Appropriations Committee for this program are important and urgently required.

Let us look for instance at the figures for my own State of Illinois where we have 68,917 students with Spanish surnames in public schools. In Illinois we received only $5 per child last year. This is in contrast with $20 per child in California and $11.50 per child in Texas. I think the only conclusion to be drawn from these figures is that Illinois has been given short shrift. There is not only a problem of inadequate funds, but also of misallocation of the funds.

I am very pleased indeed that Commissioner Marland has indicated his willingness to take another look at this item in terms of the needs. I found our discussions in the hearings along this line both promising and helpful. I trust he is going to further help the Illinois program by permitting the Office of Education to secure these additional Federal funds so desperately needed in this area.

Second, in the area of impacted aid for Federal housing, I applaud the subcommittee and the full Appropriations Committee for its vision in recognizing

this need. The Senate committee has done a magnificent job on this matter.

Its response in funding $60 million against a larger authorization for fiscal 1972 for students living in public housing—category C—is responsible for a new program. I say this having nevertheless fought in the subcommittee for $75 million.

When we step up and say we are going to appropriate the sum of $60 million and provide an additional $10 million for construction, I think we are responding to the high priority which must be placed on this program.

Certainly, when we recognize that in categories (a) and (b) where there has never been any question about the Federal responsibility, we must accept, as the logical extension of that assistance, the aid we attempt to give via category (c) programs. We build public housing in areas where we have torn down commercial structures which have been taxed for commercial purposes, and put in their place public housing units in order to accommodate the hundreds of thousands of people who flow into urban areas from economically depressed areas of the country where they cannot find employment. These people move to the cities and assume residency in public housing, thereby imposing a back-breaking burden on the public school systems. It causes the public school systems to want to reject the immigration of these people in the low-income categories. There is built up a resistance to public housing, so much so that the end result of our failure to provide these funds is not only lower quality education for all the children in the community but a continuation of the crises of too little housing. We help break that resistance by providing this assistance, and I think the committee is to be greatly commended for its recognition of the scope of this problem.

Third, I would like to commend the committee for its action with respect to the attention it gives in its report to higher education assistance for middle-income families. Mr. President, they are the forgotten families in America. We are asking the Commissioner of Education to take a good, hard look at the problem of lower middle-income families, particularly, and the problems they face in educating their children in colleges and universities.

People are beginning to think that it almost pays to be poor in this country today. The poor qualify for a wide range of educational grants; but if a family with an income of $8,000 to $12,000 a year has one or two or three children of college age today, it simply cannot afford to permit them all the advantages of a college education. I have the pledge of Commissioner Marland that the Office of Education will give this matter serious thought.

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

Mr. PERCY. I yield.

Mr. MAGNUSON. We do not, of course, want to reverse the intent of these programs. We want all these low-income people to be there, too.

Mr. PERCY. Absolutely.

Mr. MAGNUSON. But we do not want middle-income families to become the underprivileged. As the Senator says, in some cases, if you were of the lower middle-income group, and you had children you wanted to educate, it has been found that it almost paid you to be poor. We do not want to curtail the programs that have helped the poor to secure higher education, but we must pay special attention that a trend that restricts these opportunities to just the poor and the rich is not established. The forgotten American is the son or daughter of middle-income families, strapped with inflation and the constantly increasing costs of higher education that we must consider, as the Senator has so well stated. We tried to do that in writing this bill.

Mr. PERCY. I think this is a step toward the goal that President Nixon has established, that no child in this country should be deprived of the advantage of a higher education simply because of lack of adequate finances. The efforts of this subcommittee represent an important step toward recognizing these other areas we must begin to move in.

Fourth, in the area of support for community colleges, the committee has seen fit to introduce an item of $80 million for construction grants, an amount that I fully supported. I can assure the committee that from the standpoint of the State of Illinois, where we rank third in the Nation in the number of such schools and where the quality of education is high, we desperately need construction funds. These funds represent a life-saving area for many of these schools. I have received an enormous amount of mail and have held dozens of conferences, and I know how important these funds are to these community colleges.

I shall not comment in detail on vocational and adult education. It is extremely important, as well as other areas that the committee has worked on, including educational deprived children, supplementary services, and library resources. I worked very hard together with my esteemed colleagues in subcommittee hearings and markup to ascertain the areas and magnitude of greatest need, and the recommendations presently before the Senate in this bill are responsible and fully supportable.

I think the proposed figures in the entire bill are for the most part appropriate and right under present circumstances. Once again, I commend my distinguished colleagues for what I consider to be a brilliant piece of work, based on many months of hearings; I would also like to say that the schedule we are maintaining this year under the leadership of our chairman, Mr. ELLENDER, and ranking minority member, Mr. YOUNG, in having these appropriation bills before the Senate at this early date in order to permit a vote on them before the end of the fiscal year, has taken a great deal of diligent, hard work, with steady hearings being held in morning and afternoon sessions. But this effort has already paid off, I think.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and I thank the Senator from Illinois.

How much time remains on the bill?

The PRESIDING OFFICER. The Senator from Washington has 5½ minutes. The Senator from New Hampshire has 19 minutes.

Mr. MAGNUSON. The unanimous-consent agreement allows how much time on any amendment to the bill?

The PRESIDING OFFICER. Twenty minutes, to be equally divided.

Mr. MAGNUSON. To each side?

The PRESIDING OFFICER. Twenty minutes to be equally divided, 10 minutes to a side.

Mr. MAGNUSON. Ten minutes to a side?

The PRESIDING OFFICER. Yes.

Mr. MAGNUSON. Mr. President, without taking this out of my time, the Senator from Rhode Island and the Senator from Virginia have an amendment that I think would require and merit a longer discussion than 10 minutes on a side, and I ask unanimous consent that for their amendment only, 20 minutes to a side be allowed.

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

Mr. MAGNUSON. We will reserve what little time we have left on the bill, and let the bill now be open for amendment.

Mr. COTTON. Mr. President, without charging this time, may I ask again how much time we have on the bill?

The PRESIDING OFFICER. The Senator from Washington has 5½ minutes; the Senator from New Hampshire has 19 minutes. The unanimous-consent request that was just granted is that on the amendment to be proposed by the Senator from Rhode Island, each side have 20 minutes.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment is jointly offered by the Senator from Virginia (Mr. SPONG) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike all on page 3, line 2 after "1950" down through and including line 14 and insert at the end thereof a period.

Mr. PELL. Mr. President, I open by congratulating the Senator from Washington and the Senator from New Hampshire on the excellent job they have done on this appropriation bill. I know full well where their hearts and the hearts of their colleagues lie when it comes to funding human investment programs. I realize that they do the best they can, but the role of those of us who are members of the authorizing committee is always to try to stretch their good will a bit farther.

In this regard, I would be remiss if I did not express general disappointment with the fact that human investment programs in education and in health usually get funded at around 40 or 50 percent of their authorized ceiling, while bricks and mortar and gun programs for defense and space usually seem to be funded at the 90-percent level.

I would hope that as a Nation we can

change those priorities, and fund the social and human investment programs at more near the 100-percent or 90-percent level that we would like to see.

I particularly congratulate the committee on the raising of the salaries and expenses item for the Office of Education. I think this will presage a more efficient and effective operation of that office.

As to the specific amendment we have submitted; the present law, Public Law 874, provides that the if fully funded funds will be equally divided between category A and category B students; and that if there is not enough money to go around, the funding will be reduced on an equal prorated basis.

It is my view, and one shared by others that the House of Representatives took it upon itself to change that law in the appropriating process. They did so by providing that category B students will be funded at only 73 percent and category A students at 90 percent. I would maintain, although this is open to argument, that this concept, when introduced in the House of Representatives, was subject to a point of order, but it is my understanding that no one raised that point of order. It is not subject to a point of order here, because it is already in the bill as it has come over from the House of Representatives.

But our amendment, the amendment of the junior Senator from Virginia and myself, would provide simply an elision, a removal of the amendment to the law that has been added by the House; and if this body accepts our amendment, it will simply mean that the funding would be in accordance with Public Law 874 as written.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. May I ask the Senator a question, on my time? As I understand—he would know, and the Senator from Virginia would know—the law contemplated a 50–50 division. Is that correct?

Mr. PELL. The law as presently written, as I understand it, contemplates that initially the category B students are funded at 50 percent and the category A students, at 100 percent. With a provision for equal pro rata reduction if the program is not fully funded. But the pending bill changes this reduction formula.

Mr. MAGNUSON. Last year, under similar language, we increased the B students to about 73 percent and allowed 90 percent on A students, except where the enrollment under the A category reached more than 25 percent, and then it became 100 percent. That was in two instances. The Senator from Nebraska and the Senator from North Dakota are familiar with that.

This year, under the House formula, it would be 73 percent for B students and 90 percent for A students but 100 percent where the enrollment is more than 25 percent.

Mr. PELL. That is correct, for category A students.

Mr. MAGNUSON. When I first talked with the Senator from Rhode Island and the Senator from Virginia, I had it looked up. A point of order was made in the House.

Mr. PELL. I stand corrected.

Mr. MAGNUSON. I did not know it, either.

Mr. O'HARA made a point of order, and the Chair said:

> The Chair feels the decision of the committee is valid; that these provisos are in fact limitations couched in negative language on the funds in the bill. The Chair therefore overrules the point of order.

For the RECORD, that appears on page 10096 of the RECORD of April 7, 1971.

So we took the House language, and a point of order was made.

There can be many arguments as to how this money is to be divided. This is the most attractive money in the education bill. Every school district that is affected wants this money, because no strings are attached to it. They can exercise their own priorities on it, and expend these funds for any educational purpose.

Last year, we had the same argument on it. I have often said that we probably should revise this impacted aid law, which would be in the Senator's committee, because we go through this every year. I can understand that we should have 100 percent for those school districts, particularly if they are outlying districts where there are airfields and Federal installations of that kind, where enrollments exceed 25 percent. We have often thought that 90 percent with respect to the rest of the A students was satisfactory. With respect to the B students, I have often thought that if we are going to give impacted aid, 50 percent is not enough. The budget recommended only 42 percent for the B students.

Then, also adding to the whole picture, we put in money for the public housing impacted aid, category C students.

Now we are back where we started. We want to comply with the law, but the House received a ruling that this is limitation language. The ruling said "couched in negative language." That is a new phrase. But that is what it is.

I am not wedded to any particular formula. We have been trying to help the people in the areas where there obviously is a hardship. As a matter of fact, impacted aid has come home to plague me. I helped establish the precedent for impacted aid. They were building a dam called Grand Coulee. The land was nothing but sagebrush, with no income at all to the school district and we obtained the first impacted aid money for the children of the workers building the public dam. Then the distinguished Senator from Maine had some problems in her State, and pretty soon we got into the matter of impacted aid, until we have come to the point in some cases where I do not think it is quite right, and there are inequities.

Technically, in the case of a person working in a courthouse, a Federal judge who had three children and paid taxes on his home in the community, the school district would put those three children in category B.

Mr. PELL. That is particularly true in Virginia and Maryland.

Mr. MAGNUSON. Yes.

I am not wedded to any formula. The Senate can do what it wishes. But this language was ruled in order.

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

Mr. MAGNUSON. I yield.

Mr. SPONG. First, I want to commend the Senator from Washington and the Senator from New Hampshire, because I think they have done an excellent job in bringing this bill to the floor as early as they have.

The point in this matter is that the Senate has taken a position in 2 of the 3 last years that neither the Senate Appropriations Committee nor the House Appropriations Committee should change the law. However, that is what has taken place in this bill.

Of course, we cannot argue about the point of order in the House. The fact is that the law intended that category A and category B be reduced proportionately. Category A students already receive $1 for every 50 cents that category B students get; and if any reduction takes place or if the appropriation is less than the authorization, the categories are to share the reduction proportionately.

We have agreed on this floor that if the law was to be changed, the entire impacted area law should be amended by the legislative committee, by the Education Subcommittee, and should not be done as part of the appropriation process.

So I have joined the Senator from Rhode Island in this amendment. It merely means that between category A and category B, the money that is appropriated and will be available shall be distributed according to the law as written, and the law states that the funds shall be allocated in the proportion that each, and here we are speaking of category A and B, bear to the total funds made available.

Mr. MAGNUSON. Would the Senator tell the Senate just how that division would be different percentagewise?

Mr. SPONG. It would be different to this extent. At the present time, category A is funded 100 percent; category B, 50 percent. Under the law, they are already getting twice as much per pupil for A students. Under the pending bill, 90 percent of the entitlement is being appropriated to the A students, and 73 percent of the entitlement is being appropriated to the B students. So what is proposed under this appropriation bill is contrary to the basic legislation. The statute requires that the money be reduced proportionately. We are not doing that. We are changing the law that has been in effect ever since the impacted aid fund started.

What we are urging here today is the procedure that was followed in 2 of the last 3 years. We did not do it last year, because at the last minute we were anxious to get this bill passed. But each time, we agreed that the only way this law should be changed is by the legislative committee and not as part of the appropriating process. What we are doing here is sanctioning a rewriting of the impacted aid law by the appropriation process.

Mr. MAGNUSON. I understand the legislative argument, but what I cannot find out, as we have said in the bill—this is what the Senators are interested in doing—that there will be 90 percent for A, and 100 percent if it is over 25 percent for A, and 73 percent for B. How would this amendment change that? How much would A get and how much would B get?

Mr. SPONG. I cannot give the Senator a specific figure, for it turns on the school enrollment, and action by the Commissioner of Education.

Mr. MAGNUSON. I can add them up——

Mr. SPONG. The effect of this amendment——

Mr. MAGNUSON. Equal entitlement of about 78 percent for A and B, so the Senator is cutting A, is that not right?

Mr. SPONG. That is right. The effect would be a proportionate reduction.

Mr. MAGNUSON. Of the A category?

Mr. SPONG. It would be of A and B altogether——

Mr. MAGNUSON. Then the Senator would "up" B from 73 percent to 78 percent?

Mr. SPONG. It would mean, if this amendment is adopted, that the funds appropriated would be allocated on a percentage basis.

Mr. MAGNUSON. I understand that. What I am trying to get at are the figures. The way the bill is now, it is 90 percent for A, and 100 percent when it goes over 25 percent, and 73 percent for B. Now, if the amendment of the Senator from Rhode Island and the Senator from Virginia carries, my figures indicate that it would knock down A and "up" B, so that there would be a 78-percent entitlement for both A and B.

Mr. SPONG. There would be no percentage spelled out——

Mr. MAGNUSON. We are talking about cold, hard dollars here.

Mr. SPONG. The effect of the dollars would be that the same reduction on A would take place, and that is the same percentage in terms of 100 percent that would take place for B. That is what the law calls for.

Mr. MAGNUSON. I want the Senator to know what it means, that category A will be reduced down to 78 percent and B will come up from 73 to 78 percent.

Mr. SPONG. The Senator is quite correct.

Mr. MAGNUSON. That is all I wanted the Senate to know.

Mr. SPONG. There will be less dollars in the A category.

Mr. MAGNUSON. Those that have A students probably will not like that, but those who have the B students will like it. It is as simple as that.

Mr. SPONG. That is quite true.

Mr. MAGNUSON. Who has the most B students?

Mr. PELL. He and I. [Laughter.]

Mr. MAGNUSON. The two Senators, yes. I do not blame you for offering the amendment then. [More laughter.]

Mr. BYRD of West Virginia. Mr. President, will the staff members please be quiet.

The PRESIDING OFFICER (Mr. ALLEN). Will the Senator please be in order.

Mr. YOUNG. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to the Senator from North Dakota such time as I have remaining. However, the leadership has kindly stated that if we need a little more time, they will provide it, as this is the only important amendment we will have to consider, and it is a complicated one. But I yield to the Senator from North Dakota such time as he may need, and I know that the Senator from New Hampshire will yield him time as well.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, I would agree with my good friend from Virginia (Mr. SPONG) that the whole law needs to be rewritten as there is a lot of inequity in it. The provisions in the committee bill, so far as Virginia schools are concerned, are much better, as the Senator from Washington has pointed out.

Mr. President, I have two employees living in Virginia. They own homes, pay all other taxes as other Virginians do, but the local schools collect impacted funds for the children of my employees there.

We have a situation in North Dakota—it is even worse in Nebraska—where over 25 percent of the children in the schools in Grand Forks live on the Air Force base. The Grand Forks school system operates the school on the base. It has become so costly to them that it is impossible for them to continue.

Mr. MANSFIELD. If the Senator from North Dakota will yield at that point, the same thing is true at the Malmstrom Air Force Base at Great Falls, Mont. It is somewhat in the same position. I recall that the distinguished Senator from North Dakota, now speaking, last year, came in with an amendment which the Senators from North Dakota, Nebraska, and Montana—all six of us—supported, as all of us were faced with a difficult and unusual situation because of the school impact on the children on the air bases in our respective States.

Mr. YOUNG. That is true. The only alternative to the schools in Montana, North Dakota, and Nebraska, and other places who have served notice that they can no longer operate the schools, is that the Federal Government will have to operate them, and do so at far greater expense.

Mr. SPONG. May I say to the Senator from North Dakota and to the Senator from Nebraska, as well as to the Senator from Montana, that the amendment offered by the distinguished Senator from Rhode Island (Mr. PELL) and myself would not affect category C, if that is the special category that the Senator is speaking of.

Mr. YOUNG. Ours is category A that we are concerned about.

Mr. SPONG. But the special one, where the Senator talked in terms of having over 25 percent on military bases——

Mr. MANSFIELD. That is right.

Mr. SPONG. Would be affected by this special situation.

Mr. YOUNG. As I understand the amendment, it would strike out that provision entirely that we just must have.

Mr. HRUSKA. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. This situation was discussed thoroughly last year. It is one of an extreme nature. The situation in Bellevue is somewhat more stringent than in either Montana or North Dakota, inasmuch as 78 percent of the school population in the city of Bellevue are in categories A and B. The mill levy on that village last year was 57 mills. The average in the State is 30 mills for taxation. They have done everything they can and they are faced with the proposition, as the Senator from North Dakota has indicated, that if this money is not forthcoming along the lines and in the amounts we arrived at last year in that formula, they will be compelled to say, "We cannot operate the schools." The Federal Government will then be under obligation to see that the children living on the base will be furnished schools. To do that would be infinitely more expensive and highly less satisfactory, because of the difficulty of getting faculty together, equipment, schoolbooks, and everything else.

We thought we had worked it out. The extreme cases—and they are extreme—involve the actual continued existing functioning of the school system. It is not a matter of any hardship or not being able to adjust. They cannot adjust on this basis, unless the formula which we obtained last year, and which was not the full request but which they were glad to get as a compromise, would give them some sort of adjustment some place, within a small margin. It is my hope that the Senate will reaffirm last year's arrangement and that it will be sustained, so that we will be able to function and so that the same situation will obtain in Montana as well as in North Dakota.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. Mr. President, I invite attention to the contention, first, that the Appropriations Committee is bound to a fixed formula out of the authorization bill. That is fallacious. The authorization legislation that Congress passed, on a myriad of subjects, provides ceilings. Given a few minutes of research, I believe that we could show the distinguished Senators from Virginia and Rhode Island that, in many cases, the proportions are not fixed by law into a definite formula of X percent, but the proportions can be handled, and are handled, in many bills. If it were not so, the Appropriations Committee would have to appropriate very large sums.

The second point is—and I respect and admire and commend the distinguished Senators for looking out for their constituents—we see what the Appropriations Committee, as a practical matter, is up against. We have, on the one hand, the outlying countries outside of Washington where a large number of Federal employees who work in Washington live

and are receiving, and justifiably so, their reasonable share of the funds. Fairfax County, Va., is the chief county in the Nation which receives more money than any other county in the entire Nation, because of some members of my staff and of the staffs of other Senators and people in the agencies downtown who work here and live out there.

On the other extreme, we have these situations in the State of Nebraska, the State of North Dakota, and in Montana, where we are just simply putting the schools out of business. What they get is a mere pittance.

No one can tell me that it is not the privilege and the duty of the Senate, on the recommendations of its Appropriations Committee, to strike some kind of a golden mean or a happy medium to try to give reasonable justice to the counties with huge populations because so many people residing there work for the Government, but they do not live on base.

On the other hand, these school districts in North Dakota, Nebraska, and Montana would not only be absolutely subjected to hardship but some of them would be put out of business.

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

Mr. COTTON. Mr. President, I yield myself 2 minutes.

Mr. President, let me point out that if this Congress treated everyone alike and voted 90 percent for everybody, A and B—that would not do much good for the districts in North Dakota, Nebraska, and Montana.

Does the Senator know what we would have to appropriate? We would have to appropriate $620 million, which is much more than half a billion, for these impacted area programs. It just is not commonsense. The administration did not want to give B students more than 42 percent. We wanted to be just to the B students; and the subcommittee, followed by the full committee, increased it to 73 percent.

We think we came out with a fair proposition.

So, first, there is, I submit, no rule or no law that deprives the Appropriations Committee of the right, unless a State-by-State formula is written into the law, of dealing with these funds, and we have been doing it every year. Second, I think we are fair to the counties that get a big piece of the pie. We saw to it that those counties and States in the country where they have peculiar situations existing would not be frozen out and given just a fraction of what they need to take care of their population.

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

Mr. COTTON. Mr. President, I yield myself 1 minute.

Mr. President, I honor both the Senator from Virginia and the Senator from Rhode Island for their zeal, sincerity, and desire to get this money.

I have always felt that areas could spend these funds as they wanted to meet their own needs. I would like to give it all, but I think that we have dealt fairly with this situation.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a fact sheet pertaining to the Bellevue Public School in Nebraska.

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

BELLEVUE PUBLIC SCHOOL

	Actual 1969–70	Percent	Estimated 1970–71	Percent
Average daily attendance:				
3(a) students	4,354	43	4,367	42
3(b) students	3,615	35	3,612	35
Civilian	2,223	22	2,366	23
Total	10,192	100	10,345	100
Total impaction	7,969	78	7,979	77
Relative impaction	6,162	60	6,173	60

ASSESSED VALUATION, 1970–71 ($37,848,116)

The assessed valuation was 35 percent of the real valuation.

Mill levies, 1970–71:	
Bellevue	30.00
Lincoln	53.43
Westside	51.14
Omaha	51.06
State average (approximately)	56.90
Assessed valuation per pupil in ADA, 1969–70:	
Bellevue	[1] $3,545
Lincoln	10,452
Omaha	12,270
Westside	14,150
State average	15,181

[1] Local ability—All civilian and half of 3(b), $9,071.

BUDGET INFORMATION

	Actual 1969–70	Percent	Estimated 1970–71	Percent
Current expenditures:				
Professional staff salaries	$4,264,098	69	$4,653,611	70
Classified staff salaries	624,815	10	678,806	10
Salary related items	273,867	4	346,795	5
Utilities	125,385	2	128,200	2
All other expenditures	892,886	15	855,299	13
Total	6,181,151	100	6,662,711	100

Mr. HRUSKA. It will be seen from these figures that 43 percent of these students are in category A and that 35 percent are in category B. The civilians constitute only 22 percent. And the category A students, 43 percent, live on base. The civilians, of course, are from around the area.

The assessed evaluation there is $38 million. However, because of a tremendous influx of category A and category B students, all that is available on an evaluation per pupil is $3,545.

In the largest county, Douglas, in which county is located Omaha, and in Lancaster County, in which county is located Lincoln, the present evaluation per pupil runs from $10,000 to $15,000.

I point that out because it is an impossibility to maintain the school under these circumstances unless the formula that pertained in the last year is maintained.

I urge that the amendment be rejected.

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

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

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Rhode Island and the Senator from Virginia (Mr. SPONG).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COTTON. Mr. President, I move that we reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COTTON. Mr. President, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. Does the Senator from New York desire to offer an amendment? If the Senator from New York has an amendment to offer, he can have time in his own right.

Mr. JAVITS. Mr. President, I will not offer an amendment.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, may I ask the Senator from Rhode Island (Mr. PELL) if any exigency is involved. If so, I would yield to him.

Mr. PELL. No.

Mr. JAVITS. Mr. President, the 89th Congress has been dubbed "the education Congress" because of the significant education programs authorized during 1965 and 1966. If we are wise enough to enact the education appropriations budget reported to us Tuesday by the Appropriations Committee, this 92d Congress can also be surnamed "the education Congress." The $5.6 billion package now before us—$1.2 billion more than last year's appropriation—recognizes the new needs in education, added to by rising enrollments and increasing costs, and at last goes far in meeting the pledge made by Congress to the American people in the authorizing statutes of the past two decades.

The Appropriations Committee, and especially the Subcommittee on Labor-HEW which handled this particular bill, deserve much credit for the constructive and thoughtful legislation which they have produced. Senator MAGNUSON, the distinguished chairman of the subcommittee, and Senator COTTON, the distinguished ranking minority member of the subcommittee, are especially owed a debt of gratitude for this far-reaching measure which they and their colleagues on the subcommittee have crafted.

I should like to discuss several particulars of H.R. 7016, including the expression of some concerns.

BILINGUAL EDUCATION

The committee has recommended $50 million for the bilingual education program authorized by title VII of the Elementary and Secondary Education Act, a merited increase over the $27 million approved by the House.

The U.S. Office of Education has estimated that there are at least 5 million school-age children in need of bilingual education. While these youngsters are predominantly Spanish-speaking—Puerto Rican, Cuban or Mexican in origin—many are American Indians, Eskimos,

Orientals, or speakers of French, Portuguese or other tongues. They reside throughout the Nation—significant numbers are found not only in California, Texas, and New York but also in Michigan, New Mexico, Arizona, Colorado, Illinois, Florida, New Jersey, Indiana, Oregon, Washington, Louisiana, New Hampshire, Maine, Vermont, and Massachusetts, for example.

Up to this time only a small proportion of these children have been receiving the assistance required—less than 1 percent from Federal funds. An appropriation of $50 million will not only provide a significantly greater amount of needed aid but also, based on previous experience, will stimulate interest and support where it heretofore has not existed—and will prompt further State and local action in an area of education which has previously been sadly ignored. This is perhaps the best test of the success of a Federal education program—that it has stimulated constructive innovation.

IMPACT AID—CATEGORY C CHILDREN IN PUBLIC HOUSING

As a coauthor with Senator Eagleton of the provision enacted last year to provide payments to school districts for children who reside in public housing—category C children—I am particularly pleased to note that this authorization is being funded for the first time. The $60 million provided will be very helpful to hard-pressed urban school districts by providing some compensation for loss of local tax revenues resulting from public housing projects.

ADULT EDUCATION

Congress last year, through title III of Public Law 91-230 of which title I was the author, expanded by the Adult Education Act the long-established adult education program to include secondary-level education for the some 56 million adults who have not completed high school. I am very pleased to note that the committee has increased this program by $35 million over the House allowance and the budget estimate. This increase will serve the following purposes:

First. Prevent 17 States from suffering a diminution in their share of Federal funds due to a change in the formula;

Second. Permit at least the existing level of basic adult education programs; and

Third. Permit the beginning of the high school equivalency program authorized last year but not yet begun. This is vital for the many Americans who could increase their earnings and their worth to the Nation and our society were they to have this minimum of schooling.

HIGHER EDUCATION

The recommendation of $1.2 billion for student assistance programs brings us considerably closer—although still appreciably short of our goal—to the realization that no young American should be denied a higher education because of lack of financial means. This vision was seen by President Lincoln when he signed the Land Grant College Act, the so-called Morrill Act, more than a century ago during the tragic years of the Civil War; it is a dream which has been reiterated by President Nixon, and one which we shall hopefully achieve.

College enrollments are increasing. College costs are also mounting. Both enrollments and costs are expected to continue to rise. It is clearly necessary that our student aid programs keep pace with this growth. We cannot afford to lag behind, for to do so is to imperil the national future.

I am pleased that the committee chose in its report to take special cognizance of the problems faced by middle-income families. Our colleges must not become institutions only for the very rich who can afford to send their children or the poor who qualify for aid programs. The middle-income family is in danger of being priced out of the opportunity for a higher education in many schools. The Education Subcommittee, of which I am a member, yesterday—Wednesday—completed a long series of hearings on proposals to seek solutions to this and other dilemmas in higher education—such as the need for institutional assistance also cited in the committee's report—and I am hopeful that our deliberations will be successful.

INTERNATIONAL EDUCATION

While I am disappointed that the International Education Act of 1966 still remains unfunded, I do find some solace in the $15.3 million included for foreign language training and area studies under title VI of the National Defense Education Act, more than double the $7.3 million appropriated for this purpose last year.

HANDICAPPED

I am heartened by the $7,619,000 provided for the National Technical Institute for the Deaf, operated by the Rochester Institute of Technology in Rochester, N.Y. These funds, equal to the budget recommendation, will provide for completing the construction of the facility so that deaf students can be afforded an opportunity for postsecondary technical education and vocational training in order to prepare them for successful employment.

I do, however, wish that a greater amount of money had been provided for other programs for the handicapped. However, the $1.5 million over the House allowance and the $6.5 million over the budget estimate will be most helpful in an area where there is much need and where a little money can go a long way. Those who need this assistance are 1,388,866 children who are mentally retarded, 749,941 who are emotionally disturbed, 183,892 who are physically handicapped with crippling conditions, and 1.5 million with severe learning disabilities because of some organic impairment to the central nervous system.

SCHOOL DESEGREGATION

I note with great interest that the committee, pursuant to the action of the Senator from New Jersey (Mr. CASE) as a member of the Committee on Appropriations, very sympathetically dealt with the emergency school assistance program to help bring about an end to racial segregation and, as we can within the law, racial isolation. This is a critical handicap to education.

The committee expressed its sympathy to the objective of the emergency school assistance program and the need for early funding. It also expressed concern that the delay in clearing new authorizing legislation not result in termination of Federal assistance for desegregation of school districts which is being provided in part under title IV of the Civil Rights Act of 1964. The committee report states:

> To assure that this program is continued until replaced by a program no less adequate, the Committee wishes to state its desire that the continuing appropriations resolution when enacted will extend current title IV school desegregation assistance into fiscal 1972.

Finally, in respect to the so-called Whitten amendments, sections 309 and 310 of the bill—it will be remembered that the Whitten amendment proposes to inhibit busing in respect to efforts to desegregate our schools or to deal with the grave problems which segregation, whether de jure or de facto, introduces into the school system.

I am very pleased to state that the Supreme Court having decided in Swann against Charlotte-Mecklenburg Board of Education, on April 20, 1971, that busing is now a permissible although not required element of school desegregation. The most that can be said about the so-called Whitten amendments now is that they are surplusage.

I see no point in engaging in a lengthy controversy over this question which has been decided by the Supreme Court, the highest court in the land.

The Supreme Court said:

> In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

It seems to me that the Department now must administer the law in accordance with the Constitution, and that the so-called Whitten amendments cannot change, modify, or override that requirement. Therefore, it is unnecessary to argue about it further.

I would like to say to my distinguished colleagues, the ranking minority member and the chairman of the committee, that I would hope that now that this question is nailed down we would stop going through what is now really nothing but a form of words in connection with them. They irritate people and worry minorities. There is no reason for it and it has no substance. I will not waste anyone's time with it. I hope we will stop debating language that even Representative WHITTEN must now understand is surplusage, and leave it out of the bill so that it is not a form of words which irritate people already irritated enough in our society.

Mr. MAGNUSON. No one would be more pleased than the Senator from New Hampshire and I. It actually does not belong there anyway.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. If it had come over from the House, as it does, of course, I am sure the committee would have acted accordingly. It does not mean anything

any more and it just causes implications that do not belong.

Mr. JAVITS. That is correct. It is just an irritation.

Before I conclude, I do not want anything I have said about the Whitten amendment or anything else to derogate from what I consider to have been a single and unique act of high public service by the distinguished Chairman and the distinguished ranking minority Member in their outstanding and long careers; but having the conscience, and I use that word advisedly, they have brought us for the first time a bill which begins to meet the needs—and the needs are great.

Mr. JORDAN of North Carolina. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, line 18, strike: $677,620,000 and insert in lieu thereof the figure $772,620,000 and strike out the figure of $592,580,000 and substitute in lieu thereof the figure $687,-580,000. On page 3, line 4, strike out the figure 73 and substitute in lieu thereof the figure 90.

Mr. JORDAN of North Carolina. Mr. President, North Carolina is fortunate in having the two largest Marine bases in the United States at Lejeune and Cherry Point. In addition, we have Fort Bragg at Fayetteville.

In those areas there are these three big bases where we have not only a great many families living on the base, and their children would be category A students, but a large number of people who live in the perimeter around these bases. This is a situation which is causing our schools in this particular area a great deal of trouble financially.

For instance, when a soldier is sent overseas or moved from his base his family has to leave the house in which they are living—perhaps a Capehart house or whatever it may be—and they move to the suburbs to a rented house or a trailer. There the children in those families immediately become class B students.

I realize the committee did a magnificent job. The administration asked for 42 percent; did it not?

Mr. MAGNUSON. The Senator is correct.

Mr. JORDAN of North Carolina. And the committee moved it to 73 percent, so there is $60 million the committee put in for class C category, which is fine, we have no objection to that. That does not help us in pupil assignment in those areas.

Mr. MAGNUSON. That is a separate item.

Mr. JORDAN of North Carolina. It is a separate item entirely.

Mr. MAGNUSON. I commend the Senator for thinking about this but the Budget only asked for $440 million. The committee increased it to $677 million.

Mr. JORDAN of North Carolina. I realize that and the committee did a grand job. My amendment would raise the figure to 90 percent, which has been the customary figure over a period of years. The committee did help but it does not get us out of trouble.

Mr. MAGNUSON. I think we did pretty good in going from 42 percent to 73 percent of entitlements for B students. It all points to the fact that we have to do something about the basic law to equalize the situation.

Mr. JORDAN of North Carolina. The law has to be amended to be equalized.

Mr. MAGNUSON. Major legislation on education is pending, but the administration has not sent up anything on this. I am sure the distinguished chairman of the subcommittee, the Senator from Rhode Island, is thinking about this because we do not want to go through this every year in connection with this formula. We have done the best we could. We increased it considerably. I am not privy to many things done at 1600 Pennsylvania Avenue but I understand this is the one item they are thinking seriously about because we increased it so much, and we might again have a veto of this bill.

Mr. JORDAN of North Carolina. They did it once before.

Mr. MAGNUSON. I have gone through vetoes on the last two education appropriation bills.

Mr. JORDAN of North Carolina. Certainly we do not want to encourage that, but, in addition to that, they are withholding some funds that we appropriated in this school year.

Mr. MAGNUSON. They will get 73 percent within the formula, and we are hopeful that, by next year, we can do more to equalize in some way the whole impacted aid program.

I will say to the Senator from North Carolina that it is a very desirable program to the local school district people affected. They come in by the scores, literally hundreds, and want this impacted aid, because so much of the money in the education bill is fixed to certain programs that must be spent mandatorally. This money comes to them free and clear, and they can use it in any way they wish, and they use it well, but they can establish their own priorities. What may be a priority in the Senator's district will not be the same priority in Rhode Island or Washington. Actually, this is a payment in lieu of taxes. By the Federal Government to the local school districts.

Mr. JORDAN of North Carolina. That is exactly what it is. The distinguished chairman of the subcommittee knows that if the Government were to run its own schools on these bases, it would cost it $700 per pupil per year, and this item provides only about $1.50 per pupil. There is a vast difference between the two costs, and they will not fund even that much of it.

Mr. PELL. Mr. President, I realize there are some inequities under the impacted aid program, indeed there has been a good deal of criticism of it, last year, at a hearing on impacted aid, we tried to figure out other formulas, but found that perhaps the present formula is not that bad. One way to get away from some of the inequities is to fully fund, as the Senator from North Carolina suggests, and also we would like to see it funded in accordance with the statutory law. But when one tries to work out alternate formulas, he finds it is not that easy.

Mr. MAGNUSON. It is not easy. A lot of the school people want to have full funding. If that were done, we might as well disband the Appropriations Committee. We might as well stay home. Authorizations are ceilings. I do not want to embarrass the Committee on Labor and Public Welfare, but if one compared their authorizations with our appropriations, they would be surprised.

Mr. PELL. I think we have authorized about twice what the committee has appropriated.

Mr. MAGNUSON. I mean the total.

Mr. PELL. They add up to a huge amount.

Mr. MAGNUSON. Close to $12 billion.

Mr. PELL. But what is actually funded is about one-seventh of the Defense Department appropriation.

Mr. MAGNUSON. I am not making odious comparisons, but obviously we could not do it. We would get vetoed before the bill got down to the White House. They would intercept it. We could not override a veto if we put in full funding.

Mr. PELL. We might override it. We have in the past.

Mr. MAGNUSON. That was because we were reasonable and well within our capabilities. That is what this bill is now, reasonable and within our capabilities.

Mr. JORDAN of North Carolina. Mr. President, I would like to get some help on it, because our schools which are near the three big bases in North Carolina need all the help they can get.

Mr. COTTON. Mr President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator has only 1 additional minute.

Mr. COTTON. Mr. President, I have some time on this amendment. Do I not?

The PRESIDING OFFICER. Is the Senator controlling the time? The Senator from Washington has control of the time.

Mr. MAGNUSON. Well, Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Just a minute, Mr. President. On the amendment is there not a division of time?

The PRESIDING OFFICER. The time is to be divided between the mover of the amendment and the manager of the bill.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that we have 10 minutes to a side, and I yield 20 minutes to my friend from New Hampshire.

Mr. JORDAN of North Carolina. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. JORDAN of North Carolina. Is the Senator from New Hampshire offering an amendment to my amendment?

Mr. COTTON. No; I just want to speak for about 2 minutes on the Senator's amendment.

Mr. JORDAN of North Carolina. Fine, if the Senator is in favor of it.

The PRESIDING OFFICER. The Senator from Washington has requested additional time. Is there objection to the request?

Mr. COTTON. How much time has the Senator yielded?

Mr. MAGNUSON. I yield as much time as the Senator needs.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. COTTON. Mr. President, I did not know it was going to be so difficult for Senators who have worked for months on this bill to get time; and there will not be any more unanimous-consent agreements on a bill that carries $5 billion if the ranking member of the committee has to struggle to get time. The chairman has been very kind to me.

The PRESIDING OFFICER. There was a unanimous-consent agreement.

Mr. COTTON. Well, I was not here and I did not know anything about it. Neither did the chairman of the committee.

Mr. President, I merely want to call attention to the fact that I have great regard and respect for the distinguished Senator from North Carolina, and I realize the situation he has. I admire and respect him for doing what every Senator on this floor does and must do—take care of his constituents. But his amendment is practically the same as the amendment offered by the Senator from Virginia and the Senator from Rhode Island that has just been defeated. They were earnest and sincere in what they were trying to do. If this amendment is adopted we will put into the impacted area funds in this bill almost $690 million, because the whole thing will be funded, and that, of course. is ridiculous.

Also, it would upset the balance. I recognize the schools in North Carolina near those installations are hardship situations, but they are large installations. But for 20 schools, it would simply put them out of business completely.

Mr. President, we did our level best. We raised category B money from 42 percent to 73 percent. We gave all we could on the category A money. There has to be a distinction drawn.

Sincere as he is and justified as he is, if this amendment should be adopted it would tip the whole applecart over and it would mean nobody is going to accept it in the conference, nobody will accept it downtown, and we may lose what we have.

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

Mr. COTTON. One more minute, if the Chair pleases.

We are liable to tip it over to the point where we lose these funds.

One additional word. Five times this morning—and I call the attention of the Senator from Rhode Island to this—I have heard the story that we do not do anything for the domestic programs; the money all goes to the military; seven times this much money goes to the military. As a matter of fact, last year for the first time in two decades the domestic programs for the benefit of the people of this country, the human resources programs, exceeded and went ahead of military programs.

So when we are considering this bill, I am not going to be much impressed any more when the proportion is even greater. I happen to think we need to defend this country. Nevertheless, those who always decry the fact that money is going into guns that should be going into hospitals, schools, welfare, and for the disadvantaged—and I respect them for it, and I am just as anxious as they are that those needs are taken care of—cannot argue any more that more money is going into the military than goes into these causes. When someone says seven times that money is going into the military, that, of course, is completely out of proportion. I am sure the Senator from Rhode Island did not intend that to be taken literally.

Mr. PELL. Mr. President, will the Senator yield me 1 minute?

Mr. JORDAN of North Carolina. I yield 1 minute to the Senator from Rhode Island.

Mr. PELL. What I said was that education gets about one-seventh of what defense gets. What I also said, and stand on, is that the appropriations are usually about 95 percent of authorization for defense and usually about 45 to 50 percent of the authorizations for measures dealing with education and health. I think those figures will stand up.

I merely wanted to rise, however, to ask unanimous consent that I could be honored by being made a cosponsor of the amendment of the Senator from North Carolina and to commend the Senator on it and urge its adoption.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of this amendment.

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

Mr. JORDAN of North Carolina. Together with the Senator from California (Mr. CRANSTON), whose name is already on it, and several others we have not been able to contact this morning.

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

Mr. JORDAN of North Carolina. Mr. President, I wish to make one further observation. We also have in our State Seymour Johnson Air Base, out of Goldsboro, which is one of the big air bases. Our bases, by and large, are big. In an impacted area where there is a small number of soldiers, and there are only 25 or 30 added students, the schools can somehow get along with and accommodate to that number, but when you have hundreds of thousands of students, it throws a burden on the schools they cannot carry.

The Federal Government is directly responsible for those children being there, and should carry its part of the load.

I urge that my amendment be approved.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. I think we have thrown a lot of figures around here today, and I hope we are keeping the record straight. When we talk about defense spending versus human resources and education, I point out that, while the proportion the Senator from Rhode Island cited is correct as far as the Federal payment is concerned, the amount provided in this bill represents less than 7 percent of the total amount of money spent on education in this country.

Mr. PELL. At the Federal level.

Mr. MAGNUSON. Yes, but what is the difference? The taxes are all paid out of your pocket, whether in property taxes, sales taxes, income taxes, or otherwise. But that does not prove anything. The education bill for the American people is the highest single bill they pay.

Mr. PELL. And the Federal contribution to it is only 7 percent.

Mr. MAGNUSON. That is correct; yes.

Mr. PELL. I would like to see it more.

Mr. MAGNUSON. The Senator would like to see it more; some others would not.

Mr. PELL. Would not the Senator?

Mr. MAGNUSON. Yes; I feel it must become more, but whether I pay it in Federal taxes or in State and local taxes in my area, it is coming out of my pocket. There may be some argument as to the greater equity of the system by which the Federal Government raises its taxes, by the income tax theory, whereas most school districts depend on property taxes, but ultimately it is all the same. The cost of education is the largest single public expenditure, and rightly so, in this country. We are fast approaching that level in health and welfare also.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JORDAN of North Carolina. I ask unanimous consent to add the name of my colleague, Senator ERVIN, and the name of the Senator from Virginia (Mr. SPONG) as cosponsors of my amendment.

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

Who yields time?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina (Mr. JORDAN).

The amendment was rejected.

Mr. COTTON. I move to reconsider the vote whereby the amendment was rejected.

Mr. HRUSKA. 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. BYRD of West Virginia. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, line 16, strike "$115,038,000" and insert "$125,038,000."

Mr. BYRD of West Virginia. Mr. President, I yield myself such time as I may require.

This amendment would add $10 million to the "Research and development" appropriation for the purpose of demonstrating the importance of career education programs in our Nation's elementary and secondary schools.

I have for some time been concerned that too many of our youths are going on to a 4-year college and an academic training for which they are unsuited, while other young people leave high school with no college aspirations but are totally unprepared to get and hold a job.

What we need in our schools is more emphasis on aptitude testing and a greater effort made to familiarize our young people with the many career choices that are available. I am convinced that if this were done, more youths would find their education relevant, fewer would pursue training for which they are not equipped, and our society would experience less of the antisocial behavior—riots, drug addictions, and the lowering of personal moral standards—which many result from the frustrations of bad life choices.

A person does not have to have a college education to become a useful and productive citizen. Many of the great successes, in the industrial community of this country, have been those persons who started pursuing their natural mechanical or inventive talents at an early age. There are many young people in this country today who are disinterested in attending college, and many others who are not college material. Many of these same young people do, however, possess interests and talents which would indicate their future success in occupations related to those attributes. In cases where the student lacks the mental resources to attend college, a comprehensive testing and counseling service of the type I am proposing would, after a thorough testing and evaluation process, advise the student regarding his areas of ability and interest, and set forth the types of jobs available in those areas.

I want to point out the differences between programs now available and the demonstration or pilot programs which my amendment proposes. Currently, there are no career education programs funded as such. Most schools do have some type of testing program which indicates aptitudes, and whether or not the student is college material, but that is where the program stops. Many schools, responding to the pleas of parents, suggest that all students go to college, because they have no alternative to offer. The demonstration projects I am proposing would start testing as early as junior high school, provide the student with information regarding occupations which he could pursue, including the furthering of his academic education, if that course is indicated. I would hope that this pilot project could lead to a modification of the high school curriculum emphasizing a wider variety of vocational and academic training which will give the graduating student more flexibility in choosing the occupation he ought to pursue to his best advantage.

There are, at the present time, too many young people in college today who have no real interest in furthering their education, and quite often they flounder under the weight of such courses as physics, chemistry, mathematics, and calculus. When this happens, they become frustrated and are all too ready to drop the books, pick up a placard, and join campus demonstration activities, regardless of the real or alleged cause for staging the demonstration. They really should not be in college at all. So, Mr. President, I think my amendment might even contribute to quelling campus unrest in the future, by not sending to the campus many of those who become activists after becoming frustrated with their own inability to compete with other students academically.

I urge the Senate to adopt this amendment as an investment in our young people.

Mr. MAGNUSON. Mr. President, I have just a brief statement.

Basically, what the Senator from West Virginia says is correct. It has been hard to get at such programs. I think we should have some pilot operations such as this. And, of course, basically this is one reason why we have paid a great deal of attention to vocational education in this bill, and increased that appropriation substantially, so that there would be funding for good careers, not necessarily exclusively through liberal arts colleges, or assistance for those who just go to college for the sake of going to college.

I would hope the Senator would agree, because it is a pilot operation, to a figure of about $7 million, and we will take it to conference.

Mr. BYRD of West Virginia. Mr. President, I would be happy to modify my amendment to reduce the figure from $10 million to $7.5 million.

Mr. COTTON. Mr. President, I did not hear the colloquy.

Mr. MAGNUSON. I merely asked the Senator if he was willing to modify his amendment to reduce the amount of his amendment from $10 million to $7.5 million, and he said he was willing to do so.

I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have great respect for the ability and the dedication of my friend, the Senator from West Virginia. If the chairman of the subcommittee is willing to take the reduced figure of $7.5 million to conference, I am not going to resist that.

But I do want to say for the record that, while I would do my duty when we got to conference, I have very little enthusiasm for this type of amendment. This amendment, if it is reduced to one sentence, would appropriate money for evaluating services to keep the kids out of college who should not go to college.

There are two answers to this amendment. One is that scattered through this education bill we have between $40 million and $50 million for evaluation, for studies, for all kinds of evaluating services and experiments, which I think is an ample amount, and we want to put as many of the dollars and cents in this bill as we can straight into the school districts and into the pockets of those who have to pay the bills for the bread and butter needs of education.

Second, I am becoming a little fed up with the self-anointed experts who proceed to say that little Johnny is not fit to go to college because he ought to spend his life as an automobile mechanic—of course, he would make a good deal more money if he did—but that little Jimmy has talent and a big IQ and he is going to be given a chance for a college education.

One advantage of having served in Congress for a quarter of a century is that it gives one a great deal of practical experience and memory. I understand that we have all these counseling services and they are very necessary in the high schools and even in the grade schools. I think this counseling is one of the vital needs, and we have provided for it amply in this bill. But I have a recollection of being at home, holding office hours when I was first in the House of Representatives. This was before we had really professional counseling in the high schools of this country. A mother came to me in tears because the high school teacher, or the principal or the assistant principal had told her son that he was not fit to go to college and that he had better forget it. I told her that if she wanted her son to go to college and could find the money to send him and help him, she should tell the principal to forget it.

That is one instance that paid off, because that boy, who almost 25 years ago was told by his assistant principal that he was not proper material for college, is now a full professor on the faculty of one of the largest universities in this country.

I do not want to live to see the day when any mortal—I do not care how erudite he may be or how all-wise he may be—can take the power unto himself to say arbitrarily that a boy or a girl—many of whom have come from disadvantaged homes, many of whom have come up the hard way, many of whom have spent their childhoods in orphanages and institutions—cannot go to college.

I know that the intent of the Senator from West Virginia is not to do that. I know that his intent is to get more evaluation, better studies. But I repeat that we have $50 million in this bill for evaluation. If he modifies his amendment, I will join the chairman in not resisting. I will be willing to take it to conference.

But I just want the record to show that I hope instead of $7 million it was a lot less in view of how much is already in this bill for evaluations, research, and studies.

The PRESIDING OFFICER. The amendment has been modified by the Senator from West Virginia.

Who yields time?

Mr. MAGNUSON. Mr. President, I share a great deal of doubt about the kind of approach we can make on this matter. I feel as the Senator from New Hampshire does. I do not know whether this is the right approach.

When I went to school, I had a great counselor—a man with a ruler who hit you over the knuckles now and then when it was necessary. I think that one of the great problems in this country today is that we do not have enough woodsheds.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. MAGNUSON. That is not relevant

to this amendment, but this is the problem. Yet, it is not as simple as that today. I understand that. It is more complex. People are living in concentrated areas. I lived in a small town, where one could do that. If I came home and said to my mother that the teacher had whacked me a little, she said, "You probably deserved a double whacking," and that is as far as I got. But it is not as simple as that any more. I think it is good to support innovations that might help to get at the heart of this problem. I do not know whether I am in favor of the amendment of the Senator from West Virginia, but let us discuss it in conference and see what they think about it.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, let me make it clear, for the purpose of legislative history, that it is not the intent of the mover of this amendment to furnish the tools whereby any school principal or school official or school administrator may be arbitrary in dealing with the students and telling them that they are unfit to go to college.

Yes, money is scattered throughout the bill for evaluation purposes. But I propose here to put this money in one place, for demonstration or pilot programs, the results to be such that, hopefully, all high schools and junior high schools would want to emulate it.

My desire is to give every elementary and high school student as much information as can be provided to him so that he can make the more intelligent choice as to his future career. Individuals differ. Some can take a paint brush and some paint and make a picture of Mona Lisa. Others can take the same coloring matter and paint brush and paint a signboard along a highway. Still others can take the same materials and produce nothing other than a hodge-podge of color. Some can take dirt and convert it into gold. Others can take gold and it will become dirt in their hands.

I think every individual has some talent. If we can guide him and encourage him and inform him as to how he can best utilize his talents and as to what course of study or training is best suited to him, so that he might enjoy a satisfying career and contribute to the society in which he lives, and be a success in that career, then I think we will have done that student a great service.

For too long now, we have encouraged young people to believe that every student should go to college. I think we are doing the young people a disservice when we proceed further on this line. I, myself, had held that view for a long time. Every young person should go to college, I used to say. I do not believe that any more. I want to see students enter college who truly desire a college education and if they have the ability. I think there are others, however, who should not go to college, but they should preferably perhaps go to a vocational school rather than to a college or university. They have finger dexterity; they possess talent with their hands, and so on. They should be encouraged to develop those talents to the fullest.

It is for this reason that I hope to create by this amendment demonstration programs which will evaluate each student's own peculiar talents and aptitudes and provide information to all students so that they can be in possession of facts which will guide them to pursue the kind of education or training for which they are best suited so that they will in the end perform a service to their community and enjoy a successful and profitable and useful career.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time is now yielded back.

The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, how is the amendment modified?

The PRESIDING OFFICER. The amendment is modified to make the increase $7 million——

Mr. BYRD of West Virginia. No. The distinguished manager of the bill suggested $7½ million. May I ask the Senator from Washington whether I am correct that it is $7½ million?

Mr. MAGNUSON. It is $7 million. I talked to the Senator about $7.5 million. I will split the difference, and make it $7.25 million.

Mr. BYRD of West Virginia. Mr. President, the manager of the bill is very kind. Let us make it $7 million. I may have misunderstood him in the first place.

The PRESIDING OFFICER. The amendment has been modified to make the increase $7 million.

The question is on agreeing to the amendment of the Senator from West Virginia as modified.

The amendment, as modified, was agreed to.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON). I also thank the ranking minority member, the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. MAGNUSON. I yield to the Senator from North Carolina (Mr. JORDAN), for a unanimous consent request.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Maryland (Mr. MATHIAS) be added to my amendment.

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

The bill is open to further amendment.

Mr. PELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 5, after line 14, insert the following:

"INITIAL FUNDING OF PROGRAMS

"For carrying out titles V–B ($500,000) and V–C ($500,000) and sections 808 ($500,000) and 809 ($500,000) of the Elementary and Secondary Education Act of 1965, title VIII ($500,000) IX ($500,000) and X ($500,000), and the International Education Act of 1966 ($500,000), $4,000,000."

Mr. PELL. Mr. President, let me explain the amendment. It is a modest one. It amounts to a total of $4 million. It was accepted in the last Congress, although it did not survive the hurdle of the conference.

The amendment would provide seed and planning money for a variety of programs which have been authorized for a period of years, from 1966 to 1970, and have never been funded.

The programs include:

HIGHER EDUCATION ACT OF 1965

Title VIII, Networks for Knowledge: authorization, 1971—$15 million.

Title IX, Education for the Public Service: 1971—$13 million.

Title X, Improvement of graduate programs, authorization, 1971—$10 million.

INTERNATIONAL EDUCATION ACT OF 1966

International Education Act of 1966 authorization, 1971—$90 million.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Title V–B, Grants To Strengthen Local Educational Agencies, authorization, 1972—$30 million.

Title V–C, Comprehensive Planning and Evaluation, authorization, 1972—$15 million.

Section 808, School Nutrition and Health Services, authorization, 1972—$16 million.

Much of this information to support this provision came to light at the hearings of the Hunger Committee.

Section 809. Education in Correctional Institutions, authorization—permanent, open-ended.

Mr. President, what I am proposing by this amendment is that the eight programs already authorized and already law should at least be given seed money of $500,000 each. The Department of Health, Education, and Welfare and the Office of Education, could then do some planning so that when the money becomes available we can move in the direction we would like to move. The agency would be prepared fully to implement the programs in accordance with the intent of Congress.

I would therefore very much hope that the manager of the bill and the ranking minority Member would agree to accept the amendment, to at least take it to conference.

Mr. COTTON. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PELL. I yield.

Mr. COTTON. What is the total?

Mr. PELL. $4 million.

Mr. COTTON. $4 million.

Mr. PELL. In total. Total authorizations—about $185 million.

Mr. COTTON. I would be glad to take the amendment to conference, although the distinguished Chairman must speak first on that, but I should like to say to the Senator from Rhode Island that I am in honor bound, and must indicate to him that there were some Senators who wanted to offer amendment to strike out the impacted area funds that are connected to public housing, and some of us prevailed upon them not to do so, that we would do our utmost to insure that

we did not start loading the bill down with other amendments, so they agreed to leave the bill alone and let us take it to conference.

If we are going to agree on a chunk here, a chunk there, and a chunk somewhere else on these amendments—praiseworthy and laudable as they are—I must notify the Senate that I gave my word we would not do that. It might mean opening up and dragging out the fight on amendments, because of opposition, so that we would be starting down the road on public housing and impacted areas. Therefore, I must keep my word, but I leave it to the distinguished chairman as to whether to take the amendment to conference.

Mr. MAGNUSON. Mr. President, we accepted a similar amendment last year. I, too, am honorbound in the same way the Senator from New Hampshire just related. I would suggest to the Senator from Rhode Island that we would have only a dim hope that his amendment would survive in conference, for the simple reason that none of these programs he mentioned were considered and were not even set up here. They are not in the bill at all. They are merely authorization items. There is no budget estimate on any of them.

Mr. PELL. I did raise the question on each one of these programs as a witness before the subcommittee.

Mr. MAGNUSON. I understand that, but there were no line items in the bill. That was the only testimony we had. Second, if it should survive with some of the other programs—and I agree that we should get started on one or two of them—they will not spend the money anyway. They will just put it in the deep freeze. Therefore, with all the other matters we had, we did not put them in because we had so many other matters in the bill; but I am willing to take the amendment to conference.

I have been strong on the International Education Act myself which is one of the items the Senator proposes funding. There should be some beginnings. The administration people claim that they are not denying the right to go ahead with some of these items but that some of them will be phased in with some of the other programs. That is what the people downtown keep claiming, that they are consolidating and combining programs.

I want to tell the Senate that the Health, Education, and Welfare Department is quite a place. I will bet that the sign painter down there is the busiest fellow in town. He must work 24 hours a day changing signs on doors, and labels, and programs. That is where these items get mixed up. They will have some kind of consolidation there, so I am perfectly willing to take the amendment to conference, because some of these programs should get going. I think the Senator from New Hampshire agrees with me that they should. Some of them are pretty good.

Mr. COTTON. I think probably all are good programs, but I take a dim view of the fiscal situation we are up against now, when we start with a few dollars and next year come back for more money and then there are a dozen or more programs going. They may all be good but I believe we should watch it rather carefully, at this time.

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

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

The PRESIDING OFFICER (Mr. BYRD of Virginia). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. PELL).

Those who favor the amendment will say "aye." Opposed "no."

The Chair is in doubt.

Mr. PELL. Mr. President, I call for a division.

The PRESIDING OFFICER (Mr. BYRD of Virginia). A division is called for.

On a division, the amendment was agreed to.

Mr. PEARSON. Mr. President, I send to the desk on amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment, as follows:

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

On page 5, between lines 7 and 8, insert the following: ", of which $5,000,000 shall be provided for State administration and planning."

Mr. PEARSON. Mr. President, for several years $6 million has been appropriated to support the State commissions which administer the undergraduate academic facilities program and the undergraduate construction program. The additional function of these commissions is academic facilities planning for the country's higher institutions, or institutions of higher education.

The House version set this administrative amount at $3 million, consistent with the administrative recommendation when they recommended that there be no further grants.

Now under consideration, I understand, there is put back in this bill $80 million for academic facilities grants and $25 million for undergraduate construction grants. But the $3 million has not been so modified.

What I seek to do, after talking to the chairman and the ranking minority member, is to provide an additional $2 million to put the amount back to what it was in prior years for administrative costs and take it from the $80 million provided in the bill.

Mr. MAGNUSON. Mr. President, I yield time to the Senator from New Hampshire.

Mr. COTTON. Mr. President, the $80 million is in higher education money for construction of college facilities. I felt that we put in too much for construction. But we agreed on it.

Now, it was my understanding a few minutes ago that the distinguished Senator from Kansas was going to offer an amendment to take $3 million from the $80 million and turn it over to the planning function. I suggested that if he made it $2 million, I would be glad to go to conference with the total of $5 million.

Mr. PEARSON. No. It is $2 million. There was $3 million provided.

Mr. COTTON. And the Senator wants to take the $2 million from the $80 million and add it to the $3 million?

Mr. PEARSON. The Senator is correct.

Mr. MAGNUSON. Mr. President, that carries out the program the way it should be in the opinion of the Senator from Kansas?

Mr. PEARSON. The Senator is correct.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. MAGNUSON. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

(At this point Mr. BYRD of West Virginia assumed the Chair.)

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Who yields time?

Mr. COTTON. Who has time?

The PRESIDING OFFICER. The Chair refers to time on the bill.

Mr. BYRD of Virginia. Mr. President, would someone yield me 1 minute on the bill?

Mr. COTTON. Mr. President, I ask unanimous consent that the Senator from Virginia be given 5 minutes.

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

Mr. BYRD of Virginia. Mr. President, I would like to utilize 1 minute of that time for a short quorum call.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read, as follows:

The Senator from Virginia (Mr. BYRD) proposes an amendment: "On page 2, line 22, after the word 'amended' strike down through and including '1950,' on line 24."

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. PELL). The Senator is recognized for 4 minutes.

Mr. BYRD of Virginia. Mr. President, this amendment would strike from the

bill the funding for a new program. It would strike on page 2, line 22, $60 million which would be used for students in public housing.

This is a new program. The amount brought in by the committee for the Office of Education and Related Agencies is $451 million over the estimate submitted by the President. I think it is very undesirable to go into new programs at this time.

The Government will run a tremendous deficit this year. There will be a deficit of at least $25 billion in the Federal funds budget in the current fiscal year and at least another $23 billion next year in the Federal funds budget. It seems to me very unwise to fund this new program in the impacted aid category.

For that reason, I move to strike the $60 million which is in the committee bill.

Mr. ALLOTT. Mr. President, will the Senator yield to me for 5 minutes?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I rise in support of the action of the distinguished Senator from Virginia on this matter. There are several reasons why I believe this provision should not be in the bill. One of them, of course, is that this would be an incursion into a completely new area. The second reason is that the House in conferences has taken a very strong and solid position against this and we feel they would take the same position again. The third reason is that we find ourselves in the position now in the Federal Government where, in order to keep within the expenditures level Congress has placed upon the Government, we have funds withheld by the executive branch that cannot be spent without exceeding the expenditures level that Congress has already placed in the bill.

There is another reason why I believe this provision should not be included in the bill. The biggest objection that anyone has had over the years to the impacted aid funds has sifted down to one thing. It has been true with preceding Presidents and it is true in the present administration. President Johnson fought vigorously not to fund the impacted area funds, and Congress, because of the great number of places that have been affected by military installations has funded those particular funds.

The objection that has been raised is that the basic law needs very much to be revised. Year after year the statement has been made in the Senate that the law should be revised and some members of the Committee on Labor and Public Welfare have agreed that it should be revised, but no hearings have ever been held and there has been no revision of this law which needs to be revised.

For example, it is a known fact that one of the inequities that develops out of this law is that one of the richest counties in the United States receives the most money from the impacted area law. There are many of us who support the impacted area law, including particularly my good friend from Nebraska (Mr. HRUSKA), whom I see in the Chamber. I do support it.

I urge again, however, that the committee look into the basic structure of the law, the authorization, and bring it into some reasonable grounds of equity.

For that reason I wholly support the amendment of the distinguished Senator from Virginia (Mr. BYRD). I think to enter into this category C on these funds before we attempt to alter and bring the basic law up to date would be a very serious mistake.

Mr. MAGNUSON. Mr. President, I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first I ask for the yeas and nays on the amendment of the Senator from Virginia.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, this is the almost annual debate that occurs on the question of impacted aid. Every Senator is familiar with the basic concept of impacted aid and has heard the debate heretofore.

As the Senator from Colorado pointed out, all recent administrations, both Democratic and Republican, have had some criticism of aid to impacted areas. Suggestions have been made, ranging all the way from total cancellation to modernization, restructuring, and redesign.

Last year Congress did take one significant step in terms of modernizing impacted aid. It authorized inclusion of group C children—meaning children who reside in public housing—in the impacted areas aid program, public housing not being on the tax rolls of the community or school district where it is located. From its inception, categories A and B aid has been related to the fact that there is a Federal presence which limits the taxable base, but which imposes educational burdens.

Likewise, category C takes into account the nontaxability of real property and the recognition that students living within such property impose educational burdens on the school district.

I think of the various categories of impacted aid, category C is one of the most meritorious and one related to identifiable public need in terms of economics.

As mentioned by the Senator from Colorado, the frequent example given as to the unworkability of category A and B aid is Montgomery County, Md., a very affluent county and one in which I happen to reside. As a result, the school district where my son attends school receives Federal impacted aid for my presence in that county, although my salary is $42,500 a year.

One does not face these incongruities in category C aid because everyone residing in public housing is at the poverty level or near the poverty level and there is proven, identifiable economic need.

The giant school districts of this country that have a large number of students residing in public housing have abundant need for the kind of help coming from the $60-million appropriation recommended by the committee—$60 million is not a huge figure compared to many of the amounts appropriated by Congress. Just a day or so ago the Senator from Colorado offered an amendment which I think had a price tag of $1.7 billion or thereabouts.

So this is but a small fraction of the figure involved in the amendment of a few days ago, which was adopted overwhelmingly by the Senate. I do not think it is asking too much to insist that the school districts of this country which have a large preponderance of public housing be given some help.

A table has been distributed to the desk of each Senator showing what this amendment would mean in terms of dollars to each of the States of the Union. Among the States with large public housing concentrations are Alabama, California, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and many others. They would be recipients insofar as benefits under this appropriation are concerned.

I sincerely hope the amendment of the Senator from Virginia is rejected.

I thank the Senator from Washington for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I do not know who wants to speak on the amendment, but as one in control of the time, I am willing to yield back such time as I may have left after I make a brief statement.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. How much time is allotted to this amendment?

The PRESIDING OFFICER. Twenty minutes; 10 minutes to a side.

Mr. COTTON. Mr. President, as a matter of fact, the Senator from New Jersey and the Senator from New York are on their way here. The Senator from Illinois wants time. This is a fight we had hoped to avoid, but it is a very important amendment.

With the permission of the chairman, I ask unanimous consent that we have 30 minutes on each side. I change that to 40 minutes.

Mr. MANSFIELD. Mr. President, would the Senator reduce that somewhat, to, say, 15 minutes to a side?

Mr. COTTON. We already have 20 minutes.

Mr. MANSFIELD. In addition to that.

Mr. COTTON. That would make it 35 minutes altogether.

Mr. MANSFIELD. No; I withdraw the request. Thirty minutes is fine.

The PRESIDING OFFICER. The request is 30 minutes, 15 minutes to each side.

Mr. COTTON. That means 35 minutes, because we had 20 minutes, or was it 10 minutes each?

The PRESIDING OFFICER. Is there objection to the request for an additional 15 minutes to a side? Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute.

The committee has labored with this problem for a long, long time. There is always a division in the committee regarding the so-called category C students.

The committee finally decided, this year, that it was worthwhile.

I do not think some of the members were quite convinced one way or the other, but we voted it into the bill. I guess I am optimistic, but I thought perhaps we would not have an amendment to this section on the floor. I think the committee fully thought there would be.

I merely want to say that, as far as I am concerned, I am going to vote against the Senator's amendment, but I am very appreciative that it has been brought up so the Senate can cast a vote on it and so we can get to conference, because the House would never touch it, and we will have some kind of record on it now.

I yield to the Senator from Illinois such time as he may want.

Mr. PERCY. I thank my distinguished colleague.

Mr. President, I vigorously oppose the Byrd amendment. I think it would be a major step backward if the amendment were adopted. The funds are highly justifiable. If impacted aid is justifiable for categories A and B, it is easily justifiable for category C programs.

Category A funds are for programs involving students whose parents live and work on Federal property. Category B funds are for those who either live on Federal property or whose parents work on Federal property.

Public housing brings in students not normally residing in those areas. Residents of public housing often pay little in taxes. Residents of public housing are often a tax drag in other respects, such as welfare, public health, and so forth.

Consider the State of Illinois as an illustration of the necessity of appropriating these funds. Illinois has 61,209 public housing units under management, second only to New York. Illinois has 100,388 students in public schools who live in public housing units.

Mr. President, I would ask you to visualize for a moment where these families and students live. They are heavily concentrated in the city of Chicago and in such areas as East St. Louis. These cities, as we all know, are already taxed to the limit. They have available to them only property taxes, and what taxes they can get back from the State of Illinois, for instance, and the State legislature.

They have nowhere to turn to raise these moneys, but these children and their families have been pouring into urban areas such as Chicago for years because of the lack of economic opportunity for them in other parts of the country. They have come from Georgia, they have come from Mississippi, they have come from Alabama, and a number of other States. Over 100,000 children today in the school systems of Chicago are living in public housing, whose families are not contributing through their taxation or through taxation on that property. There is no taxation of public housing, and they are not contributing financially therefore to the school system.

As they have come to the city of Chicago they have left that city with the problem of raising the money or lowering the quality of education. I have spoken with the superintendent of public instruction for the State of Illinois, who is a Democrat, who came here to Congress to tell the congressional delegation from Illinois that we in Illinois face a crisis in our school. In the past 4 years, the State has doubled its support for education. Yet the funds are still inadequate to keep our school system going.

In East St. Louis the schools are threatening to come to a complete halt, as Mayor Williams recently pointed out to me.

In the great city of Chicago we have crowded schools, with far more students in the classrooms than there should be, and without the kind of equipment and material that should be available to those children. Mayor Daley and Dr. Redman have dramatized the plight of Chicago schools any number of times.

Not to provide an adequate education for these children, not to create the atmosphere to yield the greatest receptivity for their minds so they can learn, and equip themselves to live in a free society, so they can be the kinds of citizens they should be in the future, is simply to create welfare cases in the future. If we do not train and educate children from deprived families today in our public school system, they are going to be on our hands for the next 20 or 30 years. My remarks are not limited to urban schools exclusively. A major proportion of public housing is built in rural areas to serve rural people.

There is no place, other than the Federal Government, that this supplementary money can come from. It simply cannot come from the cities today. It cannot come in meaningful amounts from the State legislatures today. I repeat that in Illinois the legislature, in just 3 or 4 years, has doubled its contribution to common school education.

Federal public housing in urban areas across the country has caused a great strain. Dr. Redman, head of our school system in Chicago, and others have said that this item is the most important single area in which Congress can help education in America, and particularly in our urban areas where we have public housing. This position has the support, I feel sure, of Dr. Bakalis, superintendent of public instruction for Illinois.

There is a tremendous reluctance now to have public housing placed in many communities. There are court suits. We have been directed by the Federal courts to scatter public housing around, but the communities do not want it. Why do they not want it? Because every time public housing comes in, it creates a greater strain on law enforcement agencies, on welfare agencies, on public health facilities and it creates its greatest strain on the school system in the community.

The only way we will have communities accepting public housing low-income families, rather than concentrating them in the ghettos, which we barbarically have done in Chicago, New York, and other cities, is to encourage the communities to be receptive.

We cannot have the courts order that choice in community after community. They must be receptive, and the only way they will be receptive is if the newcomers bring along with them the assurance of adequate funds to provide for the education of their children. If it is right that we provide the public housing—and there is virtually no question about that; Congress crossed that bridge a long time ago; we are not debating that any longer; it is just a question of where the public housing goes—but we continue to say, "We are not going to provide the funds to educate the children of the lower income families who will inhabit that public housing," our sense of priorities is askew and our inconsistencies in policy threaten to smother what life we have. What do we really think is important? Do we really think an SST is more imtant than quality education for our young people? The Congress has finally said "No." So let us use that money where the priority is higher.

What is more important than providing education, and helping those most desperately in need of it, who, through cultural deprivation lack the advantages and options of life for middle income and higher income Americans?

For that reason, I cannot express too strongly the depth of my feeling on this matter. It is a matter of highest priority which is reflected in this bill. We have taken on a new area here in the Senate of the United States and the Appropriations Committee because it is right, it is proper, and we should do it.

For that reason, I vigorously oppose, with all of the feeling, emotion, and, I hope, rationality that I can bring to bear on this problem, the amendment offered by Senator BYRD.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I ask unanimous consent that my previous request for the yeas and nays and the order pursuant thereto be vacated.

The PRESIDING OFFICER (Mr. MONTOYA). Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The manager of the bill, the Senator from Washington——

Mr. COTTON. He has given me his time while he is out.

The PRESIDING OFFICER (continuing). Has 10 minutes.

Mr. COTTON. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Missouri (Mr. EAGLETON) and I sponsored the amendment which, for the first time, is being funded by this bill, and establishes—and I actually, with him, handled it in the conference between ourselves and the other body—a category C for students under impacted aid.

Mr. President, this is a situation to which I can testify as a witness directly. I live and have lived all my life in the largest city in the country, and I also represent and live in the State which has the greatest suburban problems in the country.

The real question of ghetto living today is no longer a matter of keeping them in the ghetto because they cannot get out for some discriminatory or similar reason, or because the area is segregated, or a fence is built around it; it is an

economic question, and a question of local receptivity.

I have listened to the Senator from Illinois with the greatest of interest, because, though he is not a slum child himself, as I am, he did touch the most sensitive chord, and that is that it is good for the suburbs to have these children come out, it is good for the education of their children, good for their morale, and good for their motivation, but they cannot be asked to pay the cost of it, or to suffer the danger of a depreciation in their own standards.

By this bill we have found a way—recognizing that this is as much an impaction as a Federal base or a station in the armed services—without interfering with the traditional relationship between class A locations and class B locations, and various persons—and I was a member of the Appropriations Committee—have been convinced in that regard. We have found a way in which to do justice and give a fair share to these slum children who live in public housing and simply have to get unstuck from these hardcore central areas.

Mr. President, this is not only an act of great humanity, but an act of great statesmanship, in opening up the only real route by which we are going to be able to deal effectively with ghetto and big city problems.

It is a modest appropriation. It is very significant, but the motion seeks to strike only the application of $60 million for this purpose, rather than the overall amount.

In short, we are dealing with the question of a fair share and of priority, and I urgently plead with the Senate, as a direct witness in this case—I was one of them, and represent hundreds of thousands of them—to let this matter stand as the committee, at long last, after so much labor, has at last concluded it should be.

I hope very much the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. I yield myself 5 minutes.

Mr. President, I feel this amendment should be adopted for several reasons. The committee proposal gets away entirely from the principle of impacted aid. The funding of this extension of the program of impacted aid, a program which is already under attack, into an entirely new field, will tend to destroy the program.

I think the impacted aid program is a sound one, a fair one, and an appropriate one. I support the impacted aid program. But this is a new purpose. This is a new program, never before funded in the appropriation bill. Never before has the Senate approved appropriations or Congress approved appropriations for the purpose of extending the impacted aid law to students residing in federally constructed public housing.

So it is a new program. It is a program which has never been funded before.

It is proposed that we do this at a time, Mr. President, when the Appropriations Committee has brought in a proposal $451 million over the President's budget request for the Office of Education and related activities.

The total amount of this appropriations bill on which the Senate will soon be called upon to vote is $5.6 billion. So Congress is planning to spend a tremendous amount of money on education, as it should. I favor expenditures for education, but I do not approve of starting the funding of a new program at this particular time. As I have mentioned before, I think it would tend to destroy the impacted aid program, which is a fair, just, and appropriate one.

Second, I think this is an inopportune time, a wrong time, to be going into $60 million of additional spending, and I think also that we need to take into account the very serious financial condition of the Federal Government.

We have heard many debates. Hearings have been going on in the House of Representatives and before the Ways and Means Committee, and Governors and mayors have come here wanting revenue sharing.

I like the concept of revenue sharing. But no one, none of these people have come in here and talked about revenue sharing, has said just where the revenue is that they want to share. Because the fact is, Mr. President, that for this fiscal year, which will end at the end of this month, the Federal Government will have a Federal funds deficit of $25 billion, and for the new fiscal year which begins July 1, the Federal Government will have a Federal funds deficit of at least $23 billion.

It will be a lot more than that, in my opinion, but it will be at least that much. So we will have back-to-back deficits totalling almost $50 billion.

Somewhere along the line, Mr. President, this Congress—this Senate—has got to be willing to say no to some of these requests for appropriations. I think the time is now to say no to this $60 million—$60 million for a new program which never before has been funded.

I want to say that I am glad there is a House of Representatives, because I am convinced that the House of Representatives will kill this proposal even if the Senate does not. I hope that it does kill it. I hope that first the Senate will kill the $60 million of new funding. But if it does not, I hope the House will kill it, and I believe the House will kill it. I submit that the House of Representatives is in closer tune with the public than is the Senate.

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

Mr. BYRD of Virginia. I yield myself 2 additional minutes.

I realize that it is much easier to stand on the floor of the Senate and argue in favor of making appropriations than it is to stand here and urge that appropriations be rejected. But this deficit financing of the Federal Government is the major cause of the inflation which is hurting this country so badly; it is eating up every housewife's grocery dollar; it is eating heavily into every wage earner's paycheck.

This inflation is not going to be curbed until the Senate and the House of Representatives and the President, working together, are willing to say "No" to some of these tremendous spending programs.

I say again that this is a new program; it has not been funded previously; and I feel that the $60 million should be knocked out of this bill by the Senate today.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, the Senate Appropriations Committee request for the Office of Education includes increased funds for two programs of particular interest to me. The Senate bill includes a number of positive items not included in either the administration's request or the House version of the bill. For example, I am extremely pleased that the Senate Appropriations Committee is recommending $50 million for bilingual education. It is quite obvious that increased bilingual educational assistance is imperative if equal educational opportunities are to be afforded our schoolchildren. The children affected by the program are unable to keep up with their studies because they have not been raised in a home where English was the primary language. This social, cultural, and educational problem is most acute in my State of Texas and other areas in the Southwest where Spanish is a predominant language. These children have realized the strength of their Spanish-speaking culture and should be given assistance rather than penalized simply because they were not raised in a cultural environment similar to the majority of students. It is for this reason that I strongly support the bilingual education section of this bill.

Furthermore, I am pleased that the bill included increases in impacted aid funds. The committee has rightly recognized the need for strong support for local school districts whose tax base is reduced because of the fact that many Federal installations and Federal workers are located within the area. This aid is especially needed at this time because of the tight financial squeeze which our State and local political subdivisions are now encountering.

It is my understanding that the administration objects to all of the more than $227 million increase in impact aid. The administration has indicated their dissatisfaction with the impact aid program and has hinted that reform legislation will be proposed. I welcome any attempt to improve existing legislation. However, until reform is realized, I believe the impact aid program should be strengthened.

The bill also includes funds which recognize the need for increased research assistance to help localities formulate drug abuse and environmental education programs. Yet the Nixon administration in its fiscal year 1972 budget for the Office of Education included a number of far-reaching program reforms and realistic funding increases. For instance, I support the efforts of the administration to consolidate all existing vocational education programs in the hope that simplification of a confusing grant-in-aid procedure would be realized. I regret the bill does not include the

mechanisms needed to achieve this reform.

In its entirety this bill is approximately $900 million in excess of the administration's revised budget request. Furthermore, should the legislation included in the original budget request be eventually enacted, another $1.7 billion will have to be appropriated.

Mr. President, I will support the bill because of the many positive items included in it that I have already mentioned. Yet, at the same time, it is my hope that the conference committee will cut down the appropriations for certain items in it to a figure acceptable to the President.

I am especially pleased that this measure has reached the Senate floor before the beginning of the fiscal year. Its passage and enactment by the President will enable educators throughout the Nation to know exactly what is available to them throughout the entire school year. It will be worthwhile to all concerned if we could enact the bill in the near future. It is for this reason that I am making this plea for congressional spending restraint in an effort to avoid a presidential veto in the light of continued inflationary pressures in the economy.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, do I have 6 minutes remaining?

The PRESIDING OFFICER. Yes.

Mr. COTTON. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I think that everything that needs to be said or could be said usefully has been said. I will not take more than 2 minutes.

I think it would be tragic to take this action: $60 million is one-fifth of the amount which was authorized last year by permanent legislation, a very sound and useful program. If anyone wanted to cut impacted aid on the ground that it is not the best way to take care of the educational needs of the country, he would not go to this part of that program. He would go to the other and older parts. I recognize that insofar as the present appropriation bill is concerned that is a political impossibility. Moreover, it would be a wrongful act because the school districts of the country are counting on the money that is in this bill.

I am not opposed to the principle of reconsideration of the whole impacted aid program. In fact, I would urge that this be done, but that it be done not ex post facto in any year. I think it should be done in a legislative committee; I have supported the suggestions of several presidents that very serious consideration be given to that.

On the other hand, I am opposed to any effort to cut out this most useful effort to help the cities where help is most urgently needed.

This is not going to be inflationary. This money will have to be spent. It is a question of whether we will force our municipalities to put further strain on their limited financial resources, or whether we will help to alleviate their problem in this small, but important way.

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

Mr. CASE. I yield.

Mr. JAVITS. Is that not the central point, that we are pleading for a fair share, 10 percent, of $67 million?

Mr. CASE. Of course.

Mr. JAVITS. There is no effort to cut the $67 million.

There is no challenge to the impacted aid program by us or by the mover of this amendment.

Therefore, before we become very indignant about the large deficit and the large appropriations, let us look at this matter in proportion. Ten percent is sought for the great cities of the country and their children.

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

Mr. JAVITS. May I have 1 additional minute?

Mr. COTTON. Only 1 minute remains, but go ahead.

Mr. JAVITS. I have finished my point. I think we are looking for a fair share.

Mr. CASE. I could not have said it as well myself. Therefore, I am glad that whatever time the Senator from New York stole from me, he did steal. [Laughter.]

The PRESIDING OFFICER. Who yields time?

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

Mr. COTTON. There is remaining time, is there not?

Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes.

Mr. BYRD of Virginia. Would the Senator from New Hampshire like all my time?

Mr. COTTON. Mr. President, do I not have 1 minute?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes remaining.

Mr. COTTON. Three minutes? Something is wrong. I was told 5 minutes ago that I have 6 minutes remaining, and they have spoken for 10 minutes since then. [Laughter.] I will take 1 minute.

I certainly agree that the whole makeup of impacted area funds must be reviewed and that we must straighten this matter out; because, as I have said many times before today, we have at stake the State of the distinguished Senator who offers this amendment. His State has a large share of the impacted area funds. Other sections are being squeezed down. It was the feeling of the committee that in view of this situation, we would give this amount. Many on the committee wanted more than the $60 million. We compromised on it; we all agreed on it.

That was the agreement of the committee.

In view of the fact that this impacted area matter is so confused, I hope we will change the fundamental law and lay it down in clear terms. But in view of what is going in other directions, I feel that the cities are entitled to this amount; and, as a member of the committee, I shall have to vote against the amendment of the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. If the Senator from New Hampshire would like additional time, I would be glad to yield it to him.

Mr. COTTON. I thank the Senator, but I do not need it.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes?

Mr. BYRD of Virginia. I yield.

Mr. PERCY. I particularly appreciate this, because it will enable me to clarify a mistake I made when I came to the Chamber.

I received an urgent, hasty message that the distinguished Senator from West Virginia (Mr. BYRD) had offered an amendment on the floor; and I was dismayed to think that my good friend, the Senator from West Virginia would do this since Charleston has just started a new important public housing project.

When I came to the Chamber, I addressed my comments directly to him, only to discover that my information was wrong and that it was my dear, esteemed colleague, the Senator from Virginia, whose undertaking, nonetheless, equally dismays me. I am as concerned as he is about our Federal deficit. I am a fiscal conservative when it comes to having balanced budgets. I have never had an unbalanced budget in my personal or business life. The only one I have ever dealt with is the ever-increasing Federal deficit.

I abhor deficits. But I think the only way to overcome deficit spending is to sort out our priorities.

I respectfully suggest that if I were in Virginia today, I would take this amount out of the appropriations that we authorized to subsidize tobacco farmers. I would take it from the tobacco producers, who are producing a product that we spend millions of dollars to try to discourage people from using—Senator Moss has said this many times—and I would give it to the schoolchildren from low-income families of Virginia who might well become future public charges unless they can get an adequate and a decent education. I know that Virginia tries to do the best job it can. But these funds would help the State of Virginia meet a need that it has for its children who come from public housing projects. Virginia would get $5 million, if the full $300 million had been funded that had been authorized by the Senate Committee on Labor and Public Welfare. That figure was cut to $60 million. It is a conservative figure that we are now voting upon.

Mr. BYRD of Virginia. Mr. President, I sympathize with the distinguished Senator from Illinois (Mr. PERCY) being confused in regard to the two BYRDS in the Senate. That brings to mind what President Truman once said when there was only one BYRD in the Senate. He said that was one too many BYRDS in the Senate. So I guess there are too many BYRDS in the Senate right now.

Mr. President, let me emphasize that this program which is being funded at $60 million is a new program. It has never before been funded.

I submit that this is not the time to go into new programs. The pending bill is already $451 million over the recommendation submitted by the President.

At the end of this fiscal year, which will end on June 30, this country will run a deficit of $25 billion.

In the fiscal year which will begin on July 1, I predict a deficit of more than $23 billion.

Thus, in a 2-year period, there will be a back-to-back deficit of approximately $50 billion. It could run more than that. In fact, I think it will run more than that, but being somewhat conservative, I will be conservative in my figure and say that the deficit will run approximately $50 billion for the 2-year period.

I do not believe there is any question in the world about that. The administration's figures also show it to be at $48 billion.

Let us take the 6-year period. During that 6-year period, for the last 3 years of President Johnson's administration, the total Federal funds deficit was $49 billion.

For the first 3 years of President Nixon's administration, the total Federal funds deficit will be $62 billion.

Thus, in that 6-year period, this Nation will run an accumulated total Federal funds deficit of $111 billion.

Yet we wonder why the value of the dollar is decreasing. We wonder why inflation is increasing. It is inevitable, Mr. President. Sooner or later Congress, the Senate and the House—and the President, all working together—and that is the only way it can be done—must get the financial situation of this country under control and must put its financial house in order.

I think we can start doing that today by knocking out this new $60 million program.

Mr. President, let me repeat the deficit financing figures I just spoke of for emphasis, because I think it is very important that they be fully understood.

During the 6-year period, the last 3 years of the Johnson administration and the first 3 years of the Nixon administration, the total accumulated Federal funds deficit will be $111 billion.

That is a major reason for the inflation the Nation is facing, a major reason that every housewife who goes to the grocery market these days finds her grocery money buying less and less. It is a major reason that every wage earner is having his check heavily eaten into by inflation.

I submit that inflation is a hidden tax. It hits hardest at those on fixed incomes, those in the lower or middle economic sectors.

Accordingly, I think the best way to help the average citizen of this country is to get inflation under control. We will not do that by going into expensive, new programs such as this one for $60 million.

I say again that there are many reasons why my amendment to knock out the funding of this new program should be agreed to. One of the foremost reasons is that it is an entirely new program. It is one that is calculated, in time, to destroy the entire concept of the Federal impacted aid program, which I think is a desirable and a sound program.

Mr. CURTIS Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I appreciate what the distinguished Senator from Virginia has just said.

I believe that there is a further reason why we should not go into this impacted aid for pupils whose families reside in public housing, because the situation is quite different from that on military installations which are conducted for the benefit of all the people of the United States. Oftentimes these military installations are established in an area which places a burden on the local people which should be regarded as an expense of the military installation.

However, in connection with public housing, that is something that the city or the municipality seeks and asks for and already carries a Federal subsidy for. It is not something that is forced upon the community or that a community is asked to take on th part of the Federal Government.

Therefore, I think)e are making a very big mistake in making this departure to extend impacted aid to that particular category.

In addition, I concur with what the distinguished Senator has said about our financial situation, and I support his amendment.

Mr. BYRD of Virginia. I thank the distinguished Senator from Nebraska and I concur in the views he has expressed.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Virginia (Mr. BYRD).

The amendment was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

Mr. BUCKLEY. Mr. President, at a time when budgetary deficits are running at an alltime high, when governments at all levels are confronted with severe fiscal crises, when tax rates are approaching their uppermost limit, we are being asked to add better than three-quarters of a billion dollars over and above the amount already approved by the House. If this is any indication of what will happen on other appropriations bills, we are setting the stage for fiscal disaster.

There is a good deal of talk these days about a coming taxpayers' revolt. And no wonder. According to figures recently released by the Bureau of the Census, gains in median family income last year were completely wiped out—and then some—by inflation. Whereas median family income in 1970 rose by 4.7 percent, consumer price increases advanced by 5.9 percent. The day is not far off when those who must foot the bill for governmental excesses will finally say, "enough." The time has come for belt-tightening, and the place to begin is in the Congress.

Everyone, of course, says he is in favor of fiscal responsibility; but most want it to begin with someone else's project rather than their own. This is especially true with regard to funds for education, where the reigning sentiment seems to be that increased appropriations are always necessary and desirable. I should be the last to deny that educational needs are great at the present hour; but they will also be great next year, and the next year, and the year after that. But until Congress decides that the Office of Education ought to become the school board for the entire country—and I trust that day will never come—the capacity of the Federal Government to fulfill most educational needs is very limited indeed. One may be stoutly in favor of educational progress, as I am, without succumbing to the myth that such progress can be bought by the Federal Government with mere greenbacks.

There are many in Congress who incline toward the belief that more money automatically means better education. The taxpayers, however, are taking a somewhat different view of the matter, as witness the defeat of school bond issue after school bond issue in all parts of the country during the past few years. The taxpayers—who are, after all, parents of schoolchildren—are by no means opposed to educational progress. They are simply denying that more money means better education. They seem to be saying that they have, for the time being at least, spent enough on education, that the time has come to take stock, to see whether they are really getting their money's worth, to see whether some of the fat cannot be trimmed. Unless my guess is wrong, they are going to discover that a lot of fat can in fact be trimmed; and school administrators, for their part, are going to discover that schoolchildren can get along perfectly well without some of the frills which only recently were being touted as "absolutely essential."

Mr. President, it is time for Congress to listen to the taxpayer and take heed. The day of reckoning may not be far off, and when it comes, we may discover that we lack money not only for education but for other pressing needs as well.

Mr. President, I will vote for the appropriation bill because of the need to move the basic legislation to conference, but I will be cheering for the House conferees.

Mr. BOGGS. Mr. President, I wish to express my strong support for the inclusion in the Senate amendments to the bill of $5,014,000 to carry out the Environmental Education Act.

This act—Public Law 91-516—was signed by the President last October. It represents a milestone in our efforts to encourage the teaching of knowledge about the environment in which we all live. The $5,014,000 in the bill will go a long way toward initiating a number of grant projects throughout our Nation.

This act will stimulate development in our schools, libraries, museums, and numerous other places of learning of environment-related education programs.

One thing that has impressed me greatly about this program is the tremendous response it has received from across the Nation. With relatively little publicity and a fiscal year 1971 appropriation of $2 million made available in the supplemental bill, the new Office of Environmental Education has received

2,000 applications for grants under the program. The total cost of these applications, if all were to be approved, would exceed $70 million. Quite obviously, a public need and a public enthusiasm exists for this program.

I might point out that four applications have been received from the State of Delaware. The application by the State department of public instruction would finance a program for statewide planning for environmental education to assist every school district in the State. The Newark and the Marshallton-McKean School Districts have also submitted applications to initiate imaginative programs in their areas; these proposals complement the State proposal. The University of Delaware seeks a grant to incorporate environmental education into its extension work.

I applaud each of these applicants and I am hopeful that other potential Delaware applicants will submit programs for fiscal year 1972.

The $2 million appropriated in the current fiscal year should initiate approximately 75 programs. With the obvious great demand for such programs, I am hopeful that a fiscal 1972 appropriation of $5,014,000 will enable the Office of Environmental Education to expand its number of grants significantly in 1972.

It is estimated that for each $1 million added to the sums appropriated, the Office of Environmental Education will be able to initiate approximately 40 new programs.

I regret that the bill does not appropriate the full $15 million authorized, but I believe that an appropriation of $5,014,000 represents a dramatic improvement over the 1971 funding level.

This will be money well invested toward expanding public awareness of the many environmental problems our Nation confronts.

Mr. MONTOYA. Mr. President, as a member of the Labor-HEW Subcommittee I take great pride in this bill. I think it represents sound action and responsible funding for the many programs affected. I should like to take this opportunity to offer my congratulations to the chairman. A great deal of hard work and thoughtful consideration went into the drafting of this bill. His continuing interest in the field of education produces a consistently responsible Senate posture on Education Appropriations.

I would like very briefly, Mr. President, to point out one of the most positive features of this particular bill. We have for a long time had a commitment to bilingual education in this country. This program is designed to meet the special needs of youngsters who come from environments in which English is not the primary language. Although originally emphasizing programs for Spanish-speaking youngsters, bilingual education is now offered to children of Chinese, Indian, Eskimo, Portuguese, Japanese, and a variety of other heritages.

The authorization for bilingual education for fiscal year 1972 is $100 million. The House approved only $27 million. It was the feeling of the Senate Committee that funding at 50 percent of the authorization was warranted and needed.

Because of funding limitations, this proven program has been unable to expand. Existing programs and geographical coverage have been held static. There are 131 projects currently in operation in many States. This increase to $50 million would greatly increase this number. It would dramatically expand the number of children who could participate in bilingual programs they badly need.

There have been no questions raised as to the effectiveness of this program. It has been tested and proven successful. It is, therefore, unthinkable to continue to underfund it.

As I indicated to the committee, there is ample evidence of the need for this program and the effectiveness it has enjoyed where it is employed. Statistics indicate that 50 percent of the Spanish-speaking students in California drop out by the eighth grade; 87 percent of Puerto Ricans over 25 years of age in New York City have not completed high school; the average number of school years completed by Mexican-Americans in the Southwest is 7.1 years. The median school years completed for the Anglo child in the Southwest is 12.1 years, and for the nonwhite child, 9.0. It is perfectly clear that the educational system designed primarily for the Anglo middle-class child is not adequate to meet the needs of students from other cultural heritages.

I submit, Mr. President, that we are depriving, robbing, the non-English-speaking youngster of educational benefits considered the natural right of the Anglo middle-class child.

In my opinion, one of the most significant and relevant programs ever added to the Elementary and Secondary Education Act is this title VII provision for bilingual education. It represents our recognition that students from varying cultural heritages and community language habits are different than the average Anglo youngster.

Mr. President, I strongly urge passage of this appropriation bill. It represents a responsible funding position for the Senate. I am hopeful that conferees will fight hard for the increases we have made which are badly needed in each instance. I take particular pride in the Senate position that we increase bilingual education funding to a much more realistic level. Fifty million dollars, although still not ideal, is a reasonable and responsible step in the proper direction.

Mr. NELSON. Mr. President, in action on Tuesday, June 8, the Senate Appropriations Committee added $3.014 million to the $2 million requested by the administration and already appropriated by the House to fund the first full year of the Environmental Education Act.

This makes a total of $5.014 million for environmental education and should provide funding for at least 100 projects throughout the country.

The enthusiastic response from all parts of the country to the provisions of the Environmental Education Act with over 600 requests for more than $50 million indicates that well over $5.014 million could be effectively utilized by the U.S. Office of Education for this important program.

The increasing public awareness of the environmental problems facing the country makes it obvious that an effective nationwide effort in environmental education is long overdue, and the Senate Appropriations Committee is to be commended for taking the step of increasing the appropriation over the inadequate initial $2 million figure.

Mr. WILLIAMS. Mr. President, we are considering the education appropriations bill of 1972. As chairman of the Labor and Public Welfare Committee, the authorizing committee for these appropriations, I wish to commend the Appropriations Committee for the bill that they are reporting to the floor, and the recommendations that they have made for fiscal 1972 appropirations. In the time that I have had to review these recommendations, I have been impressed with the responsible and praiseworthy work that they have completed on the funds for education, and the thorough and sensitive report that they have made to the Senate.

In the testimony that I made to that committee in its consideration of the 1972 education funds, I recommended to that committee that they resist conjoining funding of separately authorized programs, that they consider funding those programs for which the administration has omitted funding, and that they fund all education programs to the fullest extent possible. I wish to thank the distinguished chairman of the Education Appropriations Subcommittee, the senior Senator from Washington (Mr. MAGNUSON), and the distinguished chairman of the full Committee, the senior Senator from Louisiana (Mr. ELLENDER), for considering these recommendations. In reviewing the report. I find that all of these recommendations have been accomplished to the degree possible, and that the recommended level of funding for all education programs represent funding levels for which the committee and the Senate can be proud.

I especially would like to call to the attention of the Senate the funding recommendations for student assistance programs in higher education. I believe that in this area that the committee has made a series of decisions which will speak to the need of our students in higher education, and will greatly help many in the next 2 school years.

The Senate should note the committee's statements about these programs. The decreases that appear on paper represent the committee's rejection of budget requests for unauthorized programs, and, in fact, the committee has increased all student assistance programs substantially. They have seen fit to add $50 million to NDSL loans, over the House recommendation, an additional $104 million for the college work/study program for 1971–72 over the House recommendation, and have shifted $40 million from the 1972–73 appropriations for the educational opportunity grant program which should substantially increase the number of students that can be supported in the coming academic year.

I would like to commend the committee for all of these decisions, and for redistributing funds from the administration's budget request so that students in the coming academic year can rely on work/study and EOG grants to continue

their college education with no interruption caused by lack of funds. I would also like to note the committee's recommendation for supplemental appropriations at the end of the funding cycle in case of deficits in the work/study programs. I believe that the committee has dealt with these programs very sensitively and I wish to commend them for these recommendations.

I also note that the committee has recomemnded increased funding levels for the drug abuse education program, and the environmental education program, over the House recommendations in order to meet the demand for these programs at the State and local level. They have added $7 million more for drug abuse education and $3 million more for environmental education. I support these increases without reservation, and believe that the committee has made a wise recommendation in these two areas of pressing national concern.

Finally, I would like to commend the committee for adding funds to the House recommendations under tile III, ESEA, for library resources in order to promote the right to read programs, for increasing funds for Upward Bound, for continuing appropriations to the Follow Through program, thus rejecting the House's decision that the authorizing legislation for this important program has expired, and for the putting funds into the law school clinical training program, which to date has remained unfunded.

I believe that the committee has made a series of decisions, as represented in this appropriations bill, that are to be commended. As chairman of the authorizing committee responsible for these programs, I wish to commend the committee for these recommendations. I believe that this bill represents an important step toward full funding of all educational programs.

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 5, line 1, strike $1,205,371,000 and insert $1,230,371,000.

Mr. ALLEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Mr. President, I offer this amendment, because of the tremendous reduction that has taken place in the support received by Alabama college in the college work-study program.

I have a number of letters from institutions of higher learning in the State of Alabama. This situation though does not just apply to the State of Alabama. It applies also to colleges throughout the country. However, it particularly applies to the colleges in the Southeastern section of our country where reductions have been made in the amounts to be received by institutions of higher learning to finance the work-study program in those schools.

Mr. President, I have a letter dated May 14, 1971, from Dr. David Mathews, president of the University of Alabama, in which he says:

As you know, the University is heavily dependent on work-study funds as a means of providing financial assistance to deserving students. Moreover, these funds are of critical importance to us in providing essential staff support for the various academic departments and administrative offices at the University.

On Monday, May 10, we received word that our work-study allotment for the period July 1, 1971 through December 31, 1971 would be only forty-one per cent (41%) of the amount for the same period of the preceding year. We subsequently learned that the state allocation had been reduced to 50.31% of last year's figure and that similar cutbacks have been announced for every state in the union.

There is no way for me to convey to you fully the importance of this vital program and the seriousness of the cutback which has been announced. It has been mentioned that a supplemental appropriation might be necessary to remedy this situation, but in any event, we would be most grateful for any help you could provide in restoring funds to this vital program.

Mr. President, I ask unanimous consent that the letter from David Mathews, president of the University of Alabama under date of May 14, 1971; a letter dated May 12, 1971, from Troy State University, Troy, Ala., signed by Donald J. Gibson, dean of student affairs; a letter from Southern Union State Junior College under date of May 12, 1971, and signed by Ray Jones, president; a letter under date of May 24, 1971, from Jefferson State Junior College, together with the addendum thereto, including a newspaper article; and a letter from Robert A. Dennis, president of the Alabama Association of Student Financial Aid Administrators, from the University of Alabama, under date of May 10, 1971, be printed in the RECORD.

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

THE UNIVERSITY OF ALABAMA,
University, Ala., May 14, 1971.

Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I am writing in regard to a recent action taken by the Office of Education which will have a most serious effect on the University and most other institutions receiving federal funds under the College Work-Study Program.

As you know, the University is heavily dependent on work-study funds as a means of providing financial assistance to deserving students. Moreover, these funds are of critical importance to us in providing essential staff support for the various academic departments and administrative offices at the University.

On Monday, May 10, we received word that our work-study allotment for the period July 1, 1971 through December 31, 1971 would be only forty-one percent (41%) of the amount for the same period of the preceding year. We subsequently learned that the state allocation had been reduced to 50.31% of last year's figure and that similar cutbacks have been announced for every state in the union.

There is no way for me to convey to you fully the importance of this vital program and the seriousness of the cutback which has been announced. It has been mentioned that a supplemental appropriation might be necessary to remedy this situation, but in any event, we would be most grateful for any help you could provide in restoring funds to this vital program.

Thanking you for your attention in this matter, and hoping that you will call upon me if we can provide additional information, I am

Most cordially,

DAVID MATHEWS,
President.

TROY STATE UNIVERSITY,
Troy, Ala., May 12, 1971.

Senator JIM ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Troy State University would like to present its case concerning the anticipated reduction of student aid funds for the fiscal year 1972. We feel that through the recent allocation of Federal Funds for the student aid programs, the state of Alabama and Troy State University has been dealt a severe injustice. For example, the state of Alabama was allocated Federal funds for the College Work Study Program on a state percentage of 50.31% while it is our understanding that some states, such as Georgia, received in excess of 100%. As a result of this action, Troy State University will experience a severe reduction in its student aid programs for the fiscal year 1972. The following tables shows the aid programs involved, the amount of federal dollars actually received during fiscal year 1971, the anticipated allocation for 1972, and the amount of reduction for each program both in dollar amounts and percentage amounts:

Program	Fiscal year 1971 (actual allocation)	Fiscal year 1972 (anticipated allocations)	Amount of reduction	Percentage of reduction
EOG	$159,100	$142,734	$16,366	10.3
NDSL	249,374	188,232	61,142	24.6
CWSP	257,560	154,536	103,024	40.0
Total	666,034	485,502	180,532	27.1

As you can see, the Financial Aid Programs at Troy State University will be greatly impaired if this funding level for fiscal year 1972 remains. This problem becomes more evident with the fact that Troy State University anticipates approximately a 10% increase in the number of students for the 1972 fiscal year. Troy State University experienced approximately a 10% increase in enrollment during the 1971 fiscal year, which is one of the largest increases experienced by any institution of higher learning in the State.

This reduction in Federal funds will result in few—if—any financial awards to 1971 freshman and necessitate reducing the number currently enrolled and receiving financial aid. Thousands of Alabama's young people educational plans are seriously threatened unless more funds are received.

Your assistance in obtaining at least 100% funding for Troy State and other Alabama Colleges is urgently needed.

Sincerely,

DONALD J. GIBSON,
Dean of Student Affairs.

SOUTHERN UNION STATE JUNIOR COLLEGE,
Wadley, Ala., May 12, 1971.

Hon. JAMES B. ALLEN,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: We here at Southern Union, especially personnel in the Student Financial Aid Department, are in a state of shock because of the low level of funding for student financial aid, particularly the College Work-Study Program.

As a result of the low level funding many students, some who already have commit-

ments made to them, will not be able to come to Southern Union this fall. Approximately fifty (50) off-campus jobs which our Financial Aid Office has established during the past five year period will be at stake. Many of the jobs, although established to aid students, have become almost a necessity to the college community. Particularly every hospital, public office and recreational department within the college community will be affected by the low level funding. This is especially true for one agency, the LaFayette Fire Department, which employs nine (9) students to provide twenty-four hour fire protection to the city. Other than losing the protection, a $35,000 dormitory built especially for the students will be vacated. Also, the Chambers County Sheriff's Department employs ten (10) students who are used to monitor radios connecting three law enforcement agencies. The above are only two of the off-campus agencies which will be affected, many other off-campus agencies, thirteen (13) of them, and the on-campus program will be cut or abolished entirely.

I understand that the State of Alabama will receive only 53.5% of last year's funding. According to our Financial Aid Office, we will receive 62% NDSL funding, 51% EOG funding, and only 41% CWSP funding based on Regional Office recommendations for the 1972 fiscal year.

Senator, as you can see, our situation here is serious. Please check into this unbelievable funding as soon as possible and determine what can be done at this late date.

Sincerely yours,

RAY JONES,
President.

REDUCTION IN GRANT FOR STUDENT FINANCIAL AID IN ALABAMA

As you can tell by the attached fact sheet we are receiving a forty-one percent decrease in the Federal College Work Study Appropriation for the next six months as compared to the previous six months.

This is especially disconcerting insomuch as the Jefferson State Financial Aid Office had approximately 100 qualified applicants who were unassisted because of insufficient funds. With the reduction in funds for the next six months our unassisted students will double. This will be true for all institutions of higher education in Alabama.

We need to have the facts that substantiate this decision to reduce Student Financial Aid Funds for Alabama. At Jefferson State, it seems that we need an increase rather than a decrease.

To Whom It May Concern:

These facts represent the student financial aid grants that have been appropriated for July 1, 1971, through December 31, 1971. Award letter day May 13, 1971:

Federal college work-study program:

July 1, 1971–December 31, 1971	$28,898
January 1, 1971–June 30, 1971	53,604
Percentage decrease	41%

This amount represents 44% of our request.

Number of students currently on Work-Study Program, 175 at 15 hrs. per week.

Number of students the decreased funds will permit to work, 85 at 10 hrs. per week.

Educational opportunity grants:

Amount for 1970–71	28,506
Amount for 1971–72	24,350
Percentage decrease	15%

It is interesting to observe that the following Southern states received these percentages of their requests:

Georgia, 100% funding received.
Florida, 80% funding received.
Tennessee, 60% funding received.
Mississippi, 42% funding received.
Alabama, 41% funding received.

Areas to be affected by shortage of Work-Study Funds:

1. Off campus work agreements possibly terminated.
2. Cuts in half number of students working on campus.
3. Reduces number to 10 hours per week that each student may work.
4. Eliminates full-time jobs for summer Work-Study Program.
5. Affects students on athletic and debate teams who would have been on Work-Study Program.
6. Reduces number of students who work during registration.
7. Area budgets must provide more money for highly skilled students who possibly won't qualify for "Federal Work-Study Program" or plan for professional clerical assistance.
8. Will possibly eliminate the Work-Study tutors.

Reactions and criticisms may be voiced through your Congressman and Representatives in Washington. Express your dismay over the reduction in the Work-Study Program which is the most beneficial financial aid program, both to the student, the school, and the community.

It is difficult to understand the low percent that Alabama has been funded for its Student Aid Program for 1971–72.

[From the Birmingham News, May 2, 1971]

FROM FEDERAL GOVERNMENT: 1,000 JEFFCO STUDENTS WAITING FOR COLLEGE FUNDS

(By Barbara Thomas)

Some 1,000 Jefferson County students who must have financial aid to go to college will not be able to enroll this fall unless more money is available soon from Congress.

Harold Helms, president-elect of the Alabama Association of Student Financial Aid Administrators, said Thursday 986 students from colleges in this area have applied for financial aid for next September, most of them under the college work study program. These 986 have made applications for aid at Birmingham Southern, Samford, Jefferson State, Miles, University of Montevallo, Daniel Payne, University of Alabama in Birmingham, Lawson State, and Booker T. Washington Business College.

Helms told a gathering of college financial aid officers meeting at Samford that Alabama's request for federal funds under the work study program is about half of what it was the same time last year.

Alabama's request totaled some $7.7 million, but the state colleges were funded for only some $4.2 million.

Helms and other officers of the association recently went to Washington and met with the Alabama congressional delegation and U.S. Commissioner of Education Sidney Marland, to find out why Alabama received only 41 percent of the funds requested.

Helms said the amount of money a state gets in student financial aid is based on the number of post secondary students, the number of high school students, and the number of students under 18 from low income families.

Under the college work study program, students from low income families may work up to 15 hours a week for the universities while in school and are paid a minimum wage of $1.60 an hour. The U.S. Office of Education picks up 80 percent of the bill, while the participating universities pay the other 20 per cent.

However, since Alabama's appropriation was so low for is aware of the problems facapplied and turned down for financial aid probably won't get to go to college.

Helms said he is optimistic about the results of the Washington trip and the discussions with the congressional delegation. He said he is hopeful more money will be available soon to boost the work study program.

Helms said financial aid advisors will get information to students as soon as possible. Phone calls and visits to the directors offices will only slow down the processing of applications, he said.

Helms said the Alabama congressional delegation and the U.S. Office of Education is aware of the problems facing the students needing the money for school.

"They're really behind us and pushing for us," he said of the congressmen.

Auburn University officials said last week they have decided to cut back on the summer program in student aid to save money for students needing aid this fall.

Spokesmen for several other Alabama colleges have also expressed concern over the less-than-adequate funding of the financial aid program for students across the state.

The U.S. House of Representatives has recently funded the national defense student loan program, another financial aid program, to the tune of $293 million. This measure is still before the Senate.

Under this program, low-income students may borrow up to $1,000 per academic year or $2,500 a year for graduate students with no interest due until nine months after graduation.

THE UNIVERSITY OF ALABAMA,
University, Ala., May 10, 1971.

Senator JOHN SPARKMAN,
Senator JIM ALLEN,
Congressman WALTER FLOWERS.

DEAR SIRS: I appreciate, very much, your kind attention today when I talked to you about the critical situation we are facing all over Alabama with inadequate funds for our Work-Study Job Program for the period July 1, 1971 through December 31, 1971. My colleagues, throughout the entire State, will be grateful to you in helping us get reasonable funding for this program, but most of all thousands of students will appreciate your help because without it they will not be able to enroll at their particular institution this fall.

As I told you over the telephone, the institutions in Alabama were only allocated 53.5 percent of the funds we received for the same six months period of last year (July 1–December 31). In addition to cutting the program almost in half, the minimum wage we are having to pay this year is $1.60 per hour compared to $1.45 per hour last year. As you can easily see, this means that more than half the students on Work-Study will not be able to attend school this fall unless something is done almost immediately, or unless they can borrow funds somewhere.

Whatever you feel I can do to assist you in any way in solving this critical problem, please let me know. I shall be happy to come to Washington or do whatever you think is best. (I do plan to be in Washington late Saturday and attend the National Association of Student Financial Aid Administrator Meeting at the Mayflower Hotel which runs through Tuesday.) I believe you have my office telephone number, but if you need me at any time, my secretary will know where to get in touch with me.

Many thanks for your concern and helpfulness, and with kindest regards, I am

Most cordially yours,

ROBERT A. DENNIS,
Alabama Association of Student Financial aid administrators.

Mr. ALLEN. Mr. President, Dr. David Mathews was in the city this morning. He stated that already as a result of this reduction, 750 young men and women at the University of Alabama were cut from this work-study program and that it is anticipated that more than 1,000 will be cut from the program starting with the school year beginning in September.

Mr. President, the amendment seeks to

add the sum of $25 million for the college work-study program. Without this assistance thousands of young men and women throughout the country will not be allowed to attend college during the next school year.

This situation has particularly hit the State of Alabama where many of our young people do not have sufficient means to attend college. This program has been of great benefit to them and has allowed them to work at useful, meaningful work, and to obtain financial assistance for their college expenses.

One of the items that I asked unanimous consent to have printed in the RECORD is an item from the Birmingham News of May 21, 1971. That article is headed, "1,000 Jeffco Students Waiting for College Funds."

It seems likely that they will wait for a long time unless we can get this amount increased.

I do wish to commend the committee for the amendments which it added to the bill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report, starting on page 10 under the heading "Student Assistance" and going down through the second paragraph on page 120.

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

STUDENT ASSISTANCE

The Committee is recommending $1,205,371,000 for college student assistance programs, an increase of $180,971,000 over the House allowance, $486,871,000 over the amount available in 1971, and a decrease of $422,900,000 from the budget estimate. The latter decrease is, as already indicated, more apparent than real. The President's 1972 budget estimate—submitted in January—was based upon new legislation. The Committee recommendation and House allowance are based upon extension of existing authorities. In its letter of appeal to the Senate following House action, the Department of Health, Education, and Welfare indicated that it no longer expected its higher education proposals to be enacted in time for implementation this fall and, therefore, was revising its request to take this into account. The Committee recommendation is $50,000,000 above this appeal amount—the total increase being in the National Defense Student Loan Program.

In addition to providing this increase, the Committee recommendation also redistributes between academic years the total amount recommended by the Department of Health, Education, and Welfare for educational opportunity grants and college work study. (The 1972 estimate provides support for two academic years.) The Committee made this redistribution because the Administration's estimate—although generous in total—placed almost all its proposed increase in student support in academic year 1972–73. Academic year 1971–72, which begins this coming fall, represents a virtual standstill in Federal support, which college enrollments and their need for funds are expanding significantly. The commttee has heard from colleges all across the country who are caught in ths financial squeeze. Particularly important to the colleges is the need for additional work-study funds as high unemployment among the regular labor force threatens to eliminate many normal sources of employment for students.

As a response to this demonstrated student assistance crisis, the Committee is recommending $436,400,000 for college work-study programs, $293,000,000 for National Defense student loans, $270,700,000 for educational opportunity grants, and $196,600,000 for subsidized student loans.

The following tables compare the committee recommendation with the House allowance and the level proposed in the Department of Health, Education, and Welfare's appeal and shows how this total would be distributed by academic year.

	Academic year	
	1971–72	1972–73
Work study:		
House allowance	$197,400,000	$244,600,000
HEW appeal	197,400,000	320,000,000
Committee recommendation	281,000,000	236,400,000

Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

Each of the estimates shown in the above table for academic year 1971–72 include $81,000,000 to be made available from the 1971 appropriations. Beginning with the fiscal year 1972 budget, the funding cycle for this program will be standardized so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years. As the table indicates, the Committee recommendation, which in total stays within the Department of Health, Education, and Welfare's appeal estimate—shows a decrease for academic year 1972–73. The Committee expects that a supplemental appropriation will be requested for Congressional approval later this year to remedy this situation.

The Committee has agreed with the House and budget estimate in providing $1,700,000 for the Cooperative Education program, which is $100,000 over the 1971 amount.

	Academic year	
	1971–72	1972–73
Educational oooortunity grants:		
House allowance	$167,700,000	$165,300,000
HEW appeal	167,700,000	270,701,000
Committee recommendation	207,700,000	230,700,000

The Committee recommendation provides for 347,000 educational opportunity grants, in academic year 1971–1972 including 180,000 for new awards, an increase of 67,000 new awards over the House Allowance and the revised Department of Health, Education, and Welfare estimate. The latter estimates would have maintained the amount of new support at last year's level despite the fact that college requests for these funds total over $250 million for the coming academic year.

Each of the estimates shown in the above table for academic year 1971–72 include $167,700,000 to be made available from the 1971 appropriation. The committee recommendation would permit the Office of Education to shift $40 million of the amount it had proposed to use in academic year 1972–73 to academic year 1971–72 to help make up some of the unmet requirements identified for the coming school year.

Mr. ALLEN. Mr. President, I should like to read from that report:

Under the Committee recommendation, approximately 645,000 students will receive work-study earnings in this coming academic year compared with 430,000 students in the current academic year. Even with these additional funds, colleges will be about $25 million short of meeting their request levels of over $305 million. It is the Committee's understanding however that with the redistribution of funds contained in its recommendation that nearly all eligible students who received work-study support in the academic year 1970–71 and who seek renewals for academic year 1971–72 will receive them.

It is certainly the hope of the junior Senator from Alabama that this laudable purpose will be accomplished but with no reduction in funds. The amount spent on this program in the State of Alabama was reduced almost 50 percent. So even if the program is added to, as the Senate committee seeks to do, it will still leave us short by many millions of dollars in this total program.

Mr. President, this amendment, while it seeks to amend item No. 1, the line item appropriation of over $1 billion, it is only an increase of $25 million. It is certainly the belief of the junior Senator from Alabama that this is a modest increase, that it will not even bring the college students in the State of Alabama up to the level they enjoyed during the last school year.

Already several thousands have been cut from the rolls of those receiving assistance and going to college. The committee has done an excellent job with its recommendations and additions. Much of this money, however, is coming out of the committee recommendation for the fiscal year starting on July 1, 1972, rather than for new money to be provided for the fiscal year starting July 1, 1971, so actually there is a borrowing from, not the coming fiscal year, but the next fiscal year thereafter.

Therefore, this $25 million increase sought by the amendment that has just been stated will be a modest increase.

I am pleased that beginning with the fiscal year starting July 1, 1971, the committee is standardizing the funding cycle of this program so that it will not be necessary to fund a single academic year from the appropriations of two different fiscal years.

Mr. President, I shall ask for the yeas and nays on the amendment.

Mr. MAGNUSON. Mr. President, I commend the Senator from Alabama in his effort in connection with the college work-study program and the problems connected with it. It has been difficult for the committee to adjust the figures because we are dealing with a summer program and then a regular program and, then, the shift in the emphasis to work-study rather than other types of assistance has been somewhat new down in the department and we wanted to be sure, because we have the problem of the July 1 appropriation for 1 year. We wanted to see that the program, in this shift, would have a continuation of the students so that there would be just as many as there were last year in the summer and the regular program.

But we wanted the program to accommodate 645,000 rather than, as the Senator from Alabama pointed out, 430,000. I know there has been some talk about $25 million to meet this objective we are talking about but we understand that with our redistribution of funds we will meet these levels and that nearly all eligible students who receive work-study support in 1970–71 and seek renewals, will receive them.

I hope the Senator from Alabama will bear with us. After we get through this one shift and get it on an equal basis, and still accommodate approximately 210,000 more students, we will have it moving so that we can get the regular appropriation and increase the amount year by year as we move along. This is what we are trying to do.

Mr. ALLEN. I thank the distinguished Senator from Washington.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. We have increased this amount already by $123 million over fiscal year 1971. Also, every State university should bear in mind that we fought and shall fight to restore the Bankhead-Jones Act funds, so that with $123 million now and whatever the President is going to ask for—as I stated in my opening statement, he is going to ask for more for education—and the fact we restored the Bankhead-Jones funds, I hope the Senator from Alabama will give us help.

Mr. ALLEN. The State of Alabama, under the appropriation as recommended by the committee for the coming fiscal year, would exceed the amount it received for the present fiscal year. Is that correct?

Mr. COTTON. Yes.

Mr. ALLEN. Under the formula provided for the distribution of these funds, the State of Alabama might reasonably anticipate to receive in fiscal year 1972 more than it received in fiscal year 1971 for the use of all college students under the college work-study program?

Mr. COTTON. The State of Alabama is bound to receive its proportionate share of the additional $123 million we put in for 1972 over the 1971 figure, plus the Bankhead-Jones funds which we have put in, also.

Mr. ALLEN. Alabama would get more funds in fiscal year 1972 than in fiscal year 1971, in the judgment of the Senator?

Mr. COTTON. The answer is yes.

Mr. ALLEN. I thank the distinguished Senator.

Mr. COTTON. Otherwise, if they were getting less we would accept the Senator's amendment; but we hope the Senator will not pursue his amendment.

Mr. ALLEN. The Senator from New Hampshire would be in favor of putting back into money projected for 1973 amounts that were more or less borrowed from that fund for use in the coming fiscal year. Is that correct?

Mr. COTTON. That is correct. I understand the Senator's university has reference to the last 6 months of 1971, and they found it was a smaller amount, but they put that money back in and increased 1972 by $123 million more.

Mr. ALLEN. And stand ready to bring the 1973 fiscal year up at least to the 1972 fiscal year level?

Mr. COTTON. I do not know that I want to commit myself for a whole year ahead. We are talking about 1972 now.

Mr. ALLEN. But the report speaks of 1973.

Mr. COTTON. Certainly, this work-study program is one of the finest programs in the bill. As far as I know, every member of the committee wants to increase it and, barring some cataclysmic deficit that throws our economy out of gear, every one of us would be in favor of increasing it.

Mr. ALLEN. I thank the Senator from New Hampshire and the Senator from Washington.

Mr. COTTON. I congratulate the Senator's State for having sent to the Senate the Senator who was responsible for the Bankhead-Jones Act.

Mr. ALLEN. I thank the Senator. We are proud of the great men who have served in this body from the State of Alabama.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. HART. Mr. President, once again those persons interested in quality education have reason to be thankful for the leadership of Senator MAGNUSON, chairman of the Senate Appropriations Subcommittee on Health, Education, and Welfare and to the members of that subcommittee for responding to the financial crisis in our schools.

The bill before us increases the budget for the Office of Education by $450 million over administration requests and by $797 million over the House-approved figure.

Recitation of a bit of recent history will help put those figures in perspective.

This spring the House voted 187 to 191 against the Hathaway amendment which would have added about $730 million to the Office of Education funding bill.

In testifying before the Senate HEW Appropriations Subcommittee, a number of Senators suggested that the subcommittee consider increasing the education money bill by as much as $700 million with the hope, based on the close vote on the Hathaway amendment, that the House might accept an increase of that magnitude.

While Senators testified on a number of individual programs, no overall amendment was offered, principally because of confidence that the subcommittee would respond to the needs of education.

Our confidence was not misplaced, and as I will explain shortly, the breakdown of the subcommittee-recommended increase shows that it falls within the magnitude which the House might well accept.

Before turning to the mathematics of the House and Senate versions of the bill, I would like to comment specifically on increases in three programs on which I testified.

First. The subcommittee agreed that just to stay even with increasing costs, funds for title I of the Elementary and Secondary Education Act should be increased by $150 million, an addition of 10 percent.

Second. The subcommittee agreed that it was time to fund impact aid for school districts affected by public housing projects. $60 million was added for this purpose. It seems to me that this impact aid program was better claim on the Federal dollar than those programs which funnel money to the more affluent school districts.

Third. The subcommittee agreed that the equal opportunity grant and work-study programs for needy college students should be expanded rather than contracted. Consequently, an addition of $180 million is recommended for these programs.

Needless to say, I am particularly grateful to Senator MAGNUSON and the subcommittee for responding to those of us who expressed particular interest in those programs.

Now let me turn to a comparison of the committee-recommended bill and the House version of the education money bill.

Included within the Senate increases of $797,813,000 over the House allowances are items—

First, not considered by the House;

Second, items essentially of a supplemental nature; and

Third, adjustments for pay increases submitted as budget amendments not considered by the House.

In the first category is an amount of $6,060,000 for the Follow Through program. The House committee regarded that program as being unauthorized and hence did not fund it. The Senate committee relied upon the contingent extension authority of section 404 of the General Education Provisions Act—Public Law 91–230—as automatically extending the Follow Through program. The Department of Health, Education, and Welfare concurs in this interpretation.

Also in this category was $15.3 million provided for title III of the Higher Education Act, the developing institutions support program which came up as a budget amendment too late for House action.

The second category includes $180 million for college work study and educational opportunity grants. Money for both of these programs already has been made available for the academic year 1971–72. Since funding for these purposes was sought but not given in the supplemental appropriations request for fiscal year 1971 and were voted upon in the Senate during floor consideration of the fiscal year 1971 supplemental measure, it is reasonable to hold that the $180 million should not be, except as a vehicular convenience, considered a part of

the fiscal year 1972 Office of Education funding charge.

Pay increases included in the Senate amendment which were not considered by the House total $3,177,000.

Thus, some $268,437 of the Senate increases based upon new budgetary determinations or on reprograming budget estimates from fiscal year 1972–73 to fiscal year 1971–72, if subtracted from the difference between the House and Senate versions of H.R. 7016, leaves a difference of only $529,376,000.

That clearly falls well within the outer limit of the Hathaway amendment, and, to repeat, it is my hope that the House will accept the Senate package without compromise.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Indiana.

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

STATEMENT BY SENATOR BAYH

Mr. President, I want to commend the distinguished Senator from Washington (Mr. Magnuson) and the members of the Appropriations Committee for reporting a good sound appropriations bill for the Office of Education and related agencies.

While I would have preferred even more attention to some areas which need additional money, to provide for some of the basic needs of our children, I am fully cognizant of the realities which the distinguished Senator from Washington (Mr. Magnuson) had to face in light of the economic quagmire which this Administration has created for the American people.

As many of my colleagues know, I have special interest in adequate funding of Title III of the Elementary and Secondary Education Act. Last year I proposed and the Senate passed an amendment adding $10 million to Title III for a total appropriation of $150.3 million. The conferees dropped $7 million out of the $10. This year, the Appropriations Committee has recommended $155 million, an $11 million increase over last years budget.

I supported an increase of $15 million in order to allow an expansion of three additional programs per state. The present increase will barely provide two new programs per state. That is progress at a snail's pace. I hope that the Senate conferees will not allow any further erosion.

I also want to commend the Committee for proposing a healthy increase in the bilingual education program. Few educational programs have ever captured the imagination and developed such strong support from people in all walks of life as has the Bilingual Education Act. It is a good thing that this has happened because it is an answer to the failure of our schools to meet the basic goal of education today. Former Commissioner of Education Harrold Howe defines this goal as that of "helping every youngster—whatever his home background, whatever his home language, whatever his ability—become all he has it in him to become."

There is no longer any argument raised against the concept that children who come to school with a limited knowledge of the English language are unfairly handicapped in learning. Children whose mother tongue is not English are confronted in the primary grades by a language they don't fully comprehend. This language barrier and the related cultural shock makes these students functionally illiterate in two languages, poor readers in both English and in their own native tongue.

Early reports of some of the programs that have been funded under the Bilingual Education Act show that Spanish-speaking students who were first taught to read in Spanish, then to speak and read English, were at the completion of the program reading in English at a more advanced level than the control group of English speaking contemporaries. Similar results were verified in an experiment involving mathematic comprehension.

Bilingual education programs have been recognized by experts throughout the country as one remedy to the staggering dropout rate among Mexican-American children which reaches 70% before highschool graduation.

The benefits from good bilingual-bicultural programs are not limited to children with limited English speaking abilities. Many programs provide bilingual education for both the English and the non-English speaking child, and as a result, open whole new experiences that can benefit all of them throughout their life. Children, regardless of their home language experience, increase their economic and social mobility as a result of bilingual education programs, and through them obtain a much desired ability to function in more than one culture.

Bilingual programs in some areas containing a high concentration of children whose mother tongue is other than English have resulted in a merger of the students, parents and the whole community in a bilingual-bicultural setting that goes beyond the school.

It is small wonder, therefore, that the demand for bilingual programs has been so great—well beyond the level authorized in the legislation. However, we have never provided enough money in the past to permit the benefits a bilingual education to be expanded to other geographic areas of the country. I know several proposals from my state have been turned down because of lack of funds. I know that there are not enough programs in New York, the Midwest, Florida, and all of these areas will be competing with each other and with the Southwest, which has the greatest need for additional programs.

The $50 million recommended by the Appropriations Committee will insure that additional programs will be instituted in a wider geographic area. I hope that the conferees will hold the line on the full $50 million appropriation for this important program.

Mr. KENNEDY. Mr. President, I rise to speak in support of the appropriations bill reported by the Committee on Appropriations which, in almost every area, seeks to move the Nation forward in meeting the expectations and needs of the Nation's educational system.

Although in a few areas such as impact aid, aid to the disadvantaged, and special assistance to the handicapped, I would have desired even greater increases over the House measure, I believe the committee should be commended for its preparation of the bill before us.

I am particularly pleased with the committee action in the areas where I suggested specific amendments during my testimony before the committee last month; for in nearly every instance, the committee has seen fit to incorporate my suggestions into the present bill.

Thus, the resulting increase over the House bill, totaling $804 million, demonstrates a commitment by the Senate to bring appropriations significantly closer to the level of Federal support authorized by Congress.

Unfortunately, the record shows that the current levels of Federal appropriations for education programs is too low, as compared with the level of authorizations for those programs. In 1965, Federal education programs were funded at 95 percent of their authorizations. In 1970, the administration requested appropriations at 35 percent of authorized levels—and the Congress approved funding for education programs at 45 percent of the authorized levels.

I am hopeful that with the bill under consideration today, we can begin to move education program funding back to the levels required for maintaining quality education throughout our Nation's schools.

When I made my proposals to the Committee on Appropriations it was my intention to insure that adequate funding would be attained. For, in every area of education our principal concern must be to produce the proper support for our most vital national activity—the education of our children.

Mr. President, as indicated by the recommendations I made to the Committee on Appropriations, there are specific areas where increased funding must be provided:

First. In order to continue programs for improving the educational achievement of disadvantaged children I am pleased with the committee's recommendation of $1.6 billion for this area. At least 10 million disadvantaged youngsters benefited from this program last year. While there still remain to be many thousands of youngsters who are not reached by these programs, I am pleased to see that we are moving toward adequacy in this area.

Second. In the programs under title III of the ESEA, while I recommended that the committee provide an increase of $15 million over the budget estimate, it is satisfying to see that the committee agreed with the need for at least $10 million more than the House. These new funds will permit the new and innovative programs operating under this authority to continue.

Third. For planning and evaluation programs, I am concerned that we are not aiming to provide resources for those activities with the full measure of support they deserve. While critics maintain there are needs in areas other than this one, there is sufficient evidence that planning and evaluation programs are vitally needed for many education projects.

I am hopeful that we can see needed improvements in these programs in the next appropriation measure.

Fourth. Bilingual education programs are extremely important to the thousands of young people whose primary language is other than English. In Massachusetts, for example, the superintendent of schools for the city of New Bedford reports that the number of non-English-speaking students in that city's schools has increased from less than 100 in 1960 to 850 in 1970. It is expected that the increase will continue in such a manner that over 1,200 such students will be enrolled by 1980. The committee action in approving $50 million for bilingual education programs is therefore a hopeful sign in the effort to produce

the very vital training needed in this area.

Fifth. For library programs under title II of the ESEA, it is especially pleasing to see that the committee has recommended $95 million for projects that support improvements in the libraries serving our schools and their children.

Mr. President, again I want to emphasize that I am very pleased with the committee and the leadership provided by the appropriations chairman in developing program support for these fundamental activities. Education is the one program through which we can expect to fully realize the full development of our Nation's most valuable resource—productive minds in our leaders of tomorrow. Unless we in the Congress maintain a full commitment to that goal, we cannot expect to maintain the quality of public education.

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

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

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, shall it pass?

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 Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) 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 Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr BOGGS), the Senator from Wyoming (Mr. HANSEN) the Senator from Iowa (Mr. MILLER), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 95 Leg.]

YEAS—77

Aiken	Ellender	Muskie
Allen	Ervin	Nelson
Allott	Fong	Packwood
Anderson	Gambrell	Pastore
Baker	Goldwater	Pearson
Beall	Gravel	Percy
Bellmon	Griffin	Prouty
Bentsen	Gurney	Proxmire
Bible	Harris	Randolph
Brock	Hart	Roth
Buckley	Hatfield	Saxbe
Burdick	Hollings	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Humphrey	Sparkman
Chiles	Inouye	Spong
Church	Jackson	Stennis
Cook	Javits	Symington
Cooper	Jordan, N.C.	Taft
Cotton	Kennedy	Talmadge
Cranston	Magnuson	Thurmond
Curtis	Mansfield	Tower
Dole	McClellan	Weicker
Dominick	McIntyre	Williams
Eagleton	Montoya	Young
Eastland	Moss	

NAYS—0

NOT VOTING—23

Bayh	Hartke	Mondale
Bennett	Jordan, Idaho	Mundt
Boggs	Long	Pell
Brooke	Mathias	Ribicoff
Cannon	McGee	Stevens
Fannin	McGovern	Stevenson
Fulbright	Metcalf	Tunney
Hansen	Miller	

So the bill (H.R. 7016) was passed.

Mr. PELL. Mr. President, three of us entered the Chamber as the vote was being announced. Speaking for myself, I would have voted "yea" on final passage. I should like it noted for the RECORD that I would have voted that way.

Mr. MATHIAS. I would have voted "yea."

Mr. STEVENSON. I would have voted "yea."

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GAMBRELL) appointed Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, Mr. PERCY, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate a message from the President of the United States submitting the nomination of Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission, which was referred to the Committee on Finance.

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 a joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION PLACED ON CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 617, to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission, be placed on the calendar. This matter has been considered by the Senate previously. I do this with the concurrence of all parties concerned.

The joint resolution was read twice by its title, and ordered placed on the calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending the laying before the Senate of the unfinished business, I ask unanimous consent that the distinguished Senator from Louisiana, the President pro tempore of this body (Mr. ELLENDER) be allowed to proceed briefly.

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

GOLDEN ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. ELLENDER. Mr. President, 50 years ago, on June 10, 1921, the General Accounting Office was created by the Budget and Accounting Act as a nonpolitical, independent arm of the Congress to examine into the manner in which Federal Government agencies discharge their financial responsibilities

with regard to public funds appropriated or otherwise made available to them by the Congress.

During my 34 years in the Senate, I have noted from time to time the distinguished service that the GAO has rendered to this body, its committees, subcommittees, and individual members. In its generally quiet, unobtrusive, but effective manner the GAO has assisted us and our predecessors as we diligently applied our efforts to carry out the provisions of article 1 of the Constitution of the United States which states:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law * * *.

It is this provision that placed control over the public purse in the hands of Congress. This provision, as explained by Alexander Hamilton, the first Secretary of the Treasury, was "to secure these important ends—that the purpose, the limit, and the fund of every expenditure should be ascertained by a previous law." In this manner, it was hoped by the Founding Fathers that control of the public purse would be retained by the public's representatives under the American system of government.

It is to these ends that the GAO has applied its efforts throughout its 50 years as "a watchdog of the Congress." As we all know too well, it has not been a simple task for us here to maintain the necessary controls over the moneys we appropriate from year to year to operate the Federal Government. John Stuart Mill, the eminent British philosopher of the 19th century, rated the function of administrative control by a legislative body even more significant than lawmaking. He said:

> The proper office of a representative assembly is to watch and control the Government, to throw off publicity on its acts, to compel a full exposition and justification of all of them which anyone considers questionable, to censure them if found condemnable and, if the men who compose the Government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the Nation, to expel them from office and either expressly or virtually appoint their successors.

In the Federal Government of the United States we, here, must never lose sight of the fact that it is in the Congress, as distinguished from the executive and judiciary branches, that assumes administrative oversight as a continuing function. We can all take pride in the accomplishments of the GAO, a creature of this legislature, during its 50 years of service and its continuing efforts to assist this body in understanding and controlling activities in the executive branch.

In fiscal year 1921 when the GAO was created, Federal expenditures amounted to about $5½ billion; in 1937, when I was first seated here in the Senate, the Federal outlays amounted to about $8½ billion. This year it is estimated that the Federal Government will spend approximately $213 billion—almost a fortyfold increase during the 50-year history of the GAO. With this burgeoning of Federal expenditures, the Congress now faces an even more formidable executive administrative establishment. The civil and military bureaucracy now has information resources and capabilities for operating complex programs almost beyond the physical capabilities and comprehension of this distinguished body.

Therefore, we may express our gratitude that we have available to us such an able body as the GAO—and its capable staff of accountants, lawyers, mathematicians, statisticians, economists, and other professionals—to assist in the review and appraisal of approved and proposed Government programs. Throughout its long history, the GAO has supplied many facts on Government programs that would otherwise not have reached the Congress. No other source, as far as I know, provides this type of analytic, objective information to the Senate and House of Representatives. The GAO's task of auditing and reporting on activities, programs, and the use of public moneys by the executive agencies is, in reality, an indispensable informational aid to Congress and, consequently, of great significance to the success of our representative Government.

During my 34 years in the Senate it has been a distinctive pleasure for me to have been associated with four of the five Comptrollers General who have guided the GAO during its 50 years of service to the Congress. John R. McCarl, the first Comptroller General, completed his 15-year statutorily limited period of service in 1936 before I became a member of this distinguished body. However, his four successors—Fred H. Brown, Lindsey C. Warren, Joseph Campbell, and the present incumbent, Elmer B. Staats—all have been responsive to our needs.

As most of you are aware, I have always had a deep concern for the controls exercised over the expenditure of our Federal funds and the surveillance of projects for which the funds are spent. Now that I am chairman of the Senate Appropriations Committee, I am ever more mindful of the need for the scrutiny of the expenditures of our Government. I have always been particularly concerned with the expenditures made for carrying out our economic and military assistance to other countries of the world. I recall the visits I made to many European countries and to our military commands in Europe in November 1951 in order to become acquainted with the magnitude of expenditures being made for U.S. economic assistance for Western European nations, as well as expenditures being made by the Armed Forces of the United States then located in Europe. On January 17, 1952, I rose in this Chamber to describe my observations and to express my concern for the weaknesses in controls over those expenditures. After I had made my presentation, one of my very able colleagues, Senator Kilgore from West Virginia, suggested that as a result of my concern it might be advisable to have the GAO establish an office in Europe to act as a deterrent to misspending and careless handling of money.

It was with a great deal of personal pleasure that I learned shortly thereafter on April 3, 1952, that the then Comptroller General, Lindsey C. Warren, advised the chairman of the Independent Offices Subcommittee of the Senate Committee on Appropriations that because of congressional interest he was proceeding with plans to establish a branch office in Europe that year. It was with the same sense of responsiveness that Comp. Gen. Joseph Campbell opened a branch office of the GAO in Tokyo in July of 1956 in order to maintain a surveillance of expenditures being made for foreign assistance and the maintenance of U.S. military and civilian activities in the Far East, responding to congressional concern for controls over expenditures for those purposes.

In like manner, the present Comptroller General, Elmer B. Staats, opened suboffices in Saigon, Manila, and New Delhi in 1966 and 1967 in order to give greater onsite coverage to expenditures being made in foreign areas and for which we of the Senate have become increasingly concerned.

Over the years since 1952, the GAO has provided the Senate, its committees and subcommittees, and independent members with numerous reports on its inquiries into U.S. expenditures overseas. From 1965 through 1970, alone, more than 80 reports were made by the GAO to the Congress, its committees and members, or the executive agencies concerning problems in the administration of U.S. economic and military assistance. And these represent only a small portion of the hundreds of reports made to the Congress each year by the dedicated and hard-working staffs of the GAO. Particularly important to us and the taxpayers we represent is the current series of studies underway concerning military testing and development programs as we seek to bring this spending under more effective control in the interest of better national security.

As the GAO continues to move forward under the able leadership of Comptroller General Staats, continuing its tradition of always adapting to the ever-changing social, economic, and technological facets of our society and, therefore, to the changing interests of the Congress, I believe we can feel confident that it will continue to ably assist all of us in making those very necessary objective analyses and evaluations of ongoing and proposed legislative programs. The GAO's analyses of these programs, their alternatives, their long-term costs and benefits, and the interrelationships of programs, will assist all of us in continuing to legislate responsibly.

The GAO in its 50 years of service to the Congress has established not only a record for which it can be proud but also has charted a responsible course for the future. Thus, on its golden anniversary, let us all extend our thanks and a resounding vote of appreciation to Comptroller General Staats and to all members of his fine organization for a job well done.

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

Mr. ELLENDER. I yield.

Mr. ALLOTT. Mr. President, I appreciate the courtesy of the President pro tempore of the Senate yielding to me to join him in these remarks of felicitations. I think it is characteristic of him—

that it would occur to him—to do this upon the 50th anniversary of the GAO.

The GAO, of course, is the one arm of the Government which is the arm of Congress. It belongs to Congress. It is the one that makes us able to perform much of our work more efficiently, to be sure that the intentions of our legislation are carried through.

I have had many opportunities, as has almost every other Senator, to observe the work of the GAO. I join the distinguished Senator from Louisiana in congratulating the GAO and every member of the staff, because it is they who do the work, particularly under the very able leadership of Elmer Staats, who is now the Comptroller of that body.

I think it is great that we have such a group of dedicated people. My only concern at the moment is that Congress will not overload them with duties, a concern which I know my good friend from Louisiana shares.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the rolle.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ROTH). Under the previous order the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Oregon (Mr. HATFIELD) numbered 143.

The text of the amendment is as follows:

At the end of the bill add the following new section:

SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the name of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. Mr. President, today we begin debate on what I believe is the most important decision that the Congress will confront this year.

We will decide whether an undeclared, unnamed, and unwanted war will be prolonged or will be brought to a close.

We will decide whether the Americans held prisoner by that war will be given an opportunity for release, or not.

We will decide if American planes, bombs, and guns will continue to kill Asians, or not.

We will decide whether our Constitution, and what it says about the authority to wage war, is actually relevant and applicable today, or not.

We will decide whether to listen to the overwhelming voice of the people, who have asked us to end the war, or not.

And we will decide whether American boys will continue to perish, and to lose limbs, sight, and sanity in Indochina, or whether that will stop—will really end, once and for all.

This matter is unlike the others that come before this body. It is literally a matter of life and death—for Americans and for Asians. And we—every Member of this body, by the mere power of his voice—have the weighty responsibility to say a "yea" or "nay" that will actually involve life or death for fellow Americans and fellow human beings living in Indochina.

It would be more comfortable to believe that we are only debating mere questions of policy. But that is not the whole truth.

I want the first words spoken in the debate to make it clear—we are called upon to make a decision that involves the lives and deaths of other people.

Everybody is tired of the war. We all know that.

Senators are tired of thinking about it, and speaking about it. The press is tired of writing about it. People are tired of reading it—tired of seeing it on TV. We all just wish it would go away.

But being tired about a war, and wanting to forget about it, will not stop it; in fact, it will make it easy for it to quietly go on. It becomes an innocuous, tolerable, "page 12" war that kills only 30 Americans every week, that wounds only about 300 other Americans each week, that costs only $10 to 12 billion a year, that requires only 100,000 or 50,000 or 40,000 American troops—and never stops.

We have all become desensitized by this war; our conscience has become numb. We blink at the TV pictures of Asian villagers who are maimed and burned by our bombs, and are relieved to see a mouthwash commercial flash on the screen after a few seconds. We would all rather worry about whether our breath is fresh than whether innocent people are dying in Asia as a result of our policies.

Every Thursday, we hear again the weekly body count from Vietnam; it does not really sink in. We do not ask why those Americans and Vietnamese have died, for what purpose these lives have been lost. Most people are actually more interested in the ball scores that follow on the newscasts a moment later.

Why is there this insensitivity? It is not because Americans do not care, or because Americans like the war—it is because they have heard and seen enough, and they want it to end. Yet, they feel helpless—the war just drags on—despite the announcements about troop withdrawals and the reduced casualties—still they see the war continuing. They are unable to stop it, so they want to forget about it.

But we cannot. Every week new young Americans are sent out to Indochina. About a quarter of a million Americans are there this very day, risking their life and limb. We must not forget them, and those who will follow.

Members of the Senate may wish that we did not have to talk about Vietnam again. The press may wish that they could write about something else—something more unique. But we all know better. We know the truth. We know we cannot afford to forget about this war.

Senators now know that there will be a vote next Wednesday afternoon on this amendment. They may like to think they can enjoy the luxury of a long weekend, and get away from it all for a while. But regardless of how my colleagues feel about this war, every one of them must realize that they will be called upon to make a crucial decision on behalf of the people of this Nation—and they have a responsibility to let their opinions be known—to engage in debate, to deal with the substance of the amendment before the Senate, and its implications for the people of our country and Indochina. We cannot get away from this war.

I trust that all the sponsors, the opponents, and those not committed, will be here and be ready to discuss this issue with each other, and for the American people. We must not allow ourselves to hide behind simple slogans and platitudes. Those who support this amendment will expose and express that which they believe to be the truth as best they know how—the substance, the merits, and the consequences of the course we advocate. And we hope to be met with sincere questioning and energetic opposition, so that we all can face this decision as thoughtfully, seriously, and prayerfully as is possible.

The debate we begin today will be more than another normal exchange of opinion.

The sponsors intend for their debate to reawaken the American conscience; we want to call forth the sensitivity of Americans—sensitivity to the sacredness of all life. We want to recover the best in America—her constitutional ideals, her humane and generous spirit, and her noble dreams and visions that have inspired all mankind. For we believe that by reawakening the best that is in us as a people, we will see how tragically we have lost touch with ourselves because of our policy in Vietnam, and how that unfortunate chapter of our past must be brought to a decisive close so we can reestablish faith in ourselves.

This is the spirit in which we begin the debate on the amendment which now lies before the U.S. Senate.

Let us begin the debate this year by remembering where it ended last year. On September 1, 1970, the Senate defeated a similar proposal offered by Senator McGovern and myself, by a vote of 55–39.

What did the opposition say then?

We were told that those who supported our amendment were not the only ones who were for peace, that all Senators were for peace, but disagreed over the means to achieve it.

Of course, we agreed.

But what has happened since that time? Has the policy the Senate chose to follow brought us any closer to peace?

Three-quarters of a year has gone by since that time.

During that time, 2,811 Americans have died in Indochina; 11,250 Americans have been wounded; 16,578 South Vietnamese soldiers have died, and about 100,000 North Vietnamese soldiers, according to the Pentagon, have died. Thousands of tons of bombs have been dropped by our planes. Thousands of civilians in Indochina have been killed or wounded. And we are no closer to peace.

So I submit, the policy we have followed has not brought us peace, as many thought and hoped it would last year.

During the debate before the vote on September 1, 1970, many Senators expressed their sincere concern that the passage of the amendment would harm chances for a negotiated settlement of the war.

Again, let us look at the record of history. During the past three quarters of a year, no progress whatsoever has been made at Paris toward a negotiated settlement of the war. Positions have become frozen, and it seems clear to all observers that the President's policy of Vietnamization, including his October 7 proposal, will not result in a negotiated end to the war.

Any reasonable observer would conclude that if after 116 meetings of negotiating terms have yielded no progress nothing will come from Paris talks as long as we refuse to set a date for our withdrawal.

The only way to enable successful negotiations, particularly on the prisoner of war issue, is to declare a date for our military withdrawal from Indochina. I believe that the last 9 months have made it even clearer to those desiring a settlement to this war that the setting of a date, rather than present policy, offers the most realistic hope for achieving that end.

Another central event has taken place since the Congress last considered legislation requiring a deadline for withdrawal from Vietnam.

The President of the United States has signed the repeal to the Gulf of Tonkin Resolution. I do not understand what constitutional basis there is for our involvement in Indochina since that time.

Congress passed the National Commitments Resolution June 25, 1969. The final version of that resolution stated:

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

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

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

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

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

When Mr. Smith pursued this question, asking the legal basis of our involvement once the Gulf of Tonkin Resolution was repealed, the President stated again:

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

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

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

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

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

It could include the renewed bombing of North Vietnam.

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

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

There is a decisive difference between protecting our troops and withdrawing them from Vietnam, and on the other hand pursuing Vietnamization. If withdrawal is our only objective, that can be accomplished in a matter of months. And, our troops can best be protected by setting a date for completing our withdrawal and seeking a cease-fire. There is no question about the President's constitutional authority to take these steps.

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

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

It was for this reason that appropriations for armies are the only appropriations specifically limited to 2 years by the Constitution.

The Founding Fathers consistently stressed the congressional responsibility for warmaking powers.

James Madison saw the dangers of excessive Executive power in foreign affairs when he said in a letter to Thomas Jefferson on May 13, 1789:

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

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

As Alexander Hamilton said, the Commander in Chief's power:

> Amounted to nothing more than the Supreme Command and direction of the military force, as the first General and Admiral . . .

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

If we set aside all other considerations, I believe that the constitutional aspects of this program alone compel the adoption of this amendment.

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

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

Then, let us consider the way in which

public opinion has changed since last year's vote. The opinion of the American people has swung even more decisively in favor of withdrawal by the end of this year since that time. This has been illustrated in polls, by local referendums, and by the delegations of numerous State legislatures.

Finally, let us consider the way in which this amendment has been modified since last year's vote. All Americans are deeply concerned about our prisoners of war. Despite our views on the war, no Senator, I believe, is in favor of a settlement that would leave our prisoners forever in North Vietnam.

During last year's debate this point was frequently raised, and I answered by pointing out that the North Vietnamese have repeatedly said that negotiations on the release of prisoners would begin immediately after we set a date for withdrawal. Therefore, this course of action presented the best possibility for the release of our prisoners.

Since then, however, the President has said that we will keep troops in South Vietnam as long as the North Vietnamese have Americans as prisoners.

This has perplexed many Americans.

Therefore, we felt compelled to put forth an alternative—a clear concise alternative—on the prisoner issue as clearly as possible.

Our amendment provides the vehicle for determining if the North Vietnamese are speaking in good faith. They have said they will negotiate on the release of prisoners, and that this would be solved very simply and easily. Our amendment clearly puts the North Vietnamese to the test.

After the amendment is passed and becomes law, the North Vietnamese and their allies have 60 days in which to make the necessary arrangement for the release of all our prisoners by December 31, 1971, the date for our withdrawal.

If they fail to commit themselves to the procedures for the prisoner release in 2 months' time, then two things happen. First of all, our withdrawal date is automatically extended 60 days. Second, and more important, the Congress, by joint resolution, may authorize further actions recommended by the President to secure the release of our prisoners. What would such actions be? The most obvious, of course, would be suspending altogether the deadline for withdrawal if there are no procedures set for returning the prisoners. This could be done by a simple joint resolution of the Congress upon the recommendation of the President.

Thus, the withdrawal of our troops would not be implemented without the certain knowledge that all our prisoners of war would be returned to us by the time that withdrawal was completed.

Many Members of this body are in favor of withdrawal by a time certain provided that we obtain the release of prisoners. Our amendment provides the surest formula, in our judgment, for setting the steps in motion that will achieve that goal.

Let us be candid. The President has made many attempts to obtain the release of our prisoners of war. None of them has met with any success. Neither envoys flying to foreign capitals nor commandos raiding POW sites in North Vietnam have resulted in the return of a single American prisoner of war. Further, during the time of this administration's term of office, about 400 Americans have been added to the rolls of those listed by the administration as being prisoners of war or missing in action.

It is time to adopt a different course of action.

Let us test the intentions of our adversaries.

The best that can happen under our proposal, the amendment we are now putting forth—and what we firmly believe is most likely to happen—is that the North Vietnamese will make the arrangements for returning our prisoners by the end of the year, and begin releasing numbers of them almost at once. That is what we stand to gain.

But if the North Vietnamese have not spoken in good faith, and if they do not convince us that all prisoners will be released by the date of withdrawal, then we have the option of revoking our deadline and acting upon the President's recommendations for securing their release. This is the option that the Congress could follow. Thus, we stand to lose nothing.

So, if we are concerned about our prisoners, and are willing to end our involvement in the war as long as we secure their release, then let us put our adversaries to the test. Let us see if we can finally have our prisoners come home. Certainly, we owe this much to their wives and their families. Certainly, we can take the one step which could reunite them with their families by Christmas. And if, for some reason, our alternative fails to achieve its goal, we have lost nothing.

So I ask my colleagues if they know of any better way, of any more likely hope, for having our prisoners home by Christmas. I believe there is none.

Every Member in this body has made statements, visited groups, supported resolutions, and signed letters, all expressing his concern over our prisoners of war. Only the most callous American would not share that concern. But I suggest that if such feeling is foremost in our minds, it demands that we take the concrete action which would bring those prisoners home.

Mr. President, America is listening. She will be listening to the words spoken in the days ahead on this issue. Above all, Americans want to hear words that they can believe about this war. They have said that they want the war to end; that they want all troops home by the year's end. We must respond. If we disagree, we must explain to them why that is so. We must give them the reasons why more bombs must drop, why more boys must be drafted, why more Americans must be killed, wounded, or addicted to drugs. We must give good reasons why all this must continue to go on.

I do not believe such reasons exist. And neither do the American people.

If we are truly listening to them, we know that our part in this war without an end or a purpose must be brought to a decisive, swift, and certain conclusion.

COMMONSENSE FROM THE RELATIVES OF OUR POW'S

Mr. CHURCH. Mr. President, under the most strenuous circumstances, relatives of American prisoners of war in Indochina have spoken in commonsense terms about the plight of their loved ones. For example, on June 3, I placed in the RECORD an article in which Mrs. Louis F. Jones, of Fairfax County, Va., wife of an Air Force pilot missing in Laos, opposed President Nixon's concept of maintaining an American residual military force in Indochina until our POW's are released.

To us this means an interminable war.

Mrs. Jones was quoted as saying—

It means the prisoners would be held as long as we have forces in Vietnam. It means the men may never be seen again.

On June 10, in the Evening Star, an article discloses the formation of an organization of relatives of POW's designed to bring about an end to our military involvement in Indochina. Again, Mrs. Jones asserts her point: that, based on historical experience, prisoners of war are released after the fighting has ended, not before, as Nixon administration spokesmen would have us believe.

Mrs. Jones is quoted as saying:

History has shown that prisoners are not released until war is ended.

Later in the article, Mrs. Jones and another wife of a POW, Mrs. James Hughes, make a sound point that among relatives of POW's—

There is a strong feeling that any existing programs to save these men are hopelessly doomed as long as our forces remain active.

Quite logically, therefore, Mrs. Jones and her allies are urging adoption of the McGovern-Hatfield amendment that would prohibit expenditure of funds after December 31, 1971, to support the deployment of U.S. Armed Forces in or over Indochina.

The Senate Chamber has been the scene of numerous avowals of concern for American POW's. I suggest that we bear in mind the views of the anguished relatives of the POW's when we vote on the McGovern-Hatfield amendment on next Wednesday, June 16.

Mr. President, I ask unanimous consent that this article from the Evening Star be published at this point in the RECORD.

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

[From the Washington Evening Star, June 10, 1971]

POW WIVES FORM LOBBY

(By Shirley Elder)

Radicalization is an instant process.

For Mitch Jones, it came the minute President Nixon said he would keep at least a small force of American troops in Vietnam so long as the Communists hold any U.S. prisoners of war.

Mrs. Jones quit her job, sent out hundreds of letters to enlist support and became a fulltime, unpaid, apparently tireless lobbyist for peace.

If Nixon's policy is allowed to prevail, Mrs. Jones said, the war will go on for years and the prisoner problem will be solved; they'll all be dead.

Mrs. Jones is the wife of Lt. Col. Louis F. Jones, a career Air Force officer shot down over Laos on Nov. 29, 1967. She has heard nothing of him since. He is now 45 and a 22-year veteran of the military.

BROTHER LOST IN KOREA

It is the second time Mrs. Jones has faced the frustration of not knowing the fate of someone in the family. During the Korean war, her brother, Lt. Frank N. Mitchell, a Medal of Honor winner, was reported missing.

Years passed and finally he was listed as dead. But there never was an official accounting of men missing in action. Lt. Mitchell's body never was found.

Mrs. Jones now is at the center of a quietly determined band of men and women, mostly women, wives, mothers, sisters of men captured or lost in Indochina.

"History has shown," Mrs. Jones said, "that prisoners are not released until war is ended."

WANT WITHDRAWAL THIS YEAR

Mrs. Jones and her allies are not endorsing any particular legislation but they want a total withdrawal of American troops from Vietnam this year.

As a start, they are asking congressmen to vote for the McGovern-Hatfield amendment in the Senate and the Nedzi-Whalen amendment in the House.

Both of these amendments would halt the flow of money to support U.S. actions in Vietnam on Dec. 31. Under prodding from Mrs. Jones, the amendments also call for the release of POWs and an accounting of those listed as missing in action.

POW families were unseen and unheard until nearly two years ago when the Defense Department moved to lift the secrecy surrounding the situation in Vietnam.

IMMEDIATE IMPACT

The impact was immediate. Sympathy and concern poured in from all corners of the world. POW wives held press conferences, were greeted at the White House and toured the Capitol. There were rallies and receptions. Thousands cheered.

Solemn statements of support were heard in Congress, mostly by the more conservative members, the ones who wanted to win the war and who mocked as soft-on-communism those who wanted out.

"We were used," Mrs. Jones said, looking back on those days. One of the others described it this way: "We were fair game to everyone."

Then Nixon made his policy declaration—that a residual force would remain in Vietnam as a bargaining tool for the release of POWs. Mrs. Jones and dozens of other POW wives turned away from the White House and toward Congress.

In mid-May, Mrs. Jones quit her job as a planning engineer in Fairfax County and, with Mrs. James L. Hughes of Santa Fe, N. Mex., wrote a letter to all members of the National League of Families of men captured or wounded in Indochina.

Mrs. Hughes' husband has been a prisoner five years. She knows he is alive, or was. His photo was circulated by the Communists. It showed him thin and worn, prodded to march through the streets of Hanoi at bayonet point.

He was still alive in December, 1969, when the two women, Jones and Hughes, visited Laos seeking POW information. The Communists reported that Hughes was alive and well in North Vietnam. They would give no information on Jones.

The two women have talked to many legislators and found agreement that the only way to win release of the prisoners is to withdraw U.S. troops. "There is strong feeling," they said, "that any existing programs to save these men are hopelessly doomed as long as our forces remain active."

The two urged lobbying and letter-writing to "make your voices heard in Washington . . . Too long have these men and their families been used to promote, to further, to prolong" the war.

More than 350 answered with letters of interest and promises to help. Money came in. Newcomers to lobbying were offered transportation to Washington and money to cover household costs at home. A new group was formed: "Families for Immediate Release."

Their total impact will be hard to measure. When the Senate and House vote on end-the-war amendments within the next two weeks, they will be responding to many pressures from all sides.

But as one war critic said admiringly yesterday, "These ladies are dynamite. There's not a politician alive who will refuse to listen to them."

Mr. BURDICK. Mr. President, I have joined in sponsoring the revised Vietnam Disengagement Act introduced as an amendment to H.R. 6531, the Military Selective Service Act. Last year I supported the McGovern-Hatfield proposal for reasons which today may well be even more compelling.

First, I want to acknowledge the very significant troop reductions already effected or planned. They are a good beginning to a final conclusion of U.S. military involvement in a part of the world where our presence serves no useful purpose. The setting of a withdrawal date, I believe, is in keeping with and a natural extension of this policy of troop reduction. U.S. policy is, ostensibly, to get out of Vietnam. The setting of a withdrawal date is only a firmer, more forthright expression of that goal.

The war has now been felt by all of us, in the death or maiming of a loved one, the disrupted life plans of those called to serve, in the enormous cost of maintaining our commitment, and in the unemployment and education problems of returning Vietnam veterans. All of these contribute to the broadening dissension felt across the Nation today. This feeling, and its many related problems, will only intensify as the war drags on.

Underlying the intense dissatisfaction with U.S. policy in Indochina is the lack of any clear national purpose for our commitment. The effects of the war would not open such deep wounds if there were any conviction that our actions there were in our national interest. After so many years of shifting justifications for our military presence in Vietnam we have, I believe, reached a consensus that we must get out. The remaining questions are how and when. I say just as soon as possible, taking into account the safety of our withdrawing forces and American men held prisoner of war.

The McGovern-Hatfield amendment does provide the President the tactical flexibility to insure the safety of our forces while disengaging.

Of critical concern has been the safe release of American prisoners of war. Today's amendment would require that enemy forces arrange for the release and repatriation of American prisoners by December 31, 1971. These arrangements must be made within 60 days of enactment of this amendment or the December 31 withdrawal deadline is extended for up to 60 days during which period the Congress and the President would consider further action needed to secure the release of American prisoners of war. Thus, a withdrawal date would have been set, but conditioned on the safe return of our prisoners. I would believe it to be in the adversary's best interest to make timely arrangements for the repatriation of our men.

Mr. President, I firmly believe we cannot afford to prolong our military presence in Indochina and lend my full support to this amendment.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 557. 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; and

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 numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes; and

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 numbered 79–A, 153, 158, 209, and 231, and for other purposes.

The PRESIDENT pro tempore signed the above enrolled bills today.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ROTH). The Chair, on behalf of the Vice President, pursuant to the provisions of section 123(a), Public Law 91–605, appoints the following Senators as members of the Commission on Highway Beautification: the Senator from Indiana (Mr. BAYH); the Senator from Alaska (Mr. GRAVEL); the Senator from New York (Mr. BUCKLEY) and the Senator from Connecticut (Mr. WEICKER).

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 yield 30 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. First, Mr. President, let me commend the distinguished senior Senator from Oregon. I know of the sincerity and intense feeling the Senator has in reference to the proposal he sponsors with the junior Senator from South Dakota. I know of the Senator's long, consistent opposition to the war in Southeast Asia. I disagree with the amendment offered by the Senator from Oregon, but I do not doubt his integrity or question his motives or question his patriotism. I think perhaps we have the

same objective, and that is an early end to the war in Southeast Asia.

THE CASE AGAINST THE "END THE WAR" AMENDMENT

It is with a sense of "haven't we been through this before?" that I have noted the resurrection of the so-called amendment to end the war in Congress. Last year it seemed that the fate of this dubious exercise had been settled for good, but it has now been revived and we are called upon to deal with it again.

UNPRECEDENTED LOBBYING EFFORT

I am sure most Members of the House and Senate recall the events subsequent to the May 12, 1970, appearance of several Senators on network television. By playing upon the sympathies and anxieties of a war-weary American people they used that television production to solocit more than half a million dollars and thereby financed an unprecedented barrage of publicity and vigorous lobbying activities aimed at changing the minds of fellow Members of Congress.

The money they raised went for newspaper advertisements across the country, television and radio spot commercials on some 60 stations, and a sizable volume of publications directed at stimulating public pressure on Members of Congress to support the so-called amendment to end the war.

This television production and the activities which followed it raised a number of still unresolved questions regarding whether or not this is proper for Members of Congress. But evidently the amendments sponsors and proponents have not been troubled by these questions, for press accounts indicate they have planned to spend upward of $100,000 on another media blitz to stimulate lobbying activities against their colleagues this year.

On September 1, 1970, the Senate administered a resounding defeat to the end the war amendment.

Again, let me make it perfectly clear that I can understand the reasons for the difference of opinion. I referred to the amendment then, in all seriousness and refer to it now as an amendment, not to end the war, but an amendment to lose the peace. I think most of us felt that the Senate's action last September may have laid to rest the so-called end-the-war legislation, but evidently such expectations were overly optimistic, so here we are again discussing what we discussed at great length last year.

In any event, the feeling of repetition hangs heavy over the revival of the end-the-war legislation. I am gratified, as I am certain that the Senator from Oregon is, that we have agreed to fully dispose, one way or the other, of the so-called amendment to end the war by voting on it next week.

I think perhaps as we look at the so-called end-the-war amendment, it is appropriate to discuss some of the history of the amendment, or, I might say, amendments, in the 91st Congress and look at some of the results of American policy in Southeast Asia since these proposals were first put forth.

THE EVER-CHANGING AMENDMENT

I specifically spoke of end-the-war amendments, plural. This point should not be lost on the American people, for it casts an interesting light on the whole end-the-war campaign.

If there has been one overriding characteristic displayed by "the" amendment to end the war it has been a rather pronounced tendency to change. In the course of the 21 months since the proposal was first introduced, it has changed in regard to dates, numbers, terms, conditions, and intent. As a matter of fact, the Senate was presented with not one, but six, separate versions of the end-the-war amendment before it finally came to a vote in the 91st Congress. These different amendments displayed substantial variation, and it was difficult for the Senate, much less the public, to tell from one day to the next exactly which proposal was being referred to by sponsors and supporters.

To clarify the record, I would like to take a moment to sketch the meanderings and metamorphoses of "the" end-the-war amendment.

SIX VERSIONS IN THE 91ST CONGRESS

The whole process started with the pioneer version, a bill introduced by a former Senator from New York on October 7, 1969. It was followed on October 8, 1969, with a second version by the junior Senator from South Dakota and others. Then, on April 30, 1970, the third version was introduced by the junior Senator from South Dakota and the senior Senator from Oregon. That version was followed by the fourth edition on May 5, 1970, introduced by the junior Senator from South Dakota and others. The fifth version was never printed as an amendment; however, it did appear in the RECORD during the week of August 16, 1970, with an indication that it would perhaps be the final version. The sixth and the last version was introduced on August 26, 1970. by the junior Senator from South Dakota and the senior Senator from Oregon.

TWO VERSIONS IN THE 92D CONGRESS

We now have a new year and a new Congress, but "the" amendment is still with us—and still up to its old tricks.

On January 27, 1971, a bill, S. 376, bearing a close resemblance to the 91st Congress last end the war proposal was introduced by the junior Senator from South Dakota and others. It has lain dormant since its introduction, but on June 4, it assumed a new incarnation in the form of amendment No. 143 to H.R. 6531, the act to amend the Military Selective Service Act. This amendment differs from S. 376 in several respects, but it has been christened with the same old bottle as "the" end-the-war amendment.

So now we have the seventh and eighth in an indeterminate series of "the" amendment—with who knows how many more to come.

I ask unanimous consent that all eight versions of the so-called amendment to end the war be printed in the RECORD at the conclusion of my remarks. It is somewhat difficult to follow all the changes, and it would be well to have the eight versions presented in full.

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

(See exhibit 1.)

A QUESTION OF PROPRIETY

Mr. DOLE. Mr. President, the principal question posed by this incessant shifting and juggling of the amendments is the propriety of raising money to promote one distinct and clearly specified proposal and then using that money to promote something entirely different.

Certainly those who donated money—in response to the May 12, 1970, NBC television solicitation, many newspaper advertisements, and numerous spot commercials on radio and television did so in the belief that there was a plan to end the war. As events proceeded, however, many contributors must have discovered that the plan they thought they were supporting was not the one being considered by the Congress.

The original intent and representation was to end the war June 30, 1971, by ending our fighting on December 31, 1970, and withdrawing our troops 6 months later—or so read the plan of the fund raising amendment, the one discussed on May 12. At that time, on the basis of that amendment, the sponsors raised more than $500,000.

But by the time the Senate voted on "the" amendment, it had been changed twice and provided for a troop level of 280,000 on April 30, 1971, and total withdrawal by December 31, 1971. To this observer, these changes are substantial and raise pertinent questions.

Why was the plan changed to provide for 280,000 troops on April 30, 1971, and to postpone withdrawal of all forces until December 31, 1971?

If the amendment's sponsors did not intend to press for an end of the war by June 30, 1971, why did they draft their amendment to promise that date and raise half a million dollars on the strength of that date?

If they did not mean June 30, 1971, did they mean December 31, 1971? Or do they now mean December 31, 1971, or March 1, 1972, or 1973, or 1974, or 1975?

THE PRESIDENT'S RECORD

The questionable value of "the" amendment to end the war and the tactics of its sponsors come into still clearer focus when the deadlines and requirements of these pieces of legislation are compared to the accomplishments of President Nixon over a comparable period. So I think it important to focus on the changes that have occurred in the so-called amendment to end the war, and at the same time review the record of President Nixon.

At the time the first two versions of the end-the-war legislation were introduced, the President had been in office slightly more than 8 months. In this brief period he had already reversed the grim patterns of troop level escalation and combat casualty increases which were inherited from the previous administration. Troop strength was below 500,000—down from a peak of 543,400, and combat fatalities were on their way down from more than 14,500 in 1968 to 9,414 in 1969.

Between the introduction of the first two proposals and the introduction of the third version, approximately 100,000 more troops were withdrawn.

Between the televised solicitation of the American people on behalf of the fourth version of the end-the-war proposal and the Senate defeat of the sixth

version, nearly 40,000 more troops came home.

Between the defeat of the sixth version in the 91st Congress and the appearance of the seventh and now the eighth in the 92d Congress, another 80,000 men have been withdrawn.

So, by rough calculations, while the sponsors and supporters of this so-called end-the-war legislation have been soliciting the public, inciting pressure on their colleagues in Congress and otherwise engaged in their causes, President Nixon, who bears the real responsibility for the protection of our fighting forces and for the future of peace, has made substantial progress toward ending the war by reducing the troop level by more than 220,000 men.

Altogether, in the first 2½ years of his Presidency Richard Nixon has brought more than 292,000 American fighting men home from Indochina and has reduced the casualty level by more than two-thirds.

As a dramatic example of the President's success, figures announced this morning reveal that battle deaths for the past week were the lowest in 5½ years. That is still too many. Do not misunderstand me; one is too many. But this is a far cry, 19 deaths last week is far different, from the high of 562 in one week of 1968. Not since October 1965, have fewer than 19 Americans died in a week of combat. Of course, one American death is too many. But I believe that some Thursday in the very near future we will hear the long-awaited news—no American battle deaths.

The facts show that President Nixon is doing something about the war: he is ending it. And no advocate of so-called end-the-war legislation can match his record in terms of real progress, responsible programs, or credible fulfillment of his promises.

And let me say again to my friend, the distinguished senior Senator from Oregon, I know of his commitment, I know of his sincerity, and I know of the commitment and sincerity of other sponsors of the amendment. But those laws notwithstanding, only one man in America, regardless of party and regardless of time in history, only one man, the President, has the ultimate responsibility.

CREDIBILITY COMPARED

Credibility has become a prominent catchword in Washington, and it is important to recognize that President Nixon's credibility on ending the war and winning the peace is unimpeachable.

Just look at the record. He took office in January 1969, with more than half a million Americans fighting a war commenced and expanded by two previous administrations. In June, September, and December of that year he announced troop withdrawals of 25,000, 35,000, and 50,000 men. The on-time completion of this phase of withdrawals was in large measure due to the successful United States-South Vietnamese operations into sanctuary areas in Cambodia. In April 1970 a further withdrawal of 150,000 men was announced and by the first of this month the total of U.S. forces had been cut to less than half the alltime high reached in early 1969.

For every two Americans in South Vietnam when Richard Nixon became President, there are now fewer than one; and by December 1 of this year troop strength will be only one-third what it was when the President took office.

President Nixon has not equivocated over dates or numbers; he has made clear, reasonable commitments, and he has kept each and every one of them, either on time or ahead of time. When the President speaks of numbers and dates, there is no question of those numbers or those dates.

The President's record offers a marked contrast to that of the so-called end the war legislation. It started out having all American forces out of Vietnam on December 1, 1970. Later, it said December 31. Then it said June 30, 1971. Then it said we would have 280,000 men in Vietnam on April 30, 1971 and all of them would be out by December 31, 1971. Now it says have everyone out by December 31, 1971—or 60 days later if our prisoners are not released—or if Congress authorizes further action—or who knows what additions or changes the sponsors might make tomorrow?

CHANGES RAISE QUESTIONS

I cannot believe the end-the-war amendment, the lose-the-peace amendment, could have been introduced with the expectation that it would ever become law. Any responsible observer of national affairs knows that the Senate and House would never pass it, and certainly no President, Democrat or Republican, would ever sign it. But, since it has been advocated so vigorously and at such expense and with such intense efforts to lobby and pressure Members of Congress, the American people are entitled to know why it was introduced and why it has been subjected to such fundamental continuing, and substantial alteration.

Yes, with total sincerity, many in this Chamber and many in the other body, and many Americans, who are searching for peace, say, "We have tried everything else, let us try fixing a date."

But I would point out the difficulty we have ourselves, the difficulty the sponsors have, in trying to agree, trying to determine what is an acceptable date and what is a date that can be met.

When the amendments' alterations and modifications are set up beside programs and accomplishments of the President, they raise the question of whether they do not actually constitute an endorsement of the President's policies and an effort on the part of their well-intentioned sponsors to associate themselves with the President's success.

If so, then these changes are to be applauded and welcomed.

Perhaps answers to these questions will not be forthcoming, but they are questions many Americans are asking—especially in the light of President Nixon's progress in ending the war.

A NEW PLAY ON EMOTIONS

This year's chapter of the "selling of the amendments" has revealed a new element in the publicity for these proposals. Since the President's withdrawal program and his schedule for future withdrawals have taken that issue away from the amendment's sponsors, the emphasis has changed to another source of emotion and anguish with the American people in efforts to promote the latest proposal. This year there is emphasis on the public's concern for the 1,500 men who are being held prisoners of war or are missing in action in Southeast Asia. In light of the success the President is having in securing the withdrawal of our forces, the proponents of the amendment have moved to another issue and are now saying that a definite date for complete withdrawal is the only way to insure the release of our captured men.

They would have us abandon the last remaining element of flexibility in our disengagement policy—the open-ended feature of our withdrawal timetable—in the belief that such action would facilitate the release of our prisoners. They urge us to make this concession unilaterally, without any assurances from the North Vietnamese that any action would be taken on the prisoner issue.

It is a very delicate question, and I have said from the outset, having been rather closely associated with those engaged in efforts to release American prisoners, those engaged in efforts to determine who are the missing in action, those engaged in efforts to have the North Vietnamese and the Vietcong subscribe to the Geneva accords, and with wives, mothers, children, and families who search for hope and find no hope, that I would guess a wife or mother or child might say, "Yes, let us fix a date. We have tried letters, we have tried trips to Paris, we have tried resolutions in Congress, all without success."

I certainly would not fault the wife, the mother, or the family of any prisoner for anything they might say, because in many cases their husbands and sons have been missing, not for 1 or 2 years, but for 5, 6, or 7 years.

But I believe that to urge a deadline is wrong. It evidences a fundamental error in judgment, and it discloses a distorted sense of perspective in regard to the war and the North Vietnamese.

We find, in the same breath, the President is being berated for actions which amount to matching or exceeding the very requirements of earlier end-the-war legislation, and is being attacked because he cannot surmount a difficulty over which he cannot reasonably be expected to have any control—the adamant recalcitrance of the North Vietnamese insofar as American prisoners and Americans missing in action are concerned.

The North Vietnamese have refused to agree to a cease-fire; they have refused to join in an Indochina peace conference, they have refused to agree to a political settlement involving the NLF; and they refuse to agree to any proposal for prisoner release. Failure to negotiate the release of our prisoners and missing men is not due to any shortcomings or spared effort by the United States on the diplomatic front, whether under President Johnson or President Nixon. Publicly and privately, directly and through intermediaries, the United States has left no avenue unexplored in attempts to provide for the release of all prisoners—or at least for the internment in a neutral country.

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

Mr. DOLE. If the Senator would not mind I should like to complete my statement first.

NORTH VIETNAMESE OBSTRUCTION

The difficulty is simple, and the obstacle is clear. The North Vietnamese have repeatedly refused to agree to any arrangement whereby a date for termination of U.S. operations will be met by a concurrent agreement to release our prisoners. They say only that in the event of a deadline set by the United States, they will discuss prisoners. But the experiences of the French with regard to their men who were captured and missing, and the experiences of the Johnson administration in relation to the understanding accompanying the bombing halt have shown that a promise by the North Vietnamese to discuss a subject means nothing.

Discussion to the North Vietnamese means only more stalling, more propaganda and more delay. Only when they are firmly and clearly committed to specific actions can there be any expectation that they will proceed on a substantive basis on any subject. They have not evidenced any willingness to commit themselves on the release of our prisoners, and until they do make a commitment, the President will not and should not and cannot be taken in by their offers to discuss the fate of our men.

Remarks of North Vietnam's chief Paris negotiator, Xuan Thuy, quoted in yesterday's Washington Post, removed the last doubt as to North Vietnam's intentions regarding our prisoners. Thuy reiterated the North Vietnamese position that release of any U.S. prisoners would not come before complete cessation of all military and economic assistance to South Vietnam.

Mr. President, I believe it would be appropriate to include in the RECORD a thorough analysis of what the North Vietnamese position on prisoners actually entails, and I ask unanimous consent that this study of authoritative sources be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. DOLE. But in the face of a clear record of North Vietnamese refusal to make the slightest move toward agreeing on release of prisoners, the end-the-war advocates continue to persist in urging the President to relinquish whatever leverage and influence he still possesses on behalf of our captured and missing men through the indefinite presence of our Armed Forces in South Vietnam.

PERILOUS COURSE

This stance is fraught with peril. It endangers the chances for negotiating release of our prisoners, and by singular emphasis on prisoners it also jeopardizes the fate of more than 1,000 missing men, at least 90 of whom are known to have been captives. Since the enemy disclaims any knowledge of these 1,000 missing men, an agreement restricted only to acknowledged POW's would seal the fates of any who might be held secretly.

Let me emphasize this: The North Vietnamese acknowledge the retention of only 339 American prisoners of war. We stress and we indicate and we insist that there are some 1,500 Americans missing in action and prisoners of war. The so-called amendment to end the war talks about the prisoners of war. Whose figures would be used to count them? Our figures? The North Vietnamese figures? If we would set a deadline of December 31, 1971, what would we expect—339 American prisoners of war returned or 1,500?

I think that this year's end the war amendment has little chance of adoption. Nonetheless, the publicity and the lobbying campaign have been launched. We have had young lawyers and others in our offices, insisting that we set a deadline, that we agree to a deadline.

I do not quarrel with those who say that the American people want the war to end on December 31, 1971. We want it to end today, last week, last year.

I would remind those who quote those figures that some 77 percent of the American people support the President's program of Vietnamization; some 65 percent of the American people say, Do not withdraw on any fixed date if it should mean a Communist takeover; and the people, by a margin of 8-to-1, say, Do not abandon our American prisoners of war.

Although this year's end-the-war amendment has slim chances for passage, the intense publicity and lobbying campaign which has been launched in its behalf still poses the risk that some members of the American public will be distracted from the record of progress the Nixon administration has compiled in ending our country's involvement in the Indochina conflict. This publicity campaign also raises a substantial danger that the North Vietnamese and others will mistake the attitude of the American people and come to think we really do not care about the nearly 1,500 missing and captive men in North Vietnam, South Vietnam, Laos, and Cambodia.

I, for one, would not want to be a party to any activity which might jeopardize the present safety and future chances for release of so many brave Americans.

REVEALING LISTS OF SUPPORTERS

I have seen some of the publicity of the groups and organizations supporting this legislation. Their rosters read like a Who's Who of has-beens, would-be's, professional second-guessers, and apologists for the policies which lead us into this tragic conflict in the first place. Their rolls tell far more about the "Lose the Peace" amendment than all their TV commercials, press releases and publicity stunts put together. If these people wish to salve their consciences for errors committed while they were entrusted with the responsibility of leading this Nation, they should do so in private commiseration with each other. If these people are seeking to relive the glories of past high office, they should repair to their scrapbooks and press clippings. If these people are attempting to construct the foundations of future careers in public life, they would do well to choose other building blocks than the fate of American prisoners in faroff lands and the emotions of a people who are sick of war and yearning peace.

Mr. President, in many respects, this is an important amendment. At stake is whether Congress or the President shall negotiate the peace in Southeast Asia. At stake is whether Congress or the President shall negotiate the fate of American prisoners of war.

I think the President's course is leading us out of Southeast Asia, and I have said, without any special authority or information, that it appears to me the end of the war in South Vietnam is much nearer than many people may think. Of course we all hope that is true. I know of no pro-war Senator or Representative. We are all anti-war. We all want the war to end.

Mr. President, I oppose the amendment of the senior Senator from Oregon and the junior Senator from South Dakota and other respected Members of this body because, first of all, I believe that the President has the constitutional power, the constitutional responsibility, the constitutional duty to end the war, as he is doing. Second, when I observe what has happened just since September of last year—when the Senate, by a vote of 55 to 39, rejected the so-called end-the-war amendment—the success President Nixon has had in winding down the war, the efforts he has made for peace and the fact that he has kept his word on every troop withdrawal and every commitment, it would seem to me that this proposed action by Congress would indicate that we do not have faith in President Nixon. I think we should have faith in him.

I have said, not in a partisan sense, that if I were to list the greatest single achievement of this administration, it would be President Nixon's success in winding down the war in Southeast Asia, and I believe that; and I say that as one who supported President Kennedy when the first combat troops were sent to Southeast Asia. I say that as one who supported President Johnson and voted for the Gulf of Tonkin resolution. Perhaps I was mistaken. Perhaps I did not understand the problem.

But the course of the war has changed. The course of the war has changed dramatically. We are looking beyond Vietnam. Look at the success President Nixon has had—yes, in South Vietnam—but also in the Mid-East and, hopefully, in the SALT talks, and the announcement today of some trade with mainland China. I think all these things tend to shore up the President's credibility, if it in fact needs shoring up.

But I say, with all respect to my colleagues and the cosponsors of the pending amendment, that it should be rejected. I hope that the Senate will reject the so-called end-the-war amendment and hope, instead, that we might have a substitute amendment commending President Nixon for the efforts he has made, thus uniting behind him in our efforts to end the conflict in Southeast Asia.

But let me emphasize most sincerely that I would hope this debate does not

focus on our helpless prisoners of war or Americans missing in action. There is great emotional appeal to saying that we must fix a date and that if we do not fix a date it means that our men will not return. I know how some of the wives and mothers feel. I know that they are looking for hope. I also know that some have given up. I would trust, in our sincere efforts to resolve the amendment before us, that we recognize the feelings of these wives and mothers.

Mr. President, the Senate has more important issues to consider than this so-called end-the-war amendment. Many of the President's domestic and international programs are awaiting action, important appropriations bills are pending, and other work of Congress demands our attention.

I urge that the Senate quickly and decisively reject this proposal and move on the completion of action on extension of the draft and other pressing business which awaits us.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a series of articles dealing with a peace proposal by President Thieu of South Vietnam, July 11, 1969; a peace proposal by President Thieu of South Vietnam in 1970; a chronology of elections in the Republic of Vietnam since 1965; information on the new land reform program in Vietnam; various and sundry articles with reference to Laos, Cambodia, and Indochina; a story published in the June 4, 1971, Washington Post by Bart Barnes and Martin Weil concerning lawyers who are leading the antiwar effort.

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

(See exhibit 3.)

EXHIBIT 1

I—AUGUST 7, 1969

S. 3000

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969".

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promate the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

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

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

II—AUGUST 8, 1969

S. CON. RES. 39

A concurrent resolution relating to withdrawal of United States forces from Vietnam.

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

III—APRIL 30, 1970

AMENDMENT NO. 605

On page , line , insert the following:

"SEC. . (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchange of prisoners of war with the Government of North Vietnam, to the provision of food and other nonmilitary supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

"(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article or any military assistance or advice.

"(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

"(d) For purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

IV—MAY 5, 1970

AMENDMENT NO. 609

On page —, line —, insert the following:

"SEC. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided,* That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylums for Vietnamese who might be physically endangered by the withdrawal of United States forces: *And provided further,* That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

"(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

"(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

"(d) For the purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

V—WEEK OF AUG. 16, 1970

AMENDMENT NO. 609—NEW LANGUAGE

Sec. (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971, to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under

subsection (c) of this section) shall by joint resolution specifically otherwise provide.

(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations of United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

(d) For purposes of this section, the term "Indochina" shall mean North and South Vietnam, Laos, and Cambodia.

VI—AUGUST 26, 1970

AMENDMENT NO. 862

At the end of the bill add a new section as follows:

"SEC. —. (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty thousand armed forces of the United States after April 30, 1971.

"(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

"(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971;

"(2) to secure the release of prisoners of war;

"(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Provided, however, That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American Armed Forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph b(1) for a period of not to exceed sixty days and shall inform the Congress forthwith of his findings; and within ten days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection (b)(1) for congressional approval."

VII—JANUARY 27, 1971

S. 376

A bill to amend the Foreign Assistance Act of 1961, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congres share responsibility for establishing, defining the authority for, and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners, and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States Armed Forces from Vietnam.

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

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

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

"(1) to bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American Armed Forces by December 31, 1971;

"(2) to insure the release of prisoners of war;

"(3) to arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

VIII—JUNE 4, 1971

H.R. 6531

Amendment intended to be proposed by Mr. MCGOVERN (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. HUGHES, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CHURCH, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. MANSFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RIBICOFF, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS) to H.R. 6531, an Act 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, viz: At the end of the bill add the following new section:

SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

EXHIBIT 2

THE COMMUNIST POSITION ON PRISONER RELEASES

Point 9 of the NLF's "10 Point" proposal of May 8, 1969 implicitly linked the release of prisoners of war with the payment of war reparations by the U.S. Point 9 stated:

"To resolve the aftermath of the war:

"A. The parties will negotiate the release of soldiers captured in the war.

"B. The United States Government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones." [i.e. North and South Vietnam]

Point 1 of the PRG's "8 Point" elaboration of September 17, 1970 linked prisoner releases with the setting of a fixed date for the withdrawal of all U.S. and other foreign troops. The full text of Point 1 is as follows:

"The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of 'Vietnamization' of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam. In case the U.S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971, the People's Liberation Armed Forces will refrain from attacking the withdrawing troops of the United States and those of the other foreign countries in the U.S. camp, and the parties will engage at once in discussions on:

"The question of ensuring safety for the total withdrawal from South Vietnam of U.S. troops and those of the other foreign countries in the U.S. camp.

"The question of releasing captured militarymen."

Following the September 17, 1970 Paris meeting at which the "8 Points" were presented by PRG chief delegate Mme. Binh, PRG spokesman Duong Dinh Thao elaborated on the prisoner of war question. The following are the pertinent excerpts from Thao's press conference (using the North Vietnamese VNA transcript):

Bernard Redmont (NBC):

"I would like to ask about the problem of the captured military men. Does this mean that, when the U.S. Government announces that it will totally withdraw U.S. troops from South Vietnam, discussions on the release of prisoners of war will be held immediately? And also, does it mean that the captured military men will be set free immediately at the end of the discussions and not at the end of the war?"

Answer:

"First of all, it must be clearly stated that the Americans must announce that they will pull all U.S. troops out before 30 June 1971. Then, the parties will immediately begin to discuss the problem of the release of militarymen captured during the war. And, if the U.S. Government fosters good will, really desires to put an end to the war, and actually carries out the withdrawal of all U.S.

and foreign troops from South Vietnam; and if it also displays a serious attitude in the discussions, then we are convinced that the release of the militarymen captured during the war will be carried out rapidly.

"We yearn for an early end to the war so as to be able to put an end to the suffering and mourning of the Vietnamese people and also of the American people. At the same time, this will enable captured American youths and militarymen to rejoin their families in a not too distant future."

Subsequently, Communist delegates and spokesmen in Paris have consistently adhered to the line that a prisoner of war release would only be "discussed"—not automatically resolved—should the U.S. set a withdrawal deadline. The one apparent exception was an article by Mme. Binh in Le Monde of April 15, 1971 in which she claimed that President Nixon had "only to fix a reasonable deadline for the total withdrawal for GI's and American prisoners to be rapidly and safely returned." However, in the Paris session held the day this article appeared (April 15), Mme. Binh and her North Vietnamese counterpart, Xuan Thuy, took a somewhat different official line. The following are excerpts from the transcript of this meeting:

Mme Binh:

"In order to settle the question of captured military personnel, it is necessary to settle the problem of the cessation of the war—a problem in which the crucial question is the repatriation of American troops. As long as the war goes on, not only will the question of captured military personnel not be able to be settled but also the list of the captured will only grow longer indefinitely.

"The Vietnamese people who feel no animosity toward the American people and who have no interest in the prolongation of the captivity of captured American military personnel, still desire to see the war come to an end as soon as possible in order that this question be rapidly settled. In this spirit, the Provisional Revolutionary Government of the Republic of South Vietnam stated that it would enter immediately into discussions on the question of the release of captured military personnel if the Government of the United States agreed to withdraw all of its troops before June 30th, 1971. . . . It is thus clear that if the American Government had truly wanted to correctly settle the questions of captured military personnel, this question would long since have been discussed and settled in an appropriate manner. . . .

"Rapidly withdrawing American troops according to a determined deadline, renouncing the maintenance of the Thieu/Ky/Khiem clique, letting the South Vietnamese population determine freely its own political future—these are urgent demands not only on the part of the Vietnamese people but also on the part of the American people and public opinion the world over. It is up to the Nixon Administration to respond to these legitimate demands so that these negotiations can truly progress, the war comes to an end as soon as possible and American troops in Vietnam, including captured American military personnel, go back rapidly and in complete safety to their homes."

Xuan Thuy:

"In our prepared statement today, we called on the United States party to give a response to the three points which we mentioned in our speech today with the aim of rapidly arriving at a peaceful settlement of the Vietnamese question. If you give a response rapidly and positively to these three points, then a rapid return home will be possible for captured military personnel and for the personnel now participating in the war. [Xuan Thuy's three points called for the U.S. to: (1) set a withdrawal deadline; (2) cease bombing North Vietnam and 'violating its sovereignty and security;' and (3) respond to the PRG proposal to replace the present South Vietnamese Government with one which will engage 'in serious talks' with the PRG.]"

The Hanoi daily Nhan Dan of April 19, 1971 stated:

"It is thus obvious that whether or not captured American military men will be released depends entirely on the U.S. A prolongation of the war will only delay the settling of this question."

It thus emerges from the above Communist statements that more than a troop withdrawal deadline is required in order to free the prisoners of war. While the Communists are ready to "discuss" the prisoner question if the U.S. sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will be actually freed. This would involve not only a deadline, but also the establishment of "provisional coalition government" and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communist side can be expected to extract the highest possible price for a prisoner release.

There has been some confusion in the interpretation and reporting of statements attributed to Communist spokesmen and delegation members in Paris. The following excerpts from the North Vietnamese (VNA) transcript of questions and answers at North Vietnamese spokesman Nguyen Than Le's "tea party" of April 21, 1971 might serve to clear up some of these misunderstandings:

Redmont (Westinghouse Broadcasting Corporation):

"I paid much interest to an article carried in the International Tribune today which quotes U.S. Senator Hartke as saying that in his meeting with Mr. Nguyen Minh Vy [North Vietnamese delegate], the latter said that after the United States announced it would withdraw all U.S. troops . . . and the prisoners of war would be released three weeks later. Will you give your opinion on this?"

Answer:

"When Mr. Hartke came to Paris he suggested that a cease-fire be observed. . . . Mr. Nguyen Minh Vy answered that, with regard to the question of cease-fire, Minister Nguyen Thi Binh made a three point statement on 10 December 1970. . . . With regard to captured military personnel, if the United States agrees to the proposal of the PRGRSV that it announce the withdrawal of all U.S. troops and those of the other foreign countries in the U.S. camp before 30 June 1971, the parties will discuss immediately the release of American prisoners of war.

"I would like to add that with regard to the question of American prisoners of war, I think that if the United States puts forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe . . . that . . . there will be no difficulties just as . . . towards the French in the past."

Goldsmith (AP):

"Why does your side think that no further precision can be given. . . . U.S. opinion is concerned about your refusal to announce a fixed date for the release of prisoners of war. This fact gives the Americans a pretext for refusing to set a deadline for the total withdrawal of U.S. troops."

Answer:

"In my opinion, the problem of captured militarymen is not too difficult to solve. . . . we formerly had this experience with the French and the problem was settled satisfactorily. We have said: Should the Americans advance a deadline for the total withdrawal of U.S. troops, then the parties would enter into discussions, that is, serious and true discussions on the release of captured militarymen."

NOTE.—In answering questions, Nguyen Thanh Le three times referred to the precedent established by the release of French prisoners of war. Prior to the question and answer period, Le stated:

"At the Geneva Conference in 1954, the question of releasing captured militarymen was not difficult to settle. After a basic agreement on the ending of the war and on a cease-fire, the question of releasing captured military men was settled. On 20 July 1954 the Geneva agreements were signed. A few days after, the parties discussed the releasing of captured militarymen. At the end of July 1954, the release started, and it ended in August 1954."

This appears to be an additional indication that the Communists do not intend to release American prisoners until the war has ended on their terms.

EXHIBIT 3

PEACE PROPOSAL BY PRESIDENT THIEU OF SOUTH VIETNAM—JULY 11, 1969

1. All political forces, including the organization called the NFLSV, which is holding weapons to oppose us, can participate in the elections, provided that they renounce violence and pledge to recognize the election results.

2. To insure that the elections are correctly held, an electoral committee, in which various political forces, including the organization called the NFLSV, are represented, can be set up. The electoral committee will insure that equal opportunity is provided for every candidate in the electoral campaign.

The electoral committee will be entitled to observe the polling and the counting of ballots in order to see that the voters enjoy full freedom to vote and that the counting of ballots is completely genuine.

3. An international organization will be set up to observe the elections and to insure that the elections are duly held for everyone.

4. We are ready to discuss with the other side the schedule and procedures for holding elections.

5. There will be no reprisals or discrimination in the post-electoral period.

6. The Republic of Vietnam Government pledges to respect the election results, no matter how they turn out. We challenge the other side to pledge likewise.

PEACE PROPOSAL BY PRESIDENT THIEU OF SOUTH VIETNAM

(Broadcast in Saigon, October 8, 1970, 0646 GMT)

In order to quickly end a war that has caused much suffering and destruction to our beloved country and to all of Indochina, we advance the following proposals. They have been discussed with the U.S. Administration and have been agreed to by the Cambodian and Laotian Governments. The proposals:

Establishment of a cease-fire in place throughout Indochina. To achieve this objective, we propose that discussions be started immediately dealing with the creation of an effective organ to supervise the cease-fire and prevent any side from taking advantage of it to strengthen its forces by introducing combat troops from the outside. The cease-fire would stop all provocative actions throughout Indochina and must bring about the restoration of peace.

Convocation of an expanded conference with the participation of the Cambodian and Laotian Governments. The conference would aim at finding a solution to end the war throughout Indochina. For years the war in Vietnam and the situation in Cambodia and Laos have been closely linked. We are convinced that the various military aspects of the war must be discussed and settled throughout Indochina on the basis of the fundamental provisions of the 1954 and 1962 Geneva Accords.

Approval of a timetable by both sides for the withdrawal of all outside forces. The

timetable would fall within the framework of an overall solution and would be based on our previous proposals.

The immediate and unconditional release of the POW's of both sides on a mutual basis.

Concerning a political solution for South Vietnam, the Government of the Republic of Vietnam confirms its 25 March 1969 proposal on the holding of private talks with the other side to discuss all problems in a spirit of national reconciliation.

Moreover, on July 11, 1969, the Government of the Republic of Vietnam advanced a very conciliatory proposal which is also the most democratic solution consistent with the principles of self-determination of the people of South Vietnam. This proposal deals with the organization of free elections with adequate guarantees. Today we confirm this proposal.

We have also proposed the establishment of an electoral committee including the other side's representatives to insure equal opportunities for all candidates during their electoral campaigns and to supervise the elections so everyone may enjoy complete freedom.

We have also proposed the establishment of an international organization to insure that the elections are organized under equal conditions for everyone. We are still ready to discuss with the other side the procedures on the organization of these free elections. Moreover, we are still ready to discuss with the other side problems related to North and South Vietnam and the reunification of the country by peaceful and democratic means.

Two years ago when the Paris negotiations began, there were many hopes and expectations among the Vietnamese people and people throughout the world. We unilaterally deescalated the war and believed that serious and useful talks would soon take place in order to quickly achieve peace in Vietnam and stability for the entire Southeast Asian area.

The Government of the Republic of Vietnam has for a long time displayed its goodwill and been ready to talk with the other side without imposing any prerequisites. We hope the other side will stop calling for unreasonable conditions that would force us to surrender. The other side must understand that we will never accept these conditions.

The Government of the Republic of Vietnam hopes the other side will soon begin serious discussions on the points proposed in this statement in order to quickly restore peace."

CHRONOLOGY OF ELECTIONS IN THE REPUBLIC OF VIETNAM SINCE 1965

May 30, 1965—Province Level Elections. These elections were conducted throughout South Viet Nam for provincial and municipal councils. Government of Viet Nam officials and ARVN personnel were prohibited from running. Throughout South Viet Nam, 1,000 candidates contested 471 seats. Of the 4.7 million registered voters, 3.5 million, or 74% cast ballots. To make voting easier for those who read with difficulty, each candidate chose an identifying symbol to emblazon on his campaign posters. The major organized labor confederation elected 13 of its 16 candidates. In the central provinces, candidates associated with Buddhist organizations made strong showings. Foreign press observers termed the elections the most honest Viet Nam had ever had up to that time.

September 11, 1966—Nationwide election for a 117-member Constituent Assembly brought out some 4.3 million voters, representing 80.8 per cent of the registered electorate and over 55 per cent of the estimated population of voting age, despite a major Viet Cong effort to disrupt the elections.

September 27, 1966—The Constituent Assembly convened and prepared a democratic Constitution which was promulgated on April 1, 1967. Constitution provides for a modified presidential system, a bicameral legislature, an independent judiciary, a basic bill of rights for citizens.

March-June 1967—The first round of village and hamlet elections held. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6 percent of those registered) elected officials in 984 villages and 4,600 hamlets.

September 3, 1967—Election of President Nguyen Van Thieu, Vice President Nguyen Cao Ky, and 60 members of the Upper House of the National Assembly. There were 8,824 polling stations in the 50 provinces and municipalities of Vietnam. Out of the 5,853,-251 registered voters, 83.3% went to the polls. There were 11 candidates for the Presidency and 480 candidates for the 60 Senate seats. The Thieu-Ky slate received 34.8% of the vote, twice as much as the next closest slate which received 17.2%. Eighty percent of the votes went to candidates who advocated no compromise with the Viet Cong. In addition to 116 official observers, more than 600 foreign correspondents, cameramen, and TV crews, representing the world's major news services overwhelmingly concluded that the Government of South Viet Nam had made every attempt to hold an honest election, that voting officials had demonstrated a high level of efficiency, and that the elections themselves were free and fair by any reasonable standards.

October 22, 1967—Election of a 137-member Lower House with representation based on population and including deputies from minority groups. Seventy three percent of the registered voters of South Vietnam selected 135 men and two women for the Lower House membership widely representative of both national and local political interests. The major religious groups were widely represented with about 65 Buddhists, some 35 Catholics, and the remainder split among the various other religious groups: Hoa Hao, Cao Dai, Confucianists, and others.

October 31, 1967—Inauguration of President Nguyen Van Thieu and Vice President Nguyen Cao Ky. Several of the defeated Presidential candidates take positions in the national government.

March 1969—Village and hamlet elections took place in more than 3,600 communities throughout South Vietnam on four successive Sundays in March. Over one million men and women, representing nearly 90% of the eligible electorate, went to the polls and elected 7,741 leaders—village council members, hamlet chiefs, and deputy hamlet chiefs. These March elections, together with rural elections held in 1967 and 1968, brought elected councils to 1,693 of South Vietnam's 2,130 villages and elected chiefs to 7,867 of its 10,755 hamlets.

June 1969—Almost 90% of the eligible voters turned out to choose 1,121 hamlet chiefs and 1,092 village council members in rural elections held on the first four Sundays in June. It was the second phase of the Government's program to hold country-wide rural elections before the end of 1969. Combined with previous election results, these June elections brought fully-elected councils to 1,891 of Vietnam's 2,130 villages and locally-elected chiefs to 8,776 of its 10,-775 hamlets.

July 11, 1969—President Thieu proposed elections in which "all political parties and groups, including the 'NLF' . . . can participate . . . if they renounce violence and pledge themselves to accept the results of the elections." To provide special guarantees to ensure fairness, he proposed the establishment of an electoral commission with NLF participation, and an international supervisory body—in his six-point proposal for a political settlement of the war in Vietnam.

March, April and May 1970—Village Council elections. By early 1970 council elections had been held in more than 2,000 of the 2,300 villages of South Vietnam. In March 1970 the three-year terms of the councils elected in March 1967 expired and by May 1970 more than 900 second round elections had been conducted. Elections will continue over the next three years as the three-year terms of the councils expire. Voting percentages averaged about 85 percent of the registered voters, versus 78 percent for 1967. There was a major turnover in village council membership, averaging around 50 percent. A significant percentage of those elected were local officials, Regional and Popular Force and Revolutionary Development personnel.

June 28, 1970—Province/Municipal elections. Elections were held for city councils in the cities of Saigon, Vung Tau, Dalat, Cam Ranh, Hue and Danang and provincial councils in each of the 44 provinces. Seventy-three percent of those eligible cast ballots. Increasing interest was demonstrated in these elections by political parties and religious associations, but most candidates ran without publicizing party affiliations.

August 30, 1970—Upper House Elections. Sixteen slates of ten men each contested for the thirty seats up for re-election in South Vietnam's Senate. The leading ticket in the balloting was the Buddhist slate. (The opposition Buddhists had boycotted the 1967 elections.) The second winning slate was an Independent Opposition slate and the third leading slate was a ticket generally in support of the present South Vietnamese administration and its policies. More than 65% of the eligible voters of the country participated in the voting. Representatives of the 13 losing slates described the elections as the most honest they had ever experienced.

August 1971—Lower House elections scheduled.

October 1971—Presidential and Vice Presidential elections scheduled.

August 1974—Upper House elections for one-half of the Senate.

The above record of competitive and increasingly progressive political development in the Republic of Vietnam stands in sharpest contrast with the totally restrictive Stalinist pattern imposed as a monopoly of the Lao Dong (Communist) Party in North Vietnam.

NEW LAND REFORM PROGRAM—VIETNAM

LAND-TO-THE-TILLER BILL

On March 26, 1970, President Thieu promulgated into law a new and revolutionary land reform bill passed by the Vietnamese National Assembly. The program goes far beyond any previous land reform measures and is designed to provide ownership to all farmers who cultivate the land. The Law:

1. Eliminates tenancy.

2. Expropriates land not directly cultivated by the owner and distributes it free to tenant farmers.

3. Limits land ownership to 15 hectares (37 acres) per farmer provided he directly farms the land himself.

4. Redistributes any excess lands free to families of war dead, veterans, retired civil servants, and farm laborers.

5. Compensates the former owner 20% in cash and 80% in monetary bonds bearing 10% interest redeemable in equal installments over an 8-year period.

IMPACT OF NEW PROGRAM

This new "land-to-the-tiller" program will further broaden the base of land ownership and contribute significantly to social stability in the countryside. The program could benefit as many as 500,000 tenant-farmers by transferring ownership to them of over 2¼ million acres of riceland. Thereafter, a fair compensation will be paid to some

50,000 land owners by the government. It is a program relatively easy to administer since it transfers private lands to those already tilling it, and does not involve the government in taking title and redistributing the land. With U.S. technical assistance even those simplified administrative requirements are being streamlined by the use of aerial photography and computer technology to speed up the land identification and title issuance processes.

ESTIMATED COST

The total piaster cost will be borne by the Vietnamese Government. Total domestic currency piaster costs have been estimated at the equivalent of over $400 million during the several years required to complete the program.

U.S. PARTICIPATION

The U.S. Government strongly supports this new initiative of the Vietnamese Government and has responded affirmatively to a request for financial assistance to help cushion the inflationary impact on the economy of the large expenditure of piasters by the Vietnamese Government. It has been demonstrated over the past few years that any such significant increases in government expenditures result in increased demand for imports. To assist the Vietnamese in meeting this new requirement, the Agency for International Development has earmarked $40 million since FY 1969 and plans to seek additional funds as needed.

PROGRESS TO DATE

As of May 1, 1971, the government has issued titles for 537,728 acres which have been approved for distribution to 173,942 new landowners.

PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. *By almost seven to one,* Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

Princeton, New Jersey: The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

EDUCATION PROGRAM—VIETNAM

Situation in 1954: Elitist, French-oriented system, based on memorization. Available to small percentage of children (elementary—20%; secondary—3.1%; higher—a fraction of 1%; virtually no technical education).

Original U.S. effort: Conventional program—curriculum revision, textbook generation, teacher training, planning for future construction.

Accelerated effort:

Primary: Attempt to provide universal, free education. Has reached 2.3 million—85% of age group; 12,000 classrooms built; 20 million texts; 26,000 teachers trained; 5 normal schools built. Enrollment has increased four times and number of classes, five times. Private schools have matched public pace.

Secondary: Attempt to broaden curriculum to meet vocational as well as academic needs. Enrollment has increased 12 times (from 53,000 to 632,000); 906 classrooms; faculties of pedagogy have produced over 3,400 teachers, and 1,000 a year now. Quality of instruction has improved; multi-purpose high school concept adopted.

Vocational: Ten vocational agricultural schools built, with 4,000 students, 12 agricultural training centers for Montagnards (2,800 trainees since 1967). Over 1,100 out-of-school age students last year. National Agriculture Center, 420 students, at higher education level.

Higher: From one institution (Saigon, with 2,900 students) to seven (Saigon, Hue, Can Tho—public—and Dalat, Van Hanh, Hoa Hao, and Minh Duc—private *—total enrollment 48,000). Emphasis on medical and dental (AMA and ADA contracts), engineering (University of Missouri) and agriculture (University of Florida). * Hoa Hao and Minh Duc (Catholic) opened in November 1970.

Current Emphasis: Administrative reform of entire educational system. Continuous 12 grade primary-secondary curriculum. Delegation of administrative responsibility to local communities. Creation of Institute of Pedagogy to coordinate all teacher education.

Outlook: Generally favorable since GVN has shown willingness and ability to operate its expanded system. Shifting of responsibility to local communities for further expansion of systems and increasing proportion of operating costs.

PUBLIC HEALTH ASSISTANCE PROGRAM—VIETNAM

The Public Health Assistance Program was one of the early undertakings of our mission to Vietnam. The program's original design was conventional AID. Principal emphasis was placed on the basic problems of developing Vietnamese health manpower and improving the preventive medicine program. U.S. advisory efforts and material assistance were concentrated on education and training activities and such public health projects as malaria control.

The character of the program changed markedly after 1963, in consonance with the rapidly increasing level of U.S. involvement in Vietnam. A major impetus for change was the growing U.S. concern for civilians injured as a result of war actions. AID supplied large numbers of professional and technical health personnel to augment severely limited Vietnamese staffs. The U.S. Government actively promoted participation in this major health assistance effort by other Free World governments and international and voluntary agencies. Non-U.S. sources have responded with generous inputs of assistance in the health sector, estimated at $43 million through December 1969. As many as 1200 U.S./Free World physicians, nurses, medical technicians, and health administrators have reinforced the understrength Ministry of Health staff.

A total of fifty-nine health assistance teams (see Attachment #1) now support directly all of the Ministry of Health's provincial and prefectural health services. These teams participate primarily in treating surgical patients, including civilian war casualties. The 41 AID-sponsored teams are supplemented by services of American volunteer physicians, about 800 of them have applied their extensive training and experience in the treatment of the Vietnamese, during tours of two months or more.

AID also sponsors special projects to help make the Vietnamese more nearly self-sufficient in the health field. In October 1969, the National Center for Plastic and Reconstructive Surgery, which had been operating since the summer of 1968 at a temporary site, was re-established in a new facility which is equal to any in the world. The Center, operating temporarily under direction of an AID contractor, now provides the most modern surgical treatment to more than 100 badly deformed children each month. Development of the Vietnamese staff for the Center, which is the key element of the project, is already well advanced. Surgeons, nurses, and administrative personnel are being trained on-the-job by the AID contractor.

Vietnam's National Rehabilitation Institute, also supported primarily by an AID grantee, is making excellent progress. When AID assistance began in mid-1966, the In-

stitute operated a single center in Saigon which was able to manufacture and fit less than 50 artificial limbs and braces monthly. Now the Institute operates four centers, all established in modern facilities (three constructed with AID funding and the other subsidized by Canada) which give its program truly national scope. Working in affiliation with the Vietnamese military rehabilitation center at Cong Hoa Hospital, the Institute offers a comprehensive service of physical and psychological rehabilitation, plus vocational re-training and job placement services. Monthly fabrication, fitting, and training in the use of artificial limbs and braces had risen to 850 by the end of 1970. It should be understood, however, that Vietnam has a formidable backlog of patients requiring rehabilitation, and actions are in process to further expand these services.

The effort to reinforce Vietnamese health service capabilities could not be effective without complementary support in improving treatment facilities and the availability of adequate medical supplies and equipment. The annual input of U.S. Government materials to the Ministry of Health's logistical system has been about $14 million. A significant portion of this input is funded by the Department of Defense. Because of significant increases (up to 15 percent per annum) in the number of patients being treated in Ministry hospitals and dispensaries, demand for medical supplies continues to escalate.

The AID-supported program to improve and expand Ministry treatment facilities already has produced twenty-nine modern surgical suites, eight new provincial hospitals, major renovation of eleven province hospitals, and almost 500 district and village dispensaries. During its final phase, now in progress, this emergency program will yield major renovation of two national hospitals, and additional dispensaries.

Meanwhile, the Ministry of Health is completing construction of a new national hospital at Gia Dinh, to be used as a center for clinical instruction of physicians and dentists at the graduate level. The ministry also is starting construction of a new national hospital at Hue, to replace the rehabilitated facility which was 70 percent destroyed in the communist 1968 TET offensive. Construction already is in progress on a new 170-bed facility (cost estimated at $2.5 million) at the Da Nang Regional Hospital Center. This project is being financed primarily by the German Government, under an agreement with the Ministry. Discussions between the Ministry and other Free World governments to arrange bilateral assistance for construction of two new national hospitals in Saigon are now in the final stages.

The most significant step toward improving self-sufficiency in the health field has been taken by the Vietnamese Government. Recognizing the severe restrictions imposed by their limited pool of health manpower (see Attachment #2), the Ministries of Health and Defense, acting in concert, moved boldly to rationalize and improve the effectiveness with which these scarce resources are used. Under a program for joint civilian-military utilization and operation of treatment facilities, 26 provinces are now receiving significantly improved hospital services, and the program is now being extended to district health centers in those provinces. When fully implemented, the joint undertaking will virtually double the professional and technical personnel available to attack the overall health problems in these provincial populations. Note particularly the increase in physicians (from 58 to 183). This increase in Vietnamese capabilities diminishes the requirement for U.S. and Free World augmentation personnel. We firmly believe that this program can become a model for increasing the effectiveness with which scarce health manpower is used in other countries during their early stages of development.

While helping to meet the immediate treatment needs of the populace, AID has continued its long-term effort to help Vietnam remedy its health manpower deficiencies. Our support to the University of Saigon's faculties of Medicine and Dentistry has stimulated significant increases in physician and dentist graduates (see Attachment #3). AID assistance also enabled the Ministry of Health to add seven schools for training of nursing personnel and more than double the annual number of graduates. More importantly, the U.S. assistance effort is fostering important advances in the quality of education, especially through creating expanded opportunities for well-supervised clinical practice by advanced students. AID has provided a modern basic sciences facility to support this unique medical and dental education project, and currently is subsidizing the designing of a new 500-bed teaching hospital which will complete the facilities development program for Saigon University's Health Sciences Center.

At the same time, more attention is being devoted to prevention of diseases which reduce productivity and impair the quality of Vietnamese life. In this connection, the Ministry of Health recently inaugurated the program of its National Institute of Public Health. With external support derived principally from the World Health Organization (the U.S. Government provided a major subsidy), the Institute will become the base of training, research, and technical support needed for decisive national campaigns against communicable diseases. Pending development of the Institute's program, AID is actively promoting and supporting the Ministry's on-going, long-term and special projects (for example, the two-year National Plague Campaign (1969–1970), for control of the country's most significant disease problems.

UNITED STATES AND FREE WORLD HEALTH ASSISTANCE TEAMS DECEMBER 1970

Designation	Number of teams	Total personnel
MILPHAP teams	27	215
Free world teams	18	265
Republic of Korea	[1] 12	98
Republic of China	[1] 1	10
U.S. Catholic Conference	[1] 1	10
Total	59	598

[1] Under contract with AID.

Note: Authorized personnel ceiling of 61 United States and free world health assistance teams.

HEALTH RESOURCES IN VIETNAM AND THE JOINT MILITARY CIVILIAN HEALTH PROGRAM

	MOH	Armed Forces
Population served	14,000,000	[1] 3,000,000
Facilities	3,364	511
Hospitals	62	57
Dispensaries	3,302	454
Beds	23,437	16,886
Hospitals	17,308	13,286
Dispensaries	6,129	3,800
Manpower	16,651	[2] 18,405
Administrative staff	5,174	----------
Technical staff	[3] 11,477	(4)
Joint military-civilian health program: Total, 348 facilities; manpower, 8,538; beds, 10,000:		
Province level (hospitals)	25	25
Manpower	[5] 1,174	[6] 1,525
Beds	4,855	1,269
District level	[7] 149	[8] 149
Manpower	2,342	2,895
Beds	2,980	1,000

[1] 1,000,000 soldiers; 2,000,000 dependents.
[2] 24,000 authorized in future.
[3] 386 M.D's.
[4] 964 M.D.'s.
[5] 58 M.D.'s.
[6] 125 M.D.'s.
[7] Maternity, infirmary, and dispensaries.
[8] Subsector dispensaries.

VIETNAM HEALTH ASSISTANCE PROGRAM

I *FY 71 U.S. Program:*

$17.9 million

$6.4 million medical supply funded by U.S. Department of Defense

USAID Provincial health assistance teams

MILPHAP	27
Korean	12
Chinese	1
U.S. Civilian	1
Total	41

800 Volunteer Physicians since 1966

II *Education and Training:*

Category:	Graduates 1965	1970
Physicians	85	194
Dentists	16	24
Nursing Personnel	275	633

A and E project for design, University of Saigon Teaching Hospital

III *National Institute of Public Health*—Advisory support by WHO ($1 million U.S.G. fund support). First classes started in December 1969.

IV *National Center for Plastic and Reconstructive Surgery*—Opened in permanent facility October 1969. Over 100 badly deformed children per month being successfully treated.

V *National Rehabilitation Institute*—With help of World Rehabilitation Fund, modernized Saigon Center and opened three (Canadian support). Manufacture and fitting branches—Can Tho, Da Nang, and Qui Nhon of artificial limbs and braces up from 50/month in 1966 to 850/month at end of 1970.

CIVILIAN CASUALTIES IN VIETNAM

Years of warfare have dealt heavy losses to the Vietnamese people. There have been thousands of casualties among civilians caught in fighting between the two sides. Regrettably, US forces have caused part of the civilian casualties in battlefield encounters with the enemy. However, it is the policy of the US Command in Viet-Nam to conduct its military operations so as to avoid, to the greatest possible extent, injury to noncombatants.

NUMBER OF CIVILIAN CASUALTIES EXAGGERATED

One of the most distasteful aspects of the tragedy of civilian casualties in Viet-Nam has been the effort by some observers to exaggerate the number of civilians killed as a result of US military action. The actual statistics we have are sad enough, but some articles appearing in the press and other publications on this subject adduce figures and draw conclusions which are not substantiated by facts. A common ploy is to compare the number (supposedly 25,000 to 40,000) of civilians killed by the enemy since the beginning of the war with the very unfavorable number (supposedly 300,000 or more) killed by US and South Vietnamese military operations.

Articles citing 40,000 or so casualties inflicted by the enemy often neglect to point out that this many deaths can be accounted for solely by assassinations and terrorism. Deaths caused by enemy military activities, but not cited, are much more numerous. The North Vietnamese and Viet Cong follow a policy of calculated terrorism—selective as well as indiscriminate—which has taken a high toll of civilian victims. The number of noncombatants deliberately assassinated under this communist strategy of terror was 31,105 for the years 1966–1970. In the same period, an additional 38,994 persons were abducted by the communists. Earlier, between 1957 and 1965, at least 9,500 assassinations and 36,500 kidnappings took place.

COMBAT DEATHS DIFFICULT TO VERIFY

The record of terrorism, drawn from police reports, is reasonably exact, but it is virtually impossible to obtain complete or reliable statistics on deaths from combat causes in a

developing country at war. The number of civilian deaths from the fighting in Viet-Nam is not known and will probably never be ascertained. However, records of hospital admissions are available, and these provide statistics on civilians injured as a result of the war. Following are figures for hospital admissions for 1967–1970 recorded by the Vietnamese Ministry of Health and by US military hospitals:

	Vietnamese Government hospitals		U.S. military hospitals, civilian war casualties
	All causes	Civilian war casualties	
1967	473,140	46,783	1,951
1968	456,972	76,702	7,790
1969	505,772	59,223	8,544
1970	574,814	46,247	4,635

As will be seen from these statistics, the ratio of war-related admissions to other admissions has declined. This decline has occurred as the war moved away from the populated areas and as hospital facilities expanded.

DEATH STATISTICS CANNOT BE DERIVED FROM INJURY FIGURES

Neither the United States Government nor the Vietnamese Government attempts to construct the number of civilian war deaths from available data on the injured. There have been various efforts by some members of American news media and other observers to extrapolate death statistics from such sources as numbers of hospital admissions. We regard this method as spurious, and we do not engage in similar mathematical abstractions.

The more reckless allegations about civilian casualties in Viet-Nam charge that the United States is attempting genocide in that country. Yet it has been estimated that the population of South Viet-Nam has increased by about 2 million since 1965 and that of North Viet-Nam by hundreds of thousands. Many people have been killed in Viet-Nam, but wild accusations of genocide cannot stand up under scrutiny.

It is simply not possible to apportion exact responsibility between the two sides for civilians injured through either enemy or friendly military action, although some members of the news media have tried it. The Vietnamese Ministry of Health attempts to record the nature of wounds by major categories of those treated, but these statistics do not include all casualties. In general, increasing experience has made it possible to identify wounds as inflicted by the enemy (mines and mortars), by either side (guns and grenades), and by US-South Vietnamese forces (bombing and artillery). The Ministry's statistics follow:

CIVILIAN CASUALTIES BY ORIGIN

	Mine and mortar	Gun and grenade	Shelling and bombing	Total
1967	15,253	9,785	18,511	43,849
1968	31,244	15,107	28,052	74,403
1969	24,648	11,814	16,183	52,645
1970	22,049	7,650	8,607	38,306

No absolute conclusions can be drawn from this breakdown, but the period 1967 through 1970 indicates a clear increase in the percentage of wounds inflicted by the enemy, a moderate drop in those caused by either side, and a major decline in those resulting from US-South Vietnamese operations. Generally it is correct to assume that in a military action the number of wounded exceeds the number of those killed.

RUTHLESS ENEMY TACTICS CAUSE CIVILIAN DEATHS

Another side to the question of civilian casualties, which is not accurately reflected in the statistics, is the readiness of the Viet Cong and North Vietnamese to exploit civilians without regard to their safety. Apart from purely terroristic actions, there have been reports of the enemy using civilians during their attacks on South Vietnamese or US forces. For example, during the Tet offensive of 1968, the Viet Cong forced 95 women and children to be human shields as they attacked Bac Lieu in the Delta on February 10, 1968. Also, during the Tet offensive, the enemy repeatedly used hospitals, schools and places of worship as strong points from which to mount attacks. On March 5 1968 the Viet Cong attacked a hospital run by an American woman doctor on the outskirts of Kontum City, destroyed its operating room, killed and wounded several patients and abducted a German nurse.

Over the years, the Viet Cong and North Vietnamese have exacted a steadily increasing toll of civilians, often women and children, with Chinese Communist and Soviet rockets. Rocket fire is often deliberately directed against populated areas as a terror weapon. Even when the enemy uses rockets against military targets, he does so with complete indifference to the lives of civilians who may be in the vicinity. A more subtle enemy technique is to infiltrate or to take over a village and then provoke Vietnamese Government forces to attack the village while the Viet Cong disappear into the jungle. Casualties from this type of operation have decreased sharply as the South Vietnamese Government has extended its security over more and more of its territory.

U.S. EFFORTS TO ALLEVIATE SUFFERING

Still another aspect to this question is the failure of those who exaggerate the numbers of civilian casualties to consider the positive efforts of the US Government to relieve the suffering of the Vietnamese people, particularly those directly caught up in the fighting. These efforts, quietly and effectively seconded by the large majority of our military personnel there, are outlined in two other papers in our *Public Information Series*, P–4441 and P–4442, on "The Americans and the People of South Viet-Nam" as well as in our *Current Foreign Policy* paper, "U.S. Assistance Program in Viet-Nam."

[From the Washington Post, May 15, 1970]

VIETCONG WOULD LIQUIDATE 3 MILLION IF IT WON, U.S. EXPERT CONTENDS

(By Robert G. Kaiser)

SAIGON, MAY 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnappings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had

to be killed when the Communists decided to flee Hue, Pike suggests.

[From the Washington Post, Dec. 7, 1969]

HUE SLAYINGS SEEN PATTERN IF FOE WINS

HONG KONG, December 6.—The massacre in Hue during the 24 days Communist troops occupied the city in February, 1968, was a three-phase operation, according to a U.S. authority on the Vietcong.

Douglas Pike, a Foreign Service officer whose book, "Vietcong," is generally regarded as the definite text on the guerrillas' organization, spent a week in Hue last month researching the mass slayings and concluded that as many as 5,800 Hue citizens may have been executed.

Pike, now stationed with the U.S. Information Service in Tokyo, is preparing a report on his findings. During a visit here, he said the massacre in Vietnam's old imperial capital "was quite impersonal."

AGAINST GROUPS

"It was not a blacklist of individuals but a blacklist of titles and positions in the old society," he said. "It was directed not against people, but against 'social units'—religious organizations, political parties and social movements like women's and youth associations."

Pike said that Phase I of the Communist campaigns against Hue's civilians occurred during the first few days of the occupation, when the Vietcong did not expect to stay but wished to make an example and "break the enemy's administrative structure."

"Civilian cadres," Pike said, "accompanied by firing squads executed key individuals to weaken governmental administration following communist withdrawal. This was the blacklist period, the time of the drum-head court.

"Cadres with clipboards bearing lists of names and addresses summoned various 'enemies of the revolution' to kangaroo courts. Public trials usually lasted about 10 minutes, and there were no known not-guilty verdicts. Punishment, invariably execution, was meted out immediately."

"RECONSTRUCTION"

Phase II was the period of * * * occurred during the few days the Communist cadres believed they were permanently in Hue.

In order to "build a new social order, it was necessary to purge the old order." The "social negatives" were eliminated. Anyone who might stand in the way of the Communists' consolidating their hold and imposing their own rules was killed.

Phase III, however, was the worst. During the last week of their stay, the Communists knew they would be forced to withdraw. They were determined to leave no witnesses who might testify against them or identify the 150 clandestine Communist cadres who had "surfaced" to rule Hue.

"Most victims were killed in batches during this period. At the sand dune grave they were tied together in groups of 10 and cut down with submachine guns."

By Pike's count, 5,800 of Hue's civilians are dead or missing, while 1,800 were hospitalized. Of approximately 75,000 persons in the city during the Communists' rule, 7,600 became casualties. Allowing wide latitude for casualties in the battle for the city, at least 5 per cent and possibly closer to 10 per cent of the population were deliberately slain, he estimates.

He believes the Hue massacres were different from other Vietcong terrorism, "not only in degree but in kind." It was not the quick terror used to build Vietcong morale or to frighten the populace but the slow, intensifying terror intended to create the basis of a new government.

To Pike the lesson of Hue is clear: "If the Communists win decisively, all foreigners would be expelled from the South, particularly hundreds of newsmen. A curtain of ignorance would descend. Then the night of the long knives would begin."

[From the Washington Daily News
Nov. 25, 1969]

A DEFECTOR'S VIEW: "IT WOULD BE A BLOODBATH"

(By Don Tate)

SAIGON, November 24.—A former North Vietnamese army colonel who defected after 21 years of Communist Party membership said here today a communist takeover of the south would result in a bloodbath.

He is Lt. Col. Le Xuyen Chuyen. He joined a suicide youth group in North Vietnam when he was 15, was decorated by Hanoi as a war hero, helped write the sapper manual for the North Vietnamest army, was slated for command of a division at the time of his defection.

Asked in an interview if the possibility of a bloodbath in the event of a communist takeover had not been exaggerated. Lt. Chuyen said:

"It could not be exaggerated. It will happen."

Wouldn't unfavorable world opinion deter it?

Lt. Chuyen laughed. "Who would be around to report it? It happened in North Vietnam and nobody cared. You Americans wouldn't be here to see it. Once out, you would never come back. It would just happen. World opinion? It does not even grasp what is going on here right now."

He said that while any American atrocity always gets a big headline, the calculated, day-to-day murder of civilians by communist terrorists is virtually ignored.

Lt. Chuyen estimated some five million people in the south are on what he called the communists' "blood debt" lists. For every 100 on the list 10 to 15 would pay with their lives, another 40 would be imprisoned and the rest would undergo "thought reform," he predicted.

Included on the lists are a million Catholic refugees who fled North Vietnam, some two million South Vietnamese troops, government officials down to the hamlet level and paramilitary groups, more than 100,000 North Vietnamese and Viet Cong defectors, some 100,000 South Vietnamese working for the Americans and numerous elements of the "bourgeois" class.

Captured communist documents define "enemies of the people" as including "anybody who grumbles about the revolution; anybody with suspicious past activities or who acts suspiciously; individuals who display a backward ideology or dishonest concepts, exploiters (anyone benefitting from the labor of others); tyrants (anyone working for the government); anybody whose relatives are working for the enemy in any way; members of religions who still remain deeply superstitious," etc.

One document states what will happen when the communists take over: "Even after the Fatherland is completely liberated the fight will continue, fierce and complicated. Then the real tasks of eliminating reactionaries, informants, American henchmen, religionists, etc., will begin."

REDS BRAG OF SLAYINGS

SAIGON, November 25.—The Reds who invaded the old imperial capital of Hue during their bloody 1968 Tet offensive killed nearly 2,900 anti-communist citizens, according to captured enemy documents made public yesterday.

The Allies put the figure closer to 3,000. So far 2,737 bodies have been found in sand dunes and creek beds in and around Hue.

The Red document called the massacre a complete success and said: "Hue was the place where reactionary spirit had existed for over 10 years. However, it only took us a short time to drain it to its roots."

[From the Washington Post, Dec. 7, 1969]

HUE: DELIBERATE SLAUGHTER; 1968 KILLINGS BY VIETCONG ARE DETAILED

(By Don Oberdorfer)

HUE, SOUTH VIETNAM.—Four armed Vietcong led by a local youth came into the house and asked if any young men were there. The old man and old woman said no, but the invaders called out the names of those they sought, and began to search.

A South Vietnamese army captain, two lieutenants, two sergeants and a civil sergeant from the local treasury office surrendered without a fight in their hiding place in a side room after their names were called. Their arms were bound behind their backs and they were marched away—"They're only going to a meeting," the Vietcong said.

A week or so later, after the Communist forces had been driven from the city, the old woman found them lying in a common grave under the spreading arms of a fruit tree in the playground of the local high school.

"I recognized them very easily from their faces and their clothing," she recalled. "Two of them had a wire twisted around their necks. They all had their arms tied behind their backs. They had been shot in the head."

She had begun to weep when she started to tell the story, breaking down again toward the end. The two sergeants, ages 22 and 23, were her sons. The civil servant was her son-in-law. The officers were close relatives.

The young men have come to rest in the long, narrow front yard where they frolicked as children. Most of the yard from the house to the street is taken up with six circular burial mounds, Vietnamese fashion, each with its own headstone bearing the name of the one who lies beneath.

The slaughter in Hue ranks among the most extensive mass execution of the decade and is by far the bloodiest to come to light in the second Indochina war. Though its broad dimension has been often cited as an object lesson about the Vietcong role by presidents and political leaders, the details have remained elusive.

In an effort to learn more about who was killed and why, I spent five days in Hue accompanied by Paul Vogle, an American who taught English at Hue University for five years and speaks fluent Vietnamese. We interviewed families and friends of more than two dozen victims from the Giahoi area of the city, a quiet residential section which suffered a large share of the killing. We also interviewed officials and old friends and acquaintances as well as a Vietcong leader of the attack who subsequently was captured.

Nearly all the killings we studied fall into one or both of two broad categories:

The deliberate and planned execution of government military men, policemen, civil service and elected functionaries and those suspected of working for or collaborating with the Americans.

The execution, sometimes on the spot, of those who ran from questioning, or who spoke harshly of the occupation force or who otherwise displayed what was described by the Vietcong as "a bad attitude."

DOTTED WITH GRAVES

Almost two years after the occupation and the killings many women of Hue has puffy eyes from weeping, and the streets and lanes and parks and front yards of the city are dotted with graves from the recent past.

According to local officials, more than 2,700 bodies or skeletons have been found in circumstances which indicate they were executed by the Communists during or shortly after the 25-day occupation of the city in the 1968 Tet (Lunar New Year) offensive. More than half of the corpses were found in mass burial sites in the countryside this spring and fall, well over a year after death occurred.

DISCRIMINATE KILLING

Our study indicated that in the Giahoi area the killings tended to be discriminate. The Vietcong shot or clubbed to death or buried alive those they meant to kill for political or disciplinary purposes. That does not justify the bloodletting. But it does help to explain it.

Except as noted above, we found no suggestions of random killing in Giahoi. In the predominantly Catholic area of Phucam, however, the Vietcong are reported to have abducted en masse and later killed 398 persons, including virtually every ablebodied man over 15 years of age who had taken refuge in the large cathedral there.

We obtained no first-hand reports of this whosesale abduction. But the captured Vietcong leader told us that the Communist party was "particularly anxious to get those people at Phucam. . . The Catholics were considered particular enemies of ours."

The former Vietcong leader, a bright-eyed native of the Hue area whose name is Ho Ty, was arrested by the government police on Sept. 4 this year. At the time of his arrest, he was party secretary for a section of Hue city.

Before the 1968 Tet attack, Ty said, he had been among those assigned to do the advance planning. He said his part of the job was to quickly build a Vietcong apparatus in his area to take the reins of government in a general uprising. He said the killings were planned and executed by a separate group in charge of security.

Ty reported that part of the plan from higher headquarters was to destroy the government machinery of Hue and the people who made it work. This is corroborated by Vietcong documents bearing dates before the attack but captured by U.S. forces much later. The documents describe the main purposes of the Hue attack as the overthrow of the government administration from the province level to the lowest echelon and the establishment of a revolutionary regime in its place.

VIETCONG ELIMINATED 2,750

A Vietcong after-action report, captured in April 1968 and recently released by U.S. authorities in Saigon, states that in Hue "We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, six captains, two first lieutenants, 20 second lieutenants and many noncommissioned officers." The list adds up to 2,750, which is roughly the number of bodies discovered so far.

The best accounts of what happened, though, are not from prisoners, documents or radio broadcasts but from the people of Hue, many of whom wept while recalling the fate of their loved ones. Some of them—like the old woman who lost her two sons and her son-in-law—asked that their names not be published because they are still afraid for their lives.

Giahoi is a pleasant residential area which extends from a single major commercial street to fertile farmland on the outskirts. It is located in the northeast part of Hue city in the Second Administrative District. The total population of the district, of which Giahoi is the largest component, is estimated at 78,000. The bodies of 618 Giahoi residents are reported to have been found since Tet in a total of 48 common graves.

Some residents of the second district were killed by Allied bombings and shelling during the fighting in the area, and by the stray bullets which are so common in the Vietnam war. No more than 50 to 60 of the district residents whose bodies were later dug up are estimated by the district officials to have been killed by accidents of war.

Certainly Le Van Rot, the proprietor of one of Hue's most celebrated Vietnamese soup shops, was not the victim of accidental death. About 9 a.m. on Feb. 5 two men speakink the Hue dialect in the accents of North Vietnam came to the soup shop. They told him to come with them to the Giahoi high school, which was being used as a headquarters by the Vietcong until in control of the area.

DEATH OF A SOUP MERCHANT

Rot readily identified himself and went along, and he and the men returned together that afternoon. After leaving the proprietor at his shop, the Vietcong began calling out his neighbors by name for questioning.

A short time later they returned and accused Rot in loud voices of operating the soup shop as a cover for spying. They bound his arms with wire and directed him to walk out with them. When he resisted they put a bullet in his head. His friends say the soup merchant was not a spy. He was the government block chief in his area and one of the most prominent citizens.

Word of the soup-seller's killing quickly spread new fear through the neighborhood, which was already frightened by sounds of shooting, rumors of assassinations and the sight of corpses in handcarts being wheeled down the street in the direction of the high school.

Civil servants, military personnel, police and anyone working for the Americans had been told to report to the house of a former mandarin around the corner from the high school grounds. After Rot was killed, at least one Vietnamese assistant to the Americans decided to report to the house near the schoolyard. The Vietcong there merely told him to go home and return again the next day. The second time, he was questioned about his job. (He told them he was only an English teacher but actually he fills a more important post.)

Young men whom he recognized as Hue students were standing around the check-in house. All were armed. On another occasion he recognized a coolie whom he had known for years among the armed Vietcong. Finally the functionary decided to flee the area, and was able to do so successfully.

Duong Chanh Vinh, who lived a few doors from the high school, had hidden out in his house with his wife and his 7-year-old daughter for more than a week. Vinh was a former district chief of another area of Hue and knew he was being sought.

On Feb. 7 he told his family he had decided to report because all might otherwise be killed if he were found hiding. He walked out of his house across his yard to the gate, where two Vietcong quickly spotted him, held him and bound his arms.

They began to tug on him to go, and he resisted. They shot him down in the lane outside his house. His wife and daughter fled, but afterward his daughter's body was found in the house, possibly the victim of a rocket which hit the structure and caused much damage. Today father and daughter are buried in separate circular graves inside the front gate in the yard of the house.

An old man who protested the arrest of his daughter was trussed up and marched off, and his son-in-law, who protested threats against the family, was also bound up. When the Vietcong soldiers began to slap the son-in-law, the old man declared, "If that's the kind of revolution you proclaim, nobody wants it." The soldiers shot both father and son-in-law on the spot, but let the daughter free.

Stephen Miller, an American civilian in information and propaganda work, was found hiding in the closet of a house where he had taken refuge across the Perfume River from Giahoi. He was taken into a field behind a nearby Catholic school and brutally killed.

Three West German doctors who were professors at the Hue University Medical School under a technical assistance program and the wife of one of them were marched away in the first hours of the Tet offensive and found in a shallow grave in a potato field south of the city two months later. The only known explanation for their deaths is a captured Vietcong order that all Americans, West Germans, and Filipinos were to be detained.

Bodies have been found in the city and in the countryside, some fell preserved and some utterly unidentifiable. One group of 250 skulls and many bones was found with the aid of Vietcong defectors in a stream bed so deep in the jungle that a landing zone for the helicopters had to be blasted out with explosives.

THE STRAWBERRY PATCH

Perhaps the most poignant mass grave sites in the Giahoi area are near the big fruit tree in the high school playground, where 23 permanent burial circles and 19 small grassy mounds mark the locations of the dead, and in the rice earth of the Giahoi Community Cemetery at the Strawberry Patch where the bodies of civil servants, businessmen and community leaders were found in hastily dug mass graves amid the permanent burial circles. Four Vietcong soldiers killed in battle are also buried in the community cemetery, but people have deliberately strewn garbage and trash atop the unmarked mounds where they lie.

Near the end of our stay in Hue, we called on Trinh Cong Son, a slender young man who is perhaps South Vietnam's most celebrated song writer of the present day and a hero to the youth of the country. Son is native of Hue and was there during the Tet fighting and afterwards, when bodies from the battle were being buried and bodies from the Vietcong executions were being unearthed.

We asked him what he had seen and heard, and he wrote for us in Vietnamese in his own hand a ballad he had written in March of last year to express his feelings. Translated into English, it read:

When I went up a high hill of an afternoon
I sang on top of corpses
I saw, I saw, I saw beside a garden hedge
A mother hugging her child's corpse.

Mothers clap for joy over your children's corpses
Mothers clap in cheer for peace
Everyone clap to add another beat
Everyone clap to welcome hardship

When I went to the Strawberry Patch
I sang on top of corpses.
I saw, I saw, I saw on the road
An old father hugging the corpse of his cold child
When I went to the Strawberry Patch of an afternoon
I saw, I saw, I saw holes and trenches
Full of corpses of my brothers and sisters.

Mothers clap for joy over war
Sisters clap in cheer for peace
Everyone clap for more vengeance
Everyone clap instead of repenting.

LAM SON 719—LAOS

PURPOSE OF THE OPERATION

Since the overthrow of Cambodia's Prince Sihanouk and the Cambodia sanctuary operations of 1970, the North Vietnamese forces operating in Vietnam, Cambodia and Southern Laos lost their Cambodian supply routes and have been totally dependent on the Ho Chi Minh Trail in Laos.

The South Vietnamese forces entered southern Laos early in February to disrupt the dry season operation of the Trail and the southward flow of enemy supplies.

In disrupting Hanoi's major supply network during the dry season the operations were designed to reduce the enemy's offensive capacity, protect American and Allied lives in South Vietnam, Laos and Cambodia and assure the continuation of the American troop withdrawals.

The operations were seen as limited in time and space and as in part dependent upon enemy reaction to the incursion.

NORTH VIETNAM'S REACTION

As anticipated, the North Vietnamese forces did not choose to evade the South Vietnamese forces as they had done in Cambodia.

After some delay, Hanoi reacted to the threat to their jugular by reinforcing strongly with some of their best divisions in order to protect their trail system and to attempt to inflict a major defeat on the South Vietnamese.

In massing troops for intensive main force fighting unmatched since Tet 1969, the North Vietnamese proved vulnerable to concentrated Vietnamese fire power and U.S. air power, including over 600 B–52 strikes.

SOUTH VIETNAMESE PERFORMANCE

The weight of the evidence is that South Vietnamese forces fought very well in the six weeks of sustained combat in unfamiliar terrain in the middle of the enemy's heartline.

Many of the Vietnamese units fought without respite for 40 days, or more than twice as long as any U.S. units in the history of the war.

In the intense fighting the South Vietnamese bore some heavy losses now estimated at 1,400 killed and 4,600 wounded. But only 4 of the 22 ARVN battalions involved were temporarily put out of combat and those battalions have been refitted.

IMPACT OF THE OPERATIONS

The North Vietnamese paid a very high price for massing their forces in the face of Allied fire and air superiority. Conservative estimates place the losses at over 13,000 killed and many more wounded, with the equivalent of 13 of the enemy's best combat battalions rendered ineffective.

The loss of three major means of supply during this past year (Sihanoukville, purchases in Cambodia, and pacified areas in South Vietnam) means that the North Vietnamese had to move far more supplies south on the Trail this year just to keep even.

The available evidence indicates that North Vietnam's supply movement was well behind last year's pace even before the Lam Son operation began. Lam Son further compounded Hanoi's problem.

South Vietnamese forces physically blocked various branches of the Trail at the height of the dry season. South Vietnamese forces and U.S. air power captured or destroyed some 4,900 individual weapons, 1,900 crew served weapons, 100 tanks, 4,600 trucks (300 in the Lam Son area; 4,300 elsewhere in Laos during the same period), many artillery pieces and thousands of tons of ammunition and other supplies and equipment.

The direct North Vietnamese losses to Allied forces were compounded by the vast quantity of supplies, ammunition and manpower diverted and lost in Lam Son 719 instead of continuing down the trail.

The North Vietnamese resiliency in restoring the logistics flow has been degraded by diversion, consumption and harassment. An estimated 3,500 trained enemy rear service personnel vital to the Trail operation were killed.

Viewed in conjunction with simultaneous ARVN operations in Cambodia, these two operations have precluded major enemy offensive operations during the current dry season and will delay and reduce any offensive the North Vietnamese might have planned over the next dry season.

LAM SON AND VIETNAMIZATION

ARVN has demonstrated the ability to mount a complex multidivision operation in difficult and unfamiliar terrain, with adverse weather and against a well entrenched enemy close to his home bases.

Lam Son 719 and the concurrent South Vietnamese oepration in Cambodia have engaged the North Vietnamese and kept his forces distant from the populated areas of Vietnam, Laos and Cambodia.

Lam Son has underlined the significant progress made in Vietnamization since three years ago when ARVN units were defending against enemy offensives close to South Vietnam's own population centers.

ARVN were able to deal with the enemy threat in sanctuary areas without the support of U.S. ground combat forces or advisers, while keeping their own territory pacified as well.

The enemy units engaged in Lam Son (the North Vietnamese 304th, 308th, 320th and 324B divisions) were elite divisions which during the 1968 Tet offensive seized Hue, entered the Danang defenses and attacked the coastal population in Vietnam.

The enemy units engaged in the Toan Thang operation north of Route 7 in Cambodia include the elite 1st, 5th, 7th and 9th divisions, which at this time in 1968 were operating inside the city limits of Saigon.

With the exception of a major action being taken by ARVN forces against Communist strongholds in the U Minh Forest in the Delta and an action around Firebase 6 in the highlands, the months of February, March and April have been extraordinarily calm throughout South Vietnam though these are dry season months normally featuring enemy "high point" attacks.

Because of the recent cross-border operations, South Vietnam should be able to hold its national elections this fall without fearing disruptive major offensives, and the pacification and development momentum should be maintained.

The operation has achieved its primary objective of carrying the fight to the enemy's sanctuaries and disrupting his principal lines of communication. Future South Vietnamese commando raids with quickstrike forces will keep up the pressure and greatly complicate the North Vietnamese defense of their vital trail system.

The operations have been very costly to the North Vietnamese and should buy the South Vietnamese additional time in which to strengthen their armed forces while permitting the continued withdrawal of U.S. combat forces on a *responsible* basis.

REFERENCE MATERIAL ON COERCION AND TERROR IN COMMUNIST NORTH VIETNAM

1. P. J. Honey, Editor: *North Vietnam Today—Profile of a Communist Satellite;* Frederick A. Praeger, Publishers, New York, 1962.

Introduction by P. J. Honey. p.p. 8–13. A brief summary of the efforts of the Communist regime in North Vietnam to consolidate its control over all segments of the population by methods of persuasion and coercion from 1955 to 1960.

"Intellectuals, Writers and Artists" by Nhu Phong. p.p. 80–87: A description of the unsuccessful efforts of the North Vietnamese intellectuals to maintain their freedom of expression during the fifties and the methods used by the Communist regime to coerce them into a uniformity of thought.

"Economy of North Vietnam" by William Kaye. p.p. 107–108: The author provides a short outline of the programs of agrarian reform and the socialization of agriculture in North Vietnam during the fifties and the methods of terror employed by the regime to force the unwilling peasants into accepting the system.

2. Hoang Van Chi: *From Colonialism to Communism, A Case History of North Vietnam;* Frederick A. Praeger, Publishers, New York, 1964.

Chapter 7. p.p. 90–100: A description of the "first wave of terror" which the Communist Viet Minh launched in February 1953 to exact support from the population and to eliminate any opposition in the areas which they controlled.

Chapter 12, p.p. 139–159: Description of the Communist methods of indoctrination developed during the period 1953–1955 in preparing the population for the later campaigns to "liquidate" certain broad classes of peasants during the land reform.

Chapters 13–15, p.p. 163–208: Explains in detail the 1954–1956 land reform campaign describing the coercive methods used by the regime to force certain segments of the rural population to denounce and to kill large numbers of other peasants. Makes very clear that the entire rural population, both rich and poor, suffered extensively during this campaign of terror.

Chapter 16, p. p. 20–220: Explanation of the Communist regime's attempt to soft-pedal some of their harsher methods after the completion of land reform in 1956. Contains statements by important Communist leaders admitting the details of the regime's terroristic campaign in the country.

Chapter 17, p. p. 221–239: Briefly describes peasant revolts which occurred during 1956–1958 in protest against Communist land reform and the North Vietnamese army's major moves to crush these rebellions. Also outlines the regime's efforts to bring the North Vietnamese intellectuals to heel during 1956–1958.

3. Joseph Buttinger: *Vietnam: A Dragon Embattled;* Frederick A. Praeger: 1967.

Vol. II. p. p. 911–916: Short description of the trials, assassinations and imprisonments which took place during the land reform program of 1954–1956. Also includes a description of the Nghe An peasant rebellion in 1956 and of the measures used by the Communist regime to suppress it.

4. Bernard B. Fall: *The Two Vietnams, A Political and Military Analysis:* Frederick A. Praeger, Publishers, New York, 1967, 2nd Revised Ed.

Chapter 8 "The Garrison State;" Chapter 9 "Road to Socialism" A description of the consolidation of the Hanoi dictatorship and of the excesses employed by the Communist cadres in the implementation of the land reform program. Includes statistics on the number of persons killed and imprisoned.

5. Bernard B. Fall: *The Viet Minh Regime;* Institute of Pacific Relations, Revised 2nd Edititon, 1956.

An extensive description of the Viet Minh's systematic liquidation of the nationalist partners in the coalition experiment of 1945–1946 and of the Hanoi regime's consolidation of a Stalinist dictatorship.

6. Also see:

Spinks, Charles et al. The North Vietnamese Regime: Institutions and Problems, 1969. (Center for Research in Social Systems, 5010 Wisconsin Ave., Washington, D.C. 20016)

Hosmer, Stephen, Viet Cong Repression and Its Implications for the Future, 1970, $8.50 (D.C. Heath & Co., 125 Spring Street, Lexington, Mass. 02173).

Pike, Douglas, Viet Cong: The Organization and Technique of the National Liberation Front of South Vietnam, 1966. $2.95. (MIT Press, Massachusetts Institute of Technology, Cambridge, Mass. 02142).

PROBLEMS FOR THE COMMUNIST "LIBERATION" FORCES

Statement by Cuu Long, (North Vietnamese general Tran Do) the top political general of all Communist forces in South Vietnam. (Excerpts)

Broadcast in Hanoi by "Liberation Radio"—April 27, 1971 13:30 GMT.

"The *combat* of our armed forces and people has *now* become increasingly *critical, difficult and fierce.* The demands of the resistance have become increasingly numerous. . . ."

"Many wounded comrades who were asked to engage in combat although unable to move forward to assault, stayed in their bunkers to fight the enemy. . . ."

"Some comrades have known in advance that they would be sacrificed . . . choosing a glorious way to sacrifice themselves."

"Some comrades . . . were unluckily captured by the enemy. . . ."

"*Many units have to fight in extremely difficult conditions* with *a shortage of everything. . . .*"

"Many surgical units . . . have been taking care of the sick and wounded combatants along with fighting and *trying to find food* for these combatants. . . ."

"Cities and areas temporarily under the enemy's control. . . ."

"In the present, fierce life-or-death fighting . . . our armed forces have actively struggled against *rightist phenomena* that have at different times *appeared* in different forms *in every unit, locality and individual.* The rightist ideology is the ideology of the small bourgeois."

"It can *easily* cause us to lose our spirit of self-reliance and self-strengthening, to evaluate the enemy incorrectly . . . to fear length and hardships, to *fail* to resolutely fulfill our tasks."

"Therefore, more than ever, it is presently necessary to further strengthen political education and ideological leadership . . . to constantly develop the positive factors and to *hamper negative factors in time.*"

"The problem is that all *leading echelons* must understand the role and position of political education and ideological leadership."

"It is necessary to overcome rightist, passive thinking. . . ."

"The ideological development of *our army* always undergoes a *struggle between two opposing factors* positiveness and passiveness. . . . The passive, backward aspect is decadent and must be overcome."

"The passive, backward aspects always slows down and hampers the development and progress. . . ."

"A number of people in various places and at various times have carried out acts that are not truly revolutionary. They still *fear* difficulties and hardships and are afraid of sacrifices."

"We cannot be subjective or simple. We cannot look only at one direction, at one aspect. It is necessary to consider the 'positive' aspect. . . ."

"It is necessary to be *vigilant* so as to detect the phenomena of the passive aspect—no matter how small. . . ."

"We happen to see more concrete phenomena of the passive aspect in certain places. . . ."

"The struggle between the positive thinking and the passive thinking is *a protracted and fierce struggle* between revolutionary heroism and individualism, between progress and backwardness, between good and the bad, between the right and the wrong."

"The deep vestiges of the old regime and the old society and the reactionary bad thinking of the U.S. imperialists and the rotten social regime in the south are *still influencing our people.* As a result, *noteworthy passive points still exist in our cadres' and combatants'* consciousness and thinking."

"Counterrevolutionary, negative and nonprogressive thoughts and acts have been revealed in several places."

"The revolution can guide us in the struggle to *weed out* negative thoughts, vices and bad habits."

"If we do not make subjective efforts and improve ourselves . . . *we* cannot make progress and *may become disorganized.*"

"Revolutionary thoughts do not always develop easily and favorably. . . . If political education and ideological leadership are loose and self-improvement and self-training are neglected in the face of trials and complicated problems, *negative events will have an opportunity to develop and progress.*"

"The *present fierce and hard fight* is also *a great trial* with regard to the conflict between positive and negative thoughts. In a normal situation, thoughts can be manifested clearly or can develop favorably. But, during a fierce war, the *struggles between life and death* and between happiness and suffering will take place *every day and every hour*"

"In particular when the *situation is tense and urgent,* it is all the more necessary to make the masses thoroughly understand all tasks."

NEW LAND REFORM PROGRAM—VIETNAM

LAND-TO-THE-TILLER BILL

On March 26, 1970, President Thieu promulgated into law a new and revolutionary land reform bill passed by the Vietnamese National Assembly. The program goes far beyond any previous land reform measures and is designed to provide ownership to all farmers who cultivate the land. The Law:

1. Eliminates tenancy.

2. Expropriates land not directly cultivated by the owner and distributes it free to tenant farmers.

3. Limits land ownership to 15 hectares (37 acres) per farmer provided he directly farms the land himself.

4. Redistributes any excess lands free to families of war dead, veterans, retired civil servants, and farm laborers.

5. Compensates the former owner 20% in cash and 80% in monetary bonds bearing 10% interest redeemable in equal installments over an 8-year period.

IMPACT OF NEW PROGRAM

This new "land-to-the-tiller" program will further broaden the base of land ownership and contribute significantly to social stability in the countryside. The program could benefit as many as 500,000 tenant-farmers by transferring ownership to them of over 2¼ million acres of riceland. Thereafter, a fair compensation will be paid to some 50,000 land owners by the government. It is a program relatively easy to administer since it transfers private lands to those already tilling it, and does not involve the government in taking title and redistributing the land. With U.S. technical assistance even these simplified administrative requirements are being streamlined by the use of aerial photography and computer technology to speed up the land identification and title issuance processes.

ESTIMATED COST

The total piaster cost will be borne by the Vietnamese Government. Total domestic currency piaster costs have been estimated at the equivalent of over $400 million during the several years required to complete the program.

U.S. PARTICIPATION

The U.S. Government strongly supports this new initiative of the Vietnamese Government and has responded affirmatively to a request for financial assistance to help cushion the inflational impact on the economy of the large expenditure of piasters by the Vietnamese Government. It has been demonstrated over the past few years that any such significant increases in government expenditures result in increased demand for imports. To assist the Vietnamese in meeting this new requirement, the Agency for International Development has earmarked $40 million since FY 1969 and plans to seek additional funds as needed.

PROGRESS TO DATE

As of May 1, 1971, the government has issued title for 537,728 acres which have been approved for distribution to 173,942 new landowners.

TOP LAWYERS PLAN ANTIWAR LOBBY EFFORT

(By Bart Barnes and Martin Weil)

Lawyers from around the nation have announced plans to rally at the Capitol and lobby in Congress next week in support of legislation to bring all troops home from Vietnam by year's end.

The list of attorneys who say they either will sponsor or participate in at least some of the scheduled activities includes some of the major figures in Washington and the nation's legal establishment.

Former Defense Secretary Clark M. Clifford said he expected to address an evening meeting of the lawyers. Among those listed as sponsors of antiwar activities are Edward Burling, Jr., of Covington & Burling, Paul A. Porter, of Arnold & Porter, and Lloyd N. Cutler, of Wilmer, Cutler & Pickering.

Cyrus R. Vance, former deputy Secretary of Defense and Johnson administration troubleshooter, was also listed as a sponsor by a spokesman for the sponsoring group, the National Convocation of Lawyers to End the War.

Stuart J. Land, a senior partner at Arnold & Porter and an organizer of the two days of forthcoming activities, said he expects about 2,500 lawyers at the Capitol rally Tuesday.

He said he expected 1,500 from Washington who he believed would be representative of the Washington bar.

The lawyers are to gather at 10 a.m. Monday at the Washington Hilton and to move from there for lobbying appointments.

At 8 o'clock that night they will meet in the main ballroom of the Hilton for a convocation. Among the scheduled speakers are Lt. John Kerry, a former Navy officer and Vietnam veteran who has become a spokesman for antiwar veterans. Kerry was arrested last week during an antiwar protest in Massachusetts.

At the convocation, the lawyers also will hear from Sen. Edward Kennedy (D-Mass.), Sen. Mark Hatfield (R-Ore.), Sen. Philip Hart (D-Mich), and former Labor Secretary Willard Wirtz.

Also scheduled to speak will be John Gardner, former Secretary of Health, Education and Welfare and now head of Common Cause, a liberal-oriented lobbying group.

Next week's rally and lobbying effort is the second major effort by a group of lawyers to speak out against the war at the Capitol.

On May 20 of last year following the incursion into Cambodia, 1,000 New York lawyars, including some from that city's most prestigious firms, came here to lobby against the war.

They were led by Francis T. P. Plimpton, president of the New York City Bar Association and the senior partner of a Park Avenue law firm. Plimpton is listed as a sponsor of next week's event.

That same day a number of Washington lawyers, including Clifford and Burling, met at the New York Avenue Presbyterian Church to organize Washington Lawyers Against the War.

Specifically, the lawyers meeting here next week will lobby for passage of amendments pending in both the House and Senate to cut off funds for military operations in Vietnam by Dec. 31. They said they chose early June for their convocation because a vote in Congress is expected by the end of the month.

It was Land who negotiated the permit for Tuesday's rally on the west steps of the Capitol from 12:30 p.m. to 2 p.m.

He said he believed antiwar sentiment in the nation is such that "establishment lawyers" might be able to persuade previously reluctant congressmen to vote to cut off funds for the war.

Paul C. Warnke, Clifford's law partner and a former assistant secretary of Defense for international affairs, said the issue is "particularly that kind of problem on which the legal profession ought to take a stand."

Among the other lawyers here sponsoring next week's rally and lobbying are:

Myer Feldman, an adviser to former Presidents Kennedy and Johnson.

Former Internal Revenue Service Commissioner Mortimer M. Caplin.

Edmund D. Campbell of the firm of Doug-

las, O'Bear & Campbell and a former member of the Arlington County Board.

Herbert J. Miller, Jr., former head of the D.C. Crime Commission and a Republican candidate for Maryland lieutenant governor last year.

Lee Loevinger, a former Federal Communication Commissioner and assistant attorney general under Robert F. Kennedy.

E. Barrett Prettyman, Jr., former assistant to Robert F. Kennedy when Kennedy was attorney general.

Nationally, the sponsors include former Attorney General Ramsey Clark, former U.N. Ambassador Arthur Goldberg, former Ambassador to France R. Sargent Shriver, former Sens. Charles E. Goodell of New York and Joseph S. Clark of Pennsylvania, Basil Patterson who ran unsuccesfully for lieutenant governor of New York last year; former Federal Communications Commissioner Newton Minnow; former Congressman Richard Ottinger, who ran unsuccessfully for Senate in New York last year, and Paul O'Dwyer who ran unsuccessfully for Senate in New York in 1968.

The lawyers said they hoped to have representatives from 40 states here next week for the convocation and lobbying.

Discussing reasons for the lawyers' activities, Cutler said, "a lot of our interest as lawyers is related to reminding the Congress of its responsibility and the need to reassert its responsibility for the conduct of the war."

Clifford said he is "enthusiastic" about the major aim of the lawyers' activities—setting a date for U.S. departure. "I believe termination by a certain date is the correct approach," he said.

In an interview, Miller, president of the D.C. Bar Association, said he believed he would be busy with association duties Tuesday, but he also expressed his opposition to the war.

Mr. DOMINICK. Mr. President, will the distinguished Senator from Kansas yield to me?

The PRESIDING OFFICER (Mr. ROTH). The time of the Senator from Kansas has expired.

Mr. HATFIELD. Mr. President, I will yield the Senator 15 minutes, or whatever time he needs.

Mr. DOMINICK. Mr. President, I want to congratulate the Senator from Kansas on what I think is a powerful and moving speech.

Having participated with him and with the Senator from Oregon in our efforts to try to dramatize throughout the country the plight of our prisoners of war, I know how deeply both feel about this particular subject.

The thing that is curious and interesting to me—I think it fits into the pattern of the approach of the North Vietnamese—is their refusal the other day to accept back even the 13 North Vietnamese prisoners who were willing to go back. They would not even accept their own people back into their own country. Meanwhile, out of the 567 who were about to be released through the International Red Cross, all but 13 said they did not want to go back.

I think that is quite a dramatic indication of the attitude, the approach, and the failure of the North Vietnamese Government to consider human wants and human needs in this prisoner of war and those missing in action situation.

I wish to add my compliments to the Senator from Kansas (Mr. DOLE) for what I think is a very powerful and important speech.

Mr. DOLE. I thank the Senator from Colorado. I share his concern. The attempt to return the North Vietnamese held prisoners in the south should have been or could have been the crack in the door insofar as prisoner exchange was concerned.

I am still optimistic, however, and still believe that there is hope—and maybe hope for peace before December 31.

I do not know. I can only continue to be optimistic.

Did the Senator from Oregon say that he yielded me 15 minutes?

Mr. HATFIELD. Yes, or whatever additional time the Senator needs.

Mr. DOLE. I thank the Senator from Oregon very much.

Mr. President, from time to time, questions are asked—proper questions and ones that should be answered—and one question I am asked, and certainly it is asked of the Senator from Oregon and everyone else here as they travel about the country, is: "Why does not the President set a public final date for U.S. withdrawal?"

That is a fair question and one that deserves a response.

It should be obvious by now that we are getting out of Vietnam. The President has explicitly stated his objective of getting us out, and he has kept or exceeded all his promises. He has recently accelerated the rate of U.S. withdrawal. We are leaving in a way that will give the South Vietnamese a reasonable chance to defend themselves, but setting a final date in advance, unilaterally, would be removing the strongest incentive for the North Vietnamese and the NLF to negotiate.

The President attaches great importance to the possibility of a negotiated settlement. It would be the quickest way to end the war and to end the killing, not just U.S. involvement.

Another question I am asked—and it is a fair question and follows the first question—is: "Well, if the President does not set a date, does this mean that a residual force will be kept there indefinitely?"

I say that the answer to that is no. The President has pledged total withdrawal. The quickest way to achieve that course is through a negotiated settlement. But in the absence of any progress in Paris, we are withdrawing at a rate which will give the South Vietnamese a reasonable chance to defend themselves after we have left. As we continue to withdraw, at a point in the near future, the troop level will reach a number too small to be militarily significant and will be useful only for bargaining purposes, to get the prisoners out and help to get a settlement.

Another question asked me personally is: "Who cares about 'negotiating' when innocent people are being killed each day?"

Mr. President, let me make it very clear that our side does not have an interest in continuing the killing. That is why the President, last October, suggested an immediate cease-fire, but the North Vietnamese and the NLF rejected it. We could have stopped the war on both sides last October. A simple yes on the part of the North Vietnamese and the NLF would have done that. So you see, they are the ones who wish to continue the fighting. We would like nothing more than an immediate and total end to all killing in all of Indochina, not only for its own sake but also because it would be a step toward a negotiated settlement.

Another question I have been asked, especially by the wives and mothers and families of American prisoners of war and those missing in action, is: "We may be withdrawing our ground forces but our air operations are intensifying, are they not?"

That is a charge made quite frequently, but it is not true.

Air operations reached their peak in 1968 and have decreased each year under the Nixon administration. The total number of sorties in all of Indochina in 1970 were 47 percent fewer than the figure of 1968.

The number of sorties in the first 2 months of 1971 were 48-percent fewer than the in the first 2 months of 1969.

These figures include B–52 and other tactical air and interdiction operations.

More than 80 percent of the bombing being conducted is directed at the Ho Chi Minh Trail, in virtually unpopulated areas.

Another question that should be answered is: "Will not our air involvement in the Indochina war continue indefinitely even after our ground troops are out?"

That is a fair question.

When we finally get out of Southeast Asia, the answer is, again, "No."

Vietnamization includes ultimately turning this responsibility over to the South Vietnamese.

The proportion of air operations being flown by the South Vietnamese is steadily increasing.

An agreed on cease-fire—if it could be agreed on—would end U.S. bombing immediately.

Another question could be raised, "Even if U.S. troops are leaving, are not Vietnamese killing Vietnamese at an increasing rate?"

Statements to this effect are made from time to time, and I say they are not true. The level of fighting has declined in Vietnam. The number of South Vietnamese military casualties was lower in 1969 and in 1970 than in 1968.

It is important to remember the estimated 57,000 South Vietnamese civilians who have been killed by enemy military action, terrorism and assassination. Often we fail to report this.

And now the $64 question:

"Will not the other side release our prisoners if we set a terminal date?"

Who knows?

I do not know. The Senator from Oregon does not know.

We would hope so, but the NLF position as stated in its eight points on September 17, 1970, and subsequently, is merely that they will "discuss" the POW issue if we set a total unilateral unconditional withdrawal date. They say, "Withdraw the troops. Dismantle your bases. End the Vietnamization assistance program." They have quite specifically refused to pledge to release all prisoners of war.

After the U.S. bombing has ended and the United States has pledged a withdrawal of a number of troops and

actually withdrew 50 percent of the troops, and so forth, we have little assurance that the Communists will not come up with some new demand before they would release American prisoners.

Let me emphasize again, whose figures do we accept? Do we accept the North Vietnamese figure of 339 prisoners when what they tell us differs with the actual count, or do we insist on the 1,600 we think they have, who are identified as prisoners of war or missing in action? We are talking about the lives of some 1,200 Americans.

The North Vietnamese have for example, mixed the prisoner-of-war question with the imposition of a coalition government, and the removal of the Government of Vietnam, and the payment of reparations. Where will they stop? What will be the next demand? If we fix a date of withdrawal, will they then demand reparations, a new Government in South Vietnam, and cessation of economic assistance? I think perhaps they would.

The POW question of course is a very important issue. But there are other issues in South Vietnam. Our basic objective is to withdraw from South Vietnam in a way that would give the South Vietnamese a reasonable chance to defend themselves. And in the absence of a negotiated peace, this is not something to be left to the good-will of the North Vietnamese.

Some say, "Why is the United States harping on the POW issue? Why do we concern ourselves in the Senate? Why do we concern ourselves in America? Why do we make trips to Paris when there have been hundreds of thousands of letters?"

They ask why we keep harping on the POW issue. I say that we do so, as every Member of the Senate, I am certain, would agree, because it is the humanitarian issue which need not await the political settlement of the issues in Paris. It is a serious issue, which is included as one of the NLF eight points in 1970.

If we recall, in 1953 the prisoner exchange was a prelude to an armistice. We all know that the Geneva Convention requires impartial inspection, specific identification of prisoners, regular correspondence with families, and early repatriation of the seriously sick and wounded. The North Vietnamese have cynically ignored these provisions.

Mr. President, our side has many hundreds and thousands of prisoners that we are willing to exchange. They are treated according to the Geneva Convention, as verified by the inspectors of the International Red Cross.

The South Vietnamese have unilaterally released many sick and wounded.

In October, the President proposed the immediate release of all prisoners on both sides, without exception and without condition and the United States and South Vietnam proposed the temporary internment of all prisoners in some neutral country, such as Sweden, until the settlement of the war.

These are valid questions. They deserve answers. I think a set date has a certain magic about it. As I have tried to emphasize, every American is war-weary from the President on down. As I have said before, setting a date and hoping for the end of the war is not a question to be left to the intentions on the part of the North Vietnamese. Setting a date for the unilateral, final, and total withdrawal of the allied forces would undercut the allied hopes for a just peace and end all chances for peace. What the North Vietnamese have no hope of achieving on the battlefield, they would secure through political considerations.

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

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, I would emphasize the President's proposal of October 7, 1970, which was supported by South Vietnamese President Thieu. The President proposed a 5-point program for a just peace throughout Indochina. It included: an immediate inplace cease-fire with international supervision; second, the establishment of an Indochina Peace Conference; third, negotiations of an agreed timetable for complete and reciprocal withdrawal of all U.S. and North Vietnamese forces from South Vietnam. If we want a timetable, let us have negotiations on an agreed timetable for the complete—not partial —withdrawal of U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification. The fourth point was a fair political settlement reflecting the will of the South Vietnamese people and all political forces in South Vietnam; and finally, but very importantly, the immediate and unconditional release of all prisoners of war by all sides.

In addition, we supported the South Vietnamese proposals of July 11, 1969, calling for free elections in which all people and all parties in Vietnam, including the NLF, can participate, and for a mixed electoral commission on which all parties, including the NLF, can be represented to work out the modulities and verification procedures for such elections.

In addition, we have undertaken other major steps for peace. Each of these steps was urged by those on the Communist side as being desirable to bring about peace. What have we done?

In 1968, in late October, we stopped the bombing. That was a first step by America. There was no response.

Second, what did we do? We agreed on the participation of the NLF in the Paris Talks. Again there was no response.

Third, we agreed on the principle of troop withdrawal. Still there was no response.

Then we had the actual troop withdrawals. As I stated earlier, 265,000 had been withdrawn by May 1 of this year, and another 100,000 men will be withdrawn by December 1, of this year. We are about 40 percent ahead of the schedule in our most recent withdrawals.

Then we agreed to a series of deescalation steps which substantially cut back the B–52 activity and the U.S. tactical air activity in Southeast Asia. Still there was no response.

They said that we needed another senior negotiator. So, we appointed David Bruce. We have met 116 times, as the senior Senator from Oregon pointed out, and still no response.

They have rejected, Hanoi and the NLF, all of these moves for peace.

They have refused even to consider the Allied proposals for peace that were offered for the agenda of the Paris peace talks.

They have continued to reject all notions of reciprocity, verifiably open elections or international verification.

Despite their promises, they have refused to negotiate with the government of Vietnam.

They demand that the United States commit itself unilaterally and unconditionally to their demands.

They say "Before we will even discuss prisoners you must withdraw every man."

Mr. President, as reported in the Washington Post on yesterday, they say now that we must shut off all economic assistance to South Vietnam.

What will they demand next? Yes, they have talked about an overthrow of the Saigon leaders and aboue war reparations.

Mr. President, I ask unanimous consent at this point in the RECORD to have printed an article by Chalmers Roberts, published in the Washington Post yesterday and entitled "North Viets Demand Aid End,"

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

N. VIETS DEMAND AID END—THUY OUTLINES REQUISITE 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.

HANOI OFFICIAL HINTS POW'S MAY BE HELD UNTIL SAIGON AID HALTS

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 with 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. . . . 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 neo-colonialism 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.

Mr. DOLE. I would say in conclusion that I think our objectives in South Vietnam are much the same as they were in 1960, 1961, 1962, 1963, and 1964. The objectives are clear.

We will negotiate for a cease-fire. We will participate in an Indochina peace conference immediately. We will negotiate an agreed timetable at any time they will negotiate. We will search for a political settlement that meets the aspirations of all South Vietnamese people. We seek a settlement that reflects the will of the South Vietnamese people and abides by the outcome of any political election. A fair political solution should reflect the existing relationship of political forces.

We hope and pray for the immediate release of all American prisoners—not those on their list, but those on our list, which includes 1,023 missing in action, and 465 prisoners as of June 3, 1971.

We seek no bases in Vietnam. We insist on no military ties. We agree on neutrality if that is what the South Vietnamese people freely choose.

We are prepared to accept any government in South Vietnam which results from the exercise of free choice by the South Vietnamese people themselves.

We have no objection to reunification. Notwithstanding the efforts, day after day, by three administrations, the Kennedy administration, the Johnson administration, and now the Nixon administration the war still continues, but we are searching for peace in Southeast Asia.

And I say in all sincerity the President is working toward peace with bipartisan support. The President has made great gains toward peace in the past 30 months.

I say it is not the time now, in view of the progress made by this President, to take away from him the right to negotiate a final settlement and to bring about an honorable end to the war in Vietnam.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have listened with great interest and close attention to the two speeches made this afternoon, first by the distinguished senior Senator from Oregon (Mr. HATFIELD), one of the original sponsors of the amendment now under discussion, and second by the distinguished Senator from Kansas (Mr. DOLE), who dealt at some length with the situation as seen from his point of view. May I say that I found both speeches interesting. I found both of them full of facts and I found them both to be free from partisan politics.

As far as the Senator from Montana is concerned, he does not believe he should go by the polls, no matter what they indicate, no matter what they say about the President's popularity or lack of popularity, no matter what they say about Vietnam and the attitude of the people, because polls should be of secondary consideration as far as we are concerned, and our consciences should be our guides.

I commend President Nixon for what he has done in many respects in the field of foreign policy since he took office less than 2½ years ago. If I differ with him—and I do on occasion—I do so most respectfully and with a full recognition of the awesome responsibilities which

are his in the conduct of this Nation's relationships with the other countries around the globe. I give the President full credit for bringing about a continued withdrawal from South Vietnam, from Thailand, from Okinawa, from the Philippines, and from Japan. I wish it was a faster and more accelerated withdrawal because I think we have been in Vietnam and Southeast Asia too long already, have paid too much and suffered too many casualties. But this was a situation which President Nixon inherited and, therefore, he cannot be charged with the beginning of this tragic adventure which marks this countrys' situation in that part of the world today.

I would say for the record that at the time President Nixon came into office there were 3.5 million troops under arms and today that number has been lowered to less than 2.7 million men. In other words, over 800,000 military personnel have, in effect, been lopped off the rolls since this administration came into office less than 2½ years ago. I give them credit for it.

Now, the President has put into effect the Nixon doctrine based on the Guam declaration in Southeast Asia, as I have tried to indicate, through his withdrawals. Except for Vietnam, he does the nation in a lower profile there as far as this Nation is concerned, in contrast to other parts of the world, notably Western Europe, where the profile is still very much in view. The trend is in the right direction in Southeast Asia. Less than 250,000 men remain in Vietnam at the present time—Vietnam, Laos, and maybe there are a few in Cambodia. I do not know. This figure is exclusive of the approximately 40,000 to 45,000 in Thailand.

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

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for an additional 5 minutes.

Mr. MANSFIELD. Nor am I too much interested in what this amendment is called: Set the date, end the war, or, as I believe the distinguished Senator from Kansas referred to it, I am sure jokingly, the "lose the peace amendment." It is an amendment which seeks to set a date. If I had my "druthers" I would like to see that date the day after the elections in South Vietnam this coming September. But that is a little too soon and that has no possibility or probability.

Therefore, I fall back on the next best date, which is the date announced by the distinguished Senator from Oregon, and it has enough leeway in it beyond December 31, 1971, to give great consideration to the prisoner of war issue.

Now I think that the prisoner of war issue should be mentioned in this debate. I think that the casualties should be mentioned in this debate.

I was rather disturbed in listening to the radio this morning to hear the announcement to the effect that "Only 19 Americans were killed last week, the lowest in the past 5 years." Only 19 Americans were killed; "only 19," that is what was said. Well, an American is an American, whether the number is 1, or 19, or 50, or 100, or almost 55,000. The latest figures I have, and they are dated May 29, 1971, issued by the Department of Defense, show that up to that time 299,633 Americans have been wounded since January 1, 1961, in Southeast Asia; 45,231 have been killed in combat; 9,564 have been killed from or have died from other causes.

The grand total of casualties to May 29, 1971, less than 2 weeks ago, was 354,428 Americans. I repeat—354,428 Americans. And the end is not yet in sight.

That is why I think it is important at this time to set a termination date, not only to cut the casualties, not only to cut the costs, not only to try to stop drug addiction, corruption, fragging, but also to do what we can to prevent an increase in the number of U.S. prisoners of war held by North Vietnam and the Vietcong, because the longer this war continues, the more U.S. prisoners there are going to be, the more casualties there will be, the more the cost will increase, the greater the drug addiction will become, and very possibly the number of fraggings will continue increasing.

The distinguished Senator from Kansas has said that there is a discrepancy between the number of U.S. prisoners held in North Vietnam and the number announced by Hanoi itself. If I remember correctly, the figure enumerated by the distinguished Senator was that we think the figure is somewhere between 1,600 and 1,700, whereas Hanoi says the number is somewhat under 400. So there is a wide divergence of opinion. But it appears to me that, as long as the question of the POW's figures so significantly in this debate, and in the course of the negotiations, and in the press of the country, we ought to give it a little more consideration than has been the case up to this time.

The fate of the POW's is of concern to this administration and to this Senate—there is no question about that—and neither of us wants to make of it a political issue. We want to do what we can, either singly or together, to bring about the release of these prisoners of war, or at the very least, to see that in the interim, they have their mail privileges restored, that they are given humane treatment, and that their names are released.

Mr. President, may I say in all candor that the distinguished Senator from Kansas (Mr. DOLE) has been one of the leaders in looking after the interests of the POW's, and has done so ever since he has been a Member of the Senate, to my personal knowledge. But 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 reports issued from Paris by the North Vietnamese delegation, they have indicated that this matter could be settled promptly.

As a matter of fact, on April 21 of this year, the Associated Press reported the following from Paris, and I quote:

The chief spokesman of North Vietnam's delegation at the Paris Peace talks said today "there will be no problem" about rapid repatriation of all American prisoners held by Hanoi after the announcement—

After the announcement—

of a deadline for total withdrawal of all American forces from South Vietnam.

If a termination date were set, or even announced, in line with the AP dispatch from Paris last April, and negotiations in earnest began, there would be no useful reason, in my opinion, for the North Vietnamese to keep the U.S. POW's there.

As a matter of fact—and I think this is correct—immediately upon the conclusion of the Geneva Accords in 1954, ending the Indochina war in which the French were engaged at that time with the Viet Minh, the forces of Ho Chi Minh, if my memory serves me correctly, the North Vietnamese released all the French prisoners of war they had at that time.

I make that statement advisedly because I have read in the newspapers in recent weeks that there are rumors to the effect that there are still French POW's in North Vietnam, working with the forces of Hanoi. Whether or not that is true, I do not know. The rumor has never been verified, to the best of my knowledge, and, speaking personally, I would be prone to take it with a grain of salt, though I would like to see the information, if possible, looked into closely.

If a termination date is not set, then we are confronted with the paradoxical situation which results—and this is repetitive on my part—in more and more U.S. casualties, perhaps more and more U.S. prisoners of war, and very likely more and more of a determination on the part of Hanoi and the Vietcong to hang onto those U.S. POW's if for no other reason than to hold them hostage—and that is a most pertinent reason.

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

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 5 additional minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, does the Senator from Kansas want me to yield to him?

Mr. DOLE. Yes.

Mr. MANSFIELD. I yield.

Mr. DOLE. My reference to the POW's and the MIA's is not to get them all intertwined in the argument, but, since the point has been raised, the fact should be mentioned that they say they hold 339 prisoners and we say there are at least 1,488 POW's and MIA's in Indochina. In other words, there may be some in countries other than North Vietnam.

I think the Senator was wondering, and I think we should discuss somewhat, how do we determine the right number as between the 339 on the one hand and the nearly 1,500 on the other?

I will tell the Senator why I raise the question. I have been asked by the wife of a man who is missing in action—not a known POW, not on the list released by North Vietnam—"What happens, if we fix the date, to my husband, who is not an acknowledged POW, who is listed by

America as missing in action? What happens to him?" That is why I raised the question.

What about the more than 1,000 Americans who are known POW's? If we fix the deadline, what will be the fate of those men? I think the Senator from Montana shares that concern. Perhaps it should be discussed so we may shed some light on it.

Mr. MANSFIELD. I would certainly agree with the distinguished Senator from Kansas. That we should discuss it because when I talked about the POW's, I also was talking about the missing in action. Collectively the figure 1,600 or 1,700 comprises that total, and what I was saying about the POW's applies just as strongly to the missing in action. I would like to see further information given.

Of course, we have to accept the very probable fact that some of the missing in action are dead. It is unfortunate, but that is very likely the way it will turn out.

But they should be considered together, and it is my belief that a terminal date for ending the war could lead to the release of the POW's and the identification, wherever possible, of what the Senator from Kansas refers to as the MIA's—the missing in action.

A continuation of the war, with increased casualties and an increase in the number of U.S. prisoners of war—which is very likely as the war continues, the raids are carried on, and the fighting, while declining, still exists—would only 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 costs increase as time goes on.

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.

In other words, I think that the risk is worth the price, and if we mean what we say about bringing about the earliest possible release of the POW's and the identification, wherever possible, of those missing in action, this is a risk in the right direction, it is a risk we should take, and it is a risk which would, I think, be beneficial in looking after the best interests of the POW's.

But this is not the only thesis laid down by the President when the question of a terminal date is discussed. He has also said, I believe on more than one occassion going back several months, that we should not withdraw or should not consider withdrawing until South Vietnam—I paraphrase freely—"has at least a chance" to survive.

Well, I do not know what more we can do to help the South Vietnamese. To the best of my personal knowledge—and I stress the word "personal"—we have been helping them since 1954, when we sent out the first advisory group. We have sent general after general after general, adviser after adviser after adviser. We have had programs coming out of their ears and ours, and always the rosy reports turn out to be untrue, false, and we start all over again.

I believe that the Army of South Vietnam is the seventh largest army in the world today. I am not certain about that figure; I could stand corrected, but that is my recollection. It is larger than North Vietnam's. It is better equipped, better trained—at least technically by us—better supplied, paid, and advised—by Americans, over a period from 1955 down to the present. The years 1955, 1965, 1971—that is 16 years. If they are not ready now to look after their interests, their country, and their future, in my opinion they never will be.

The President has faced up to his responsibilities. He is withdrawing troops at a more accelerated rate than he announced some weeks ago, at which time he indicated to the American people that there would be a monthly rate of withdrawal of somewhere around 14,200 up to December 1 of this year. I believe that the facts will indicate that rate of withdrawal has been stepped up, so that now it numbers somewhere between 17,000 and 19,000 a month. In other words, he is withdrawing U.S. troops from Vietnam at a considerably faster rate than he announced in his report to the people.

It may be that the President's position is the right one. Maybe that is what will have to be done to bring about the release of the prisoners of war and the identification of the missing in action. He is exercising his responsibility. I do not doubt that what he is doing he thinks he is doing in the best interest of the Nation. I do not question his sincerity or his desire to get out of Vietnam in an appropriate way at an appropriate time.

But we also have a responsibility, and we have to make up our own minds and do what we think is best in behalf of the people whom we represent and the Nation as a whole. But I would hope that we would support the Hatfield-McGovern amendment, because it does seek to bring about a definite date which will end hostilities and which hopefully will bring about the return of the prisoners of war and the identification of those Americans missing in action.

May I say that in my opinion, I think the President of the United States has a date in mind, and I can understand why he would not be in a position to announce it, because he must have some definitive time at which he intends to bring this war to a close and to withdraw—I hope on a lock, stock, and barrel basis, not with a residual force left behind.

But by the Senate taking an affirmative action and Senators facing up to their responsibilities individually and collectively, I think we can help reinforce the date. I think we can help bring about a more rapid pursuit of the road to peace, and in that way bring about, that much sooner, the return of the POW's, a reduction in casualties, a reduction in costs, a reduction in fragging, a reduction in drug addiction, a reduction in troops, and a return of our men to this country, where the costs will be great in rehabilitating them. This war—has cost us not only so much in manpower—which is the primary and first consideration, but it has cost us in excess of $125 billion as well. That is money which we could have better used here to face up to the problems which confront us at home, and of which every Senator is aware.

There is room for honest difference of opinion as far as this particular issue is concerned, and I doubt no one's sincerity. I question no one's candor. I can only express my own feelings, and I think the time is long past due—long past due—when this tragedy which is Vietnam and Southeast Asia, should be brought to an end, and brought to an end conclusively, and conclusively faced in terms of termination date.

I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator from Oregon yield to me? I yield whatever time he has yielded to the Senator from Kansas. Would the Senator make an estimate of that time?

Mr. HATFIELD. I yielded approximately 15 minutes. I yield myself 15 minutes.

Mr. STENNIS. Mr. President, who has the floor?

Mr. HATFIELD. I have the floor.

Mr. STENNIS. Mr. President, the Senator from Oregon has yielded 15 minutes on behalf of the Senator from Mississippi to the Senator from Kansas. I want to keep the account straight. I yield 15 minutes now to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Mississippi.

Mr. President, first, I should like to express my very deep appreciation for the colloquy and statements in which we have engaged today, particularly to the Senator from Montana (Mr. MANSFIELD) for his very erudite and accurate factual presentation. I have heard the Senator from Montana many times in this Chamber, and I never cease to be deeply impressed by the sincerity and the accuracy with which he speaks.

I am also grateful today to the Senator from Kansas (Mr. DOLE) for his participation, because I think that by these discussions and debates we are going to face up to our responsibility, make more understandable what our amendment is all about, and make it more understood so far as the general public is concerned, as well as for the Members on the floor of the Senate and those who will read the RECORD.

I believe that the statements made today by the Senator from Kansas well demonstrate the kind of parallel tracks some of us are on with respect to our interpretation and our understanding of the war policies over three administrations.

I regret very much that the Senator from Kansas has seen fit today to try to imply that there is a personal question here as it involves the support of the President. I can only interpret some of these comments to indicate that this is really a question of whether we support Mr. Nixon or do not support Mr. Nixon. I do not want to see the war made that kind of personal issue.

Even though three Presidents of the United States have been the primary motivating factors in the establishment and the implementation of our war policy, it still is not in keeping with the pluralistic democratic society, or to the

concept of three branches of Government, and the separation of powers to imply that we, in order to be loyal Americans, must unite behind the President. That is some sort of a carryover of the tribal instinct: Somehow, right or wrong, we must fall in behind the leader. We must march over the cliff if he says, "March over the cliff."

The Senator from Kansas has indicated that he has supported the requests made by various Presidents as a Member of the House of Representatives, that he has publicly supported them as well and has defended and advocated these policies.

To indicate the kind of parallel tracks we are on, I would merely recite the fact that, beginning in 1964, so far as the public record is concerned, I have taken no position as opposed to the war policies. Throughout the period of time that I served as a governor, I refused to endorse the war policy as a resolution presented to the National Governor's Conference, when the vote in 1965 and 1966 was 49 to 1. Consequently, we do have very deep seated and very important differences as we interpret and understand this war.

I reject this kind of attitude, this kind of idea, that says that, in order to demonstrate patriotism, there has to be a monolithic type of thinking or attitude toward controversial policy. The Founding Fathers rejected it. Abraham Lincoln reviewed that particular part of our Constitution when he recalled the fact that we had come from Europe as a people to get away from the concept of government where one man made the decisions of war and peace. Mr. Lincoln said that, as he understood history, this was the most oppressive of all kingly oppressions; and therefore our Founding Fathers were determined that the power of war and peace would be placed in the hands of the people—namely, through their elected representatives.

So I hope that this debate does not move on the basis of whether we are pro or anti-Republican or administration or Mr. Nixon.

I am proud of the fact that I was invited to make the nominating speech for Mr. Nixon in 1960 and to second his nomination in 1968. I consider myself a friend of the President. That does not mean I have to agree with him. That does not mean that my sense of loyalty or my feeling of affection is in any way diminished because I happen to disagree with him.

Mr. President, I am not here today to attack the President of the United States, and neither are those who support this amendment. At the height of my public criticisms of the former administration, headed by a Democratic President, I never at one time made a personal attack upon the President of the United States. In fact, many times I was asked whether I believed that he was insincere, in view of the fact that I differed with him so deeply. I said absolutely not; I believed that he was very sincere—sincerely wrong, but sincere. [Laughter.]

Second, I do not say today that I rise to oppose this policy under the President of the United States, Mr. Nixon with any question as to his integrity, his sincerity, or his pure and high motivations.

So I do not want to see this debate made upon the basis of our personal friendship or personal loyalty or personal support of the President. I want to see it made purely on the basis of the congressional responsibility as given by the Constitution of the United States and either our inability or our lack of concern about upholding those constitutional duties and responsibilities.

The Senator from Kansas has made a very eloquent defense on behalf of the national administration. I have read the Senator's comments in its defense, as the chairman of my party, which he has made on the campaign trail. I have read his comments in defense of this administration on many issues, and he does a superb job. Therefore, I do not criticize him for that at all. I commend him for the eloquence with which he speaks in defense of the administration, both as the chairman of my party and as my friend and colleague in the Senate.

But he has raised certain questions about the character of our amendment as related to its changing characteristic, as to the number of drafts and redrafts our amendment has gone through. He said he thought that we had disposed of this amendment last year, on September 1, 1970. Mr. President, we have not disposed of the war since 1970, either. The amendment is as pertinent today, if not more so, as it was in September 1970.

I wish we did not have to raise this amendment again. The only reason we have to do so is that the war still goes on and on and on and on. So, if there is any question why we raise the amendment again this year, it is basically, simply and fundamentally because we still have the war. The fact is, we have to be flexible in moving with the changing conditions of the war and changing circumstances. But if the Senator from Kansas has carefully read any one of the drafts of the amendment, he would know that we have not changed one iota in our basic thrust or our objective.

We have one objective. To set a date certain.

What the date is, is less important than the fact of setting a date.

We have never veered from that objective of setting a date certain.

Why have we been so committed to that one objective through all the drafts? They have only been changed because of changing conditions and the time factor as we have dealt with this question on the floor of the Senate. Further we have wanted to separate that which is the withdrawal responsibility and power in the Constitution of the President as Commander in Chief from the other factors that have been injected into this whole matter of Vietnamization by the administration, and that is, the political considerations and the political commitments.

It goes beyond the question of Commander in Chief of the armed services when the President says that we will stay there as long as is necessary in order to create a viable, reasonable, government or a reasonable time for a government to defend itself—that is, the Thieu-Ky regime.

There is nothing under the most liberal interpretation of the constitutional power of the President enabling him to establish that kind of political policy or international commitment without some review and acceptance or rejection by Congress.

The Senator from Kansas has been consistent. I go back to August 31, 1970, in the CONGRESSIONAL RECORD of the debate at that time on the amendment; and what the Senator said at that time he has said today on the question of the prisoners of war.

The only point is, Mr. President, we have not had one single prisoner of war returned since that debate a year ago. The Senator from Kansas asks us to go along with the same policy that existed in 1970, yet we have seen no move of one prisoner of war from North Vietnamese control to us back home.

I am sure that the Senator from Kansas did not use the words "harping on the prisoner-of-war issue" as meaning at all that we should not engage in this discussion on that question, because the President himself has made it part of his Vietnamization policy. He has said, that "it is possible for him to withdraw troops more quickly if it were a question, and a question only, of withdrawal, but I will not have American troops totally withdrawn until we have a return of our prisoners of war."

So the prisoners of war is fundamentally a part of the policy now followed by this administration.

Let me also say that we did not have any breakthrough on the question of prisoners of war when we had over 800,000 Americans, as we counted them, from Thailand—marines and naval forces—at the height of our involvement in the war in Vietnam.

What is there in administration policy that would give us any hope for the return of our prisoners?

What is it that we must blindly accept or follow along, without question or challenge, in this kind of policy we have been following, that should give us any indication it will result in any more than it has in the last year since we debated this amendment on September 1, 1970?

I say to you, Mr. President, that it is not a question of harping on the prisoner-of-war issue. It is a question of deep concern that the Senator from Kansas has, that the Senator from Montana has. As I view Senators in this Chamber—the Senator from Iowa, the Senator from Mississippi, the Senator from Massachusetts—all of us—100 Senators—feel this deep concern and we want desperately to move this issue off the stalemated position that now exists.

The Senator from Kansas also said today that the North Vietnamese have said they will not discuss the prisoner-of-war question until all our troops are removed. That is simply not the record, Mr. President. It is not the record of history. That is not what they have said. And it is certainly not the record of history with the French.

Let us go back and learn from history a little bit of understanding about the problem.

The French had lost many soldiers under the prisoner of war-MIA classification, around 65,000, I believe. The Chamber of Deputies rose up in their rightful role in Paris and made it very clear, beyond any question of doubt, that

France would withdraw from Vietnam. They got their prisoners of war back.

But I point out, in this amendment we are not taking any chances. We are not committing ourselves to a total withdrawal and ignoring the prisoner-of-war question, or putting ourselves in a position where we have no ace in the hand.

We have stated clearly in the amendment that 60 days following its enactment, if arrangements have not been made for the return of our prisoners of war, the deadline for total withdrawal will be extended another 60 days automatically and beyond that, if it be the will of the Congress, we can follow the recommendation of the President for securing their release.

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

Mr. HATFIELD. I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. I feel here again, Mr. President, that we have not anything to lose but everything to gain. By contrast, we have won nothing under the present policy.

It is about time we went on the offense. We are now on the defense and have been on the defense. I say, it is time to put our adversary to the test.

Set the date. Set the deadline for total withdrawal and if the prisoner-of-war question is not resolved during that period of 60 days, then the North Vietnamese will have proven to be false and misleading in all their statements relating to this question up to this point. And we will not be locked into any policy that jeopardizes our prisoners.

We have no other way to prove their intentions, up to this time, under the present policy.

Now, Mr. President, I admire the Senator from Kansas for stating again the record of the administration in reversing the war policy of the previous administration. He has made it clear that the administration has reversed the sending of troops into Vietnam and has reduced the number and casualties. He has given us the litany, which we have heard many times, concerning this whole matter of administration progress in winding down the war, and what everyone agrees with has been very important progress in the right direction.

He also indicated to my colleagues, by quoting statistics about the reduction of sorties flown, that that is further evidence of winding down the war.

Let us not be misled. This war has had geometric expansion which has complicated the political settlement of the war by extending it into Cambodia and accelerating it into Laos.

Let me remind the Senate, for the record, that since 1965, 5.6 million tons of bombs have been dropped on Indochina; 2.5 million tons of bombs in this administration alone. Thus, consequently, even though we can say that the number of sorties has decreased, the intensity, in many instances, has increased. The geometric expansion has been obvious. Today Cambodia is politically, militarily, and economically dependent upon the United States. Therefore, that complicates the final political settlement that must eventually come.

Thus, I would indicate one last point, and that is that the Senator from Kansas has made a great point of the kind of lobbying tactics and lobbying techniques used by those of us involved in the promotion of and an understanding of the pending amendment. I really do not know whether I should comment on that, but I would say, if I were back-judging a forensics contest, that this would be a good example of diverting attention from the real issue.

Let me say that there is certainly nothing sinister or conspiratorial about setting forth a proposal in every way possible to get a public understanding of it as well as public support. There is nothing new in that. I have received letters from my colleagues asking me to support worthy causes, to make contributions, to support the right-to-work law, say, or something that has been signed by distinguished colleagues. I see nothing wrong or anything new about that.

Taking out advertisements in newspapers is another way we can communicate with the public. The idea of utilizing television or radio is another way of communicating.

One of the great problems America has today is to maintain a sense of relevance and relationship between the citizen and his government.

I say it is more than our just talking. It is doing the listening. And if we have ceased to reach out and establish understanding, that is our responsibility.

There are going to be many radio ads about this amendment. Some of us perhaps have heard these ads. Very frankly, they are geared from a strategic point of view to trying to penetrate what I have indicated is the general apathy of the American public and the general weariness of the public to hear talk about the war.

Let me say that on June 10, 1971, in the Washington Post—and I ask unanimous consent to have the article printed at this point in the RECORD.

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

GLOBAL POW ADS PLANNED—WHITE HOUSE JOINS MOVE FOR CAMPAIGN

(By Don Oberdorfer)

With the backing of the White House, a New York advertising agency is preparing a worldwide campaign to convince North Vietnam to permit impartial inspection of its prisoner-of-war camps.

The ad campaign is being drawn up by SSC&B, Inc., the world's seventh largest advertising agency, on behalf of the Advertising Council, a nonprofit private organization that promotes public service causes. The Advertising Council was asked to undertake the drive by the White House and by the official sponsors, the American Red Cross and the National League of Families of American Prisoners of War/Missing In Action in Southeast Asia.

North Vietnam and the Vietcong have refused to permit International Red Cross inspection of their prisoner camps on grounds that those being held are not prisoners of war but war criminals. North Vietnam is a signatory of the Geneva Convention on prisoners of war, but with a specific reservation on the war criminal issue.

According to a plan for the ad campaign presented yesterday to representatives of the American Red Cross and the National League of Families, the objective is to focus world attention on the lack of inspection of Communist camps in Indochina as an "initial phase" of working toward release of the prisoners.

Roy T. Weber, campaigns director of the Advertising Council, said the POW drive will probably begin nationwide about mid-July.

He said it would employ an estimated $25 million in free newspaper, periodical, radio, television and other advertising donated by the media. Weber said a commercial campaign of this size would make the POW drive one of America's major national advertisers.

Because North Vietnam is believed to be attentive to public opinion abroad, part of the appeal to Americans will be for funds to support paid advertising overseas. Weber said it has not been decided exactly what else Americans would be asked to do to obtain inspection of the POWs in Communist hands.

The Advertising Council—which supports such campaigns as Jobs for Veterans and Smokey the Bear—was asked by the POW families in January to mount a major campaign on the prisoner issue. When the ad group did not act, presidential aide Herbert G. Klein wired on April 14 at the request of the POW families expressing White House support for a campaign on the prisoner cause. The 25-member executive committee of the Advertising Council approved the request May 5.

At least two New York advertising executives have objected to the council's acceptance of the prisoner campaign, Shep Kurnit, chairman of DKG, Inc., asked the Advertising Council by letter to "reassess its position" on grounds that the campaign is political in nature. Frederick Papert, president of the PKL Companies, Inc., has circulated a letter raising questions about the campaign and saying that "no one thinks the prisoners themselves would gain anything from it."

Alfred J. Seaman, president of SSC&B, said his firm had volunteered to take on the prisoner campaign without fee knowing it would be "a hot potato." Seaman said, "If I were a prisoner of war in North Vietnam, behind barricades where nobody is allowed to see what is going on, I'd be pretty bitter if the American people and the advertising business couldn't lend a hand."

According to a campaign strategy outline presented to representatives of the Red Cross and the POW families yesterday, the ad agency believes that "impartial inspection could virtually assure more humane treatment, a census, adequate food, improved medical standards, improved living conditions and regular mail delivery."

The advertising "strategy" would be "to make Hanoi understand that the people of the world feel deeply that the North Vietnamese should permit impartial inspection" and to focus world attention so "anguish and indignation" may be felt.

The strategy calls for special attention to ads in certain news media which the agency believes to be "followed closely" by North Vietnamese leaders, including The Washington Post, The New York Times, Time Magazine and the CBS Evening News with Walter Cronkite.

Mr. HATFIELD. Mr. President, there is a very interesting article concerning global POW ads being planned. The article states in part:

With the backing of the White House, a New York advertising agency is preparing a worldwide campaign to convince North Vietnam to permit impartial inspection of its prisoner of war camps.

I think this is excellent. But what is wrong with this administration or people concerned with the general public, with administration support, advertising

through commercial media at commercial rates? Advertising communicates with respect to great issues that we have in common. There is nothing wrong with this.

I think those who raise this question must be fairly weak in their arguments against the amendment if they feel they have to go out on the periphery of this question and discuss questions about a Senator's right or propriety to engage in mass public distribution of information exchange.

I would much rather go on the television and ask the citizens of this country who are disenchanted with this war to send in their dollars and help make it possible to end this war, rather than to carry on demonstrations, irresponsible and the other kind as well.

I say it is a far better alternative to give the people of this Nation a sense that they can participate in relation to those in the establishment who hold the same point of view, rather than to fill the streets and create a disruption and do other things that cut off good support and does the very cause of peace damage as they commit acts of irresponsibility and even violence in their hypocrisy to protest violence.

Let us stay on the issue. The issue is whether Congress will face up to its constitutional responsibility or not, whether this administration will set a priority as to what the Vietnamization components really are—return of prisoners of war and commitment to the Thieu-Ky regime.

Let us separate them and see where we must play our part of the responsibility.

How many times have I heard my colleagues talking about the great imbalance between the legislative and executive and how there has been this grave trend to centralize power in the hands of one man, the power of one man to engage the country in a great war and ask the country to go along without asking anything more than general statements about a secret plan that the President has for stopping the war.

We have heard a lot about polls today. I am not interested in putting our case upon polls. I use polls in support of or analyzing a point of view or issue.

I think it is very interesting to note that if this administration, as the Senator from Kansas indicated today, is interested in knowing the sentiment of the people—and I believe it is—they will recognize that there are some very grave problems that we must face as a nation, not just as a Republican Party or Republican administration.

Let me quote a couple of statements to illustrate my point. When the people begin to lose faith in their Government or the administration that represents their Government, we all suffer.

It is not a matter in which the Democrats can take joy that it is the Republican Party which is in power. It is not a matter in which the Republicans can take joy because the Democrats are in power. We all lose when the people lose faith in their basic institutions and Government policies.

It was the President himself who said before the Republican National Convention in 1968, when he was campaigning in Hampton, N.H., on March 4, 1968:

> If in November this war is not over, I say that the American people will be justified in electing new leadership, and I pledge to you that new leadership will end the war and win the peace in the Pacific.

On August 1, 1968, in a statement before the platform committee in Miami, he said:

> The war must be ended. It must be ended honorably, consistent with America's limited aims and with the long-term requirements of peace in Asia.

In a statement made on November 3, 1969, the President, speaking to the American people, said:

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

Mr. President, let me quote another Gallup poll of February 19, 1971. The question was asked:

> Do you think the Nixon Administration is or is not telling the public all they should know about the Vietnam war?

Sixty-nine percent of the American public replied, "No."

We face a great question here. It is not a question of partisan politics, but a question of credibility between this administration and the citizens of this country that is growing because of this war in which I think we, the Congress, bear part of the responsibility. I am not here today, nor was I last year, in a position of trying to challenge the President of the United States. Frankly, we are trying to challenge our colleagues in Congress to have the courage to stand up and uphold their responsibility under the Constitution. That is where the challenge is. We urge them not to continue to abdicate their responsibility under the Constitution, wringing their hands, wailing about this horrible war before the television cameras.

I think it is time for all men and women to stand up in Congress and make their position known by taking the responsibility given to them by the Constitution.

We should call on the President as the individual charged with the responsibility for the return of our prisoners to let us know if any political commitment is made to the Thieu-Ky regime. We should demand the right to review, approve, or reject it.

That is what we are proposing in this amendment.

Mr. President, I feel compelled to say again that it is not a challenge to the administration per se. It is a challenge to ourselves, and that transcends all political partisan politics or anything else. Certainly I think the American people should have a little restoration of confidence in their Government.

The representatives of the people in the Senate and the House of Representatives should not be ducking the issue, but should be willing to stand up and be counted.

Mr. President, at this time, I have had the request of two Senators to speak on this subject. The Senator from Iowa (Mr. HUGHES) has asked for time, which I am happy to yield to him. The Senator from Massachusetts (Mr. KENNEDY) has also asked for some time.

I would say that, with those two presentations, I have no plans for today and will undertake to resume the debate again on tomorrow.

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

Mr. STENNIS. Mr. President, will the Senator withhold that request?

Mr. HATFIELD. I withhold my request.

Mr. STENNIS. Mr. President, I expect to seek the floor after the Senator from Massachusetts completes his remarks.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. HATFIELD. Mr. President, I yield 30 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, before making some comments on the amendment which is before us, in the course of the discussion yesterday comment was made by the chairman of the Republican National Committee about a statement I made earlier in the week.

I would like to indicate, as I did yesterday, that I stand by the speech I made in its entirety. I thought it best expressed my feelings about our involvement in Southeast Asia.

I have a press release issued by the assistant minority leader dated April 8, 1971, which states:

> U.S. Senator Robert P. Griffin (R-Mich.) had the following comment on President Nixon's report to the Nation Wednesday, April 7, 1971, on American troop withdrawals from Vietnam:
>
> "It was a sincere, credible and courageous speech, infusing new strength and character into the American spirit.
>
> "In a practical sense, he did set a date certain for ending U.S. involvement: Election Day 1972."

I am reminded of the Washington Post article quoting the minority leader when he was asked about the President's statement:

> But Scott said he believed it would be before the end of 1972, adding that if the war drags on beyond that point, "another man may be standing on the platform" when the next President is inaugurated in January, 1973.

The question this raises to me, as it must be raised in the mind of every young person in this country whose draft number is up and who is being sent to Southeast Asia is why does the ending have to be on election day, as the assistant minority leader said—on election day, 1972?

Why do we have to wait another year? What is so magical about election day, 1972? These are the words used by the Republican leadership several weeks ago.

If I express reservations and concerns about the wisdom, propriety, and the political expediency of a policy which I feel is directed toward 1972, I can use the words of the spokesmen for the Republican Party.

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

Mr. KENNEDY. I yield to the Senator without losing my right to the floor.

Mr. SCOTT. I understand the Senator made some statement yesterday that he was not notified his name would be used when the Senator from Kansas spoke. I learned only by inadvertence that my name was to be mentioned here and that I was to be quoted, but I have been told my name has been mentioned. Would not the Senator agree?

Mr. KENNEDY. On this question, the Senator's office was notified at my request by my legislative assistant about an hour ago when this material was made available to me.

Mr. SCOTT. I appreciate that. I have not received any such material. I was notified just a few minutes ago that the Senator would be speaking and had referred to my name. But I take no umbrage, as my friend knows.

But in any statements made expressing a desire to see the end of the war, and I have made many such statements over the years and the Senator knows I supported both previous Presidents in their position as Commander in Chief, does the Senator not agree. I have never impugned nor attributed any motivation as to the time in which the war was ended?

I have said if it was not ended there would be another man in the White House. I agree with that. There might be another man in the White House I think I said, but I have not impugned any motivation.

I have said continually I would like to see the deescalation increased. I would like to see more people withdrawn more rapidly.

Remarks not made by me but by another Senator were to the effect that the motivation of no President should be impunged and it should not be implied that any President would end the war in order to be reelected.

Would not the Senator agree that the reelection of President Nixon would be enhanced if he could end the war today rather than waiting until election day?

Mr. KENNEDY. I personally believe it would; I am not sure he does.

Mr. SCOTT. The President said on several occasions publicly and has said to me publicly and privately that politically the easiest thing for him to do would be to take office and immediately after taking office to arbitrarily order the war brought to an end, with all the cost in bloodshed to a lot of Asian people, which he firmly believes would result from that.

But I do know of my own knowledge that the President himself feels that had that been a temptation to which he yielded it would have increased the bloodshed, but the people who died would have been more Asians and less Americans, perhaps; but it would have been a violation of the commitments made by his predecessors to initiate such an arbitrary end to the war.

I am glad the Senator agrees that it is his opinion as it is mine that it would be politically more productive to bring the war to an end right now.

Mr. KENNEDY. I did not say it may be "politically" more productive.

First of all, does the Senator have a member of his staff named Mr. Hetherington?

Mr. SCOTT. I have a member of my staff named Mr. Hetherington.

Mr. KENNEDY. Is he the Senator's press secretary?

Mr. SCOTT. He is my press secretary.

Mr. KENNEDY. If the Senator were to clarify the record with him, he would find he was the one that my legislative aide communicated with in terms of courtesy.

Mr. SCOTT. Yes.

Mr. KENNEDY. I think the Senator was fair in his observations that I was not notified yesterday in a similar incident.

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

Mr. KENNEDY. I yield for a question.

Mr. SCOTT. One of my staff members advises me that Mr. Hetherington was notified 25 minutes ago. I want the RECORD to show I was notified 5 minutes ago, because I had someone in my office.

Mr. KENNEDY. I wish I had had that much notice yesterday.

I am aware of the President's statement right after the election, when he went on television and said that, "It would be a politically expedient matter if we withdrew from Vietnam." I would have certainly supported that policy and that effort if the President had taken it. I feel, most sincerely, that if the President had taken those steps and followed that advice and guidance, the American people would have overwhelmingly supported that action, and that it would have been an extraordinary act of statesmanship. However, he has not.

As I indicated in my comments at the lawyers committee, the President came to office pledging to end the slaughter, and today 14,000 more Americans are dead. The President invokes his Quaker heritage, and today we have American bombing of innocent people. One may conclude that the whole American prisoners-of-war issue was used as a pawn in terms of policy. I stand by those statements.

Mr. SCOTT. Mr. President, will the Senator yield just to answer——

Mr. KENNEDY. When I finish my thought.

Mr. SCOTT. It will be very brief.

Mr. KENNEDY. I will be glad to yield for a question when I finish this thought.

I stand by the statements that were made in that speech, and I will read those statements so they will appear in the RECORD:

> 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.

Then I continue:

> Surely an American President ought to be willing to go the extra mile in seeking ways to negotiate the release of the prisoners, instead of seeking new arguments to delay the resolution of the issue.

This time and this date in 1972 have been mentioned in a press release by the assistant minority leader. It says, "In a practical sense, he did set a day certain for ending our involvement: election day 1972." It was the assistant minority leader who set the day in 1972. He did not say some other time, in August or September or October. He said election day. It was not even just a day in November.

The minority leader made similar statements.

Mr. SCOTT. Mr. President, will the Senator yield now?

Mr. KENNEDY. I yield.

Mr. SCOTT. Does the Senator criticize the President of the United States for invoking his Quaker heritage?

Mr. KENNEDY. I am sorry.

Mr. SCOTT. Does the Senator criticize the President of the United States for invoking his Quaker heritage?

Mr. KENNEDY. As I understand, the Quakers themselves have been regretful that he has. All I was doing was making a comment about it.

Mr. SCOTT. My colleague from Pennsylvania and I probably represent as many Quakers as does any other Senator, and I have no objection to their invoking their Quaker heritage in coming to see me and to urge an end to the war and urge peace among all nations. I do not think that the yearly meeting of the Friends of Pennsylvania or New York were correct, themselves, in being critical of the President for invoking his Quaker heritage, because that is what they do, and they have the right to do it.

Mr. KENNEDY. Will the Senator explain why the President invoked his Quaker heritage——

Mr. SCOTT. Because the Senator said it.

Mr. KENNEDY. The President invoked it last week. I am asking the minority leader if he has some idea as to why the President would invoke it.

Mr. SCOTT. Yes. I think the President invoked his Quaker heritage because he wanted to point out that, as a part of their religion, they are devoted to peaceful pursuits, are devoted to love of peace, and are devoted to efforts to bring about peaceful relations among the peoples of many nations, and that he had been taught that at his mother's knee, that he believed it, that he was dedicated to peace, that he has made no wars, that he has initiated no wars, that he has started no wars, and that he is dedicated to finishing a dreadful and unpopular war.

Mr. KENNEDY. Does the Senator imply that those of us of other religions are any less dedicated to that?

Mr. SCOTT. No, but I wonder why the Senator brought that up.

Mr. KENNEDY. I simply wondered why the President mentioned it. Does the President think that?

Mr. SCOTT. No.

Mr. KENNEDY. Does the Senator think that the President invoked his Quaker heritage because he is more de-

voted to peace than Catholics or Protestants or those of the Jewish and other faiths?

Mr. SCOTT. No, and I am sorry the Senator would create such an implication——

Mr. KENNEDY. Well, the Senator did.

Mr. SCOTT. Arising entirely from his own mind, because it was the Senator from Massachusetts who spoke here and spoke yesterday——

Mr. KENNEDY. It was the President who raised the issue.

Mr. SCOTT. The Senator raised his Quaker heritage.

Mr. KENNEDY. It was the President who raised his Quaker heritage.

Mr. SCOTT. The President said he was a Quaker. The Senator from Massachusetts has said he invoked his Quaker heritage.

Mr. KENNEDY. What does the Senator think? If one says he is a Quaker, does not that invoke the fact that he is a Quaker?

Mr. SCOTT. I think it is perfectly all right for a President to mention that he is a Quaker and to be proud of it.

Mr. KENNEDY. Does the Senator think he was trying to raise the issue that, because he was a Quaker, he was suggesting to the American people that he was somewhat more devoted to peace than other people?

Mr. SCOTT. No, except it is well known to the American people that the Quakers, by their nature, and by their reason for coming to this country, were fleeing from oppression and were seeking a more peaceful surrounding, and that their religion is marked by an especial dedication to peace—not that other religions are not, at all. That certainly was not a discriminatory statement by anyone else, but the Senator from Massachusetts has twice been critical of the President of the United States for invoking his Quaker heritage.

Mr. KENNEDY. Does the Senator then say that Quakers are more peace loving than either Catholics or Protestants or Jews?

Mr. SCOTT. I do not suppose that the members of any religion would admit that they are less peace loving than Quakers, but I do not fault the President of the United States for taking pride in being a Quaker and in his Quaker heritage.

Mr. KENNEDY. I do not think anyone would——

Mr. SCOTT. The Senator from Pennsylvania and the Senator from Massachusetts takes pride in their religious heritage. There is no question about that. In my own family we take pride in our Catholic and in our Protestant heritage, for example.

Mr. KENNEDY. Does the Senator agree with me that the reason the President raised the issue of being a Quaker was for the purpose of suggesting to the American people that perhaps Quakers are more peace loving than others?

Mr. SCOTT. I think the reason for the Senator from Massachusetts raising the issue——

Mr. KENNEDY. I was just asking a question.

Mr. SCOTT. I am trying to answer—was for the purpose of seeking to point out some disparity between being a Quaker and continuing a war, which, by the way, he inherited from two predecessors.

The Senator yesterday made the statement that President Nixon was again prevented by the Kennedy amendment—which I supported, as the Senator knows—from again escalating the war in Indochina.

Could I inquire as to why the Senator from Massachusetts is so evidently under a misapprehension that the President is either escalating, or again escalating, the war in Indochina when the number of troops there is down from some 543,000 to 281,000 in the coming October? I assume the Senator can subtract.

Mr. KENNEDY. The assumption, I think, is well placed. I think, quite clearly, the intrusion into Cambodia and the intrusion into Laos are escalations of the war. The fact is that there are today hundreds of thousands of war victims in Cambodia, many who have been killed, because of the escalation of the war there due to the military intrusion of this administration. The fact is a similar situation exists in Laos due to the escalation of the air war.

The Senator can use whatever mathematics he wants to use, but we can show that, in terms of the numbers of refugees and the numbers of civilian casualties, that there has been an escalation.

As far as the mathematics are concerned, if the Senator can add as well as I think he can, I think it is not unreasonable to suggest that there has been an escalation.

Mr. SCOTT. Does not the Senator agree that about half of the American forces in Southeast Asia are now out of there?

Mr. KENNEDY. That is correct.

Mr. SCOTT. That is all I wanted to bring out.

Mr. KENNEDY. If that is all the Senator was getting at, we could have agreed on that a long time ago.

I am reminded of the Quaker testimony to the Refugee Subcommittee. They gave some of the most effective testimony we heard:

> In our recent White Paper entitled "Indochina: 1971," we called on the President to set a date in 1971 for a total U.S. military withdrawal from Indochina.

So I would hope that the President would consider it. I think that was a very courageous comment for this organization to make, and I would hope that it had some effect. That was testimony on behalf of the American Friends Service Committee, on April 21.

Mr. President, I know I speak for millions of Americans in expressing deep dismay over the unending rhetoric of progress which has been used by our national leadership in describing the Indochina war.

It is rhetoric which has grossly misled our Nation's people on the tempo of the war, and disguised the continuing violence and widening character of the conflict.

It is rhetoric which has conveniently ignored an expanding American involvement and even new commitments.

It is a rhetoric which has consistently exploited the helpless plight of American prisoners, so as to beat the war drums in Southeast Asia.

It is a rhetoric which has tragically evaded genuine concern—let alone some responsibility—for the devastating impact the conflict has had on the civilian population and countryside of the entire area.

It is this latter point, which I wish to emphasize in my comments today. For the Indochina war not only continues to tear at America's national life and spirit—it is also heightening the agony of a rapidly growing number of civilians in Vietnam, Laos and Cambodia.

We are confronted today with a very serious regional crisis of people—millions of people—refugees, civilian casualties, war victims of all kinds. Each day of war produces more of the same. In fact, nothing more accurately documents the continuing intensity and spread of the conflict, and the level of military operations, than the number of civilians killed or wounded or made refugees. By this measure we see that the war is scarcely winding down for the peoples directly involved. And more than our Government cares to admit, American military activities—especially the unrestricted air war—are contributing heavily to the growing human toll.

SOUTH VIETNAM

In South Vietnam the problem of refugees and civilian casualties continues to fester. Despite official statements to the contrary, there is much to suggest that the basic situation has changed very little in recent years. In fact, adding heavily to a cumulative total of nearly 6,000,000—over the past several months, the monthy flow of refugees has often been higher than at any time since the Tet Offensive in 1968. The numbers include at least 40,000 Montagnards forcibly moved from their villages along the Laotian-Cambodian border; at least 16,000 refugees as a result of yet another sweep through My Lai; at least 40,000 refugees from military operations in the U Minh forest at the southern tip of South Vietnam; and tens of thousands more scattered throughout the country.

The recent movement of Montagnards a especially tragic, for it illustrates the old bankrupt policy of forced relocation for our strategic reasons, rather than the interests of the people involved. Such forced relocations have occurred to countless villages and hamlets in South Vietnam—and in Laos as well. It has always been done in the name of bringing "security to the people."

The scenario for such operations is drawn graphically in a memorandum submitted recently to the Subcommittee on Refugees, which I serve as chairman. Written by an American refugee official in central Vietnam, the memorandum says:

> Each year the farce of "taking security to the hamlets" is blandly outlined in the official pacification and development plans—and each year no such thing happens. Instead, the Hamlet Evaluation System (HES) shows a certain number of hamlets evaluated as "insecure." Some general then says Darlac Province will have no more low rated hamlets. The province chief, knowing his forces are not about to take security to the hamlets

decides to bring them in under an "artillery umbrella," usually along one of the main roads in the province.

At this point all Ministry of Social Welfare regulations are violated and a group of hamlets are moved in, presumably at "their own volition." But with no planning either for the move or adequate provisions for their health or welfare.

Dr. Gerald Hickey, an American anthropologist with nearly two decades of experience in Vietnam, calls these forced relocations "one of the unlearned lessons of the Vietnam war." In a memorandum for the record he concludes, as many others have, that the "gains in population and resource control resulting from such relocation projects are, for the most part, outweighed by the social and economic disruptions that affect the whole of Vietnamese society. The ever-growing number of shoddy settlements of Montagnards who have forcibly, or even willingly, been relocated is a stark reminder of this disruption."

As if the mounting numbers of refugees and forced relocation schemes were not enough cause for concern, civilian casualties in Vietnam have continued at a high level. In 1970, hospital admissions alone accounted for nearly 51,000 civilian casualties. This official figure is misleading, however, because it omits civilian casualties treated elsewhere, those not treated at all, and those who are killed outright or die before reaching treatment facilities. If these additional numbers are added to hospital admissions, civilian casualties during 1970 probably number at least 125,000, including some 25,000 to 35,000 deaths. The cumulative total of civilian casualties since 1965 numbers some 1,050,000, including at least 325,000 deaths.

Inevitably, tens of thousands of the civilian casualties who survive are physically disabled. Again, not all of them are reflected in official statistics. But as of late 1969, some 79,600 civilian amputees and paraplegics were registered with the Vietnamese Government, as well as some 25,600 civilians who have become blind or deaf from war causes. Additionally, the official registration lists some 258,000 orphans and some 131,000 war widows.

After more than a decade of war, the tragic human problem resulting from the conflict can no longer be isolated and neatly categorized for action as "refugee problems," "civilian casualties problems," "war victim problems," "orphan problems"—and there are many more. For taken together, all of these problems constitute a massive and long-term social welfare and rehabilitation problem—involving literally millions of people, and affecting the total population of South Vietnam. Sadly, the record offers little ground to believe that the shocking dimensions and depth of this situation are really recognized by either Washington or Saigon.

LAOS

A situation similar to that in Vietnam is fast developing in Laos. In mid-1968 the pendulum of the seesaw pattern of warfare swung wildly—and a marked escalation of the conflict began from which Laos and its people still have not recovered. A war which was characterized by officials in our Government as a "relatively modest and low-profile conflict" has suddenly become a calamity of vast proportions.

The official American view of the escalation was explained by the President on March 6, 1970. He suggested that the escalation resulted from a sudden aggressive move by North Vietnamese forces into the Plain of Jars region from Sam Neua Province. But the record—including testimony before the Subcommittee on Refugees as early as May of 1970—indicates a more complicated scenario, involving American as well as North Vietnamese actions.

Since early 1969 Laos has become the principal target of a no-holds-barred air war over Indochina. And we are now beginning to understand more fully than ever before—as recent hearings before the Subcommittee on Refugees document—the devastating impact the air war and the conflict generally has had on the civilian population.

Out of a population of less than 3 million, at least 700,000 Laotians have become refugees. More than 300,000 are currently on relief rolls. Tens of thousands have fled from battle zones in recent weeks and months.

Comprehensive data is not available on the number of civilian casualties in recent years, mainly because the problem has been conveniently ignored by our Government, and questions raised by Members of Congress and others have gone unanswered. Since the heavy air war over Laos began in early 1969, however, conservative estimates put the number of civilian casualties at over 30,000, including as many as 10,000 deaths.

One of the greatest tragedies of the Indochina war is the sad plight of the hill tribes in Laos, especially the Meo. Nearly the entire Meo population are refugees—either as civilians fleeing from battle, or as paramilitary forces taking refuge from defeat. The cost to the Meo for their service to our interest has been nothing short of the decimation of their tribe. An internal memorandum of our Government says, in part:

We must recognize that inasmuch as a great measure of the effectiveness of a military force lies in its fighting heart and its numbers, as well as leadership and equipment, the Meos and Lao Teung are no longer the military asset they were in the past—particularly when weighed against the cost of their support in dollars and in all the psychological, social, and humanitarian problems that develop from the manner in which they are employed.

In other words, they have been used to the hilt and as many of them are expressing—they have had it!

This situation requires a reassessment of our policies regarding the Meo and other hill tribes to the extent that humanitarian/economic factors may predominate over military considerations in charting our future courses of action regarding these peoples. We could, in effect, give them a fond thanks for their services and cast them adrift to shift for themselves, faced with the spector of starvation and/or being absorbed (with increasingly bitter memories of our abandonment) into communist dominated areas. This of course would not be humanitarian or strategically sound considering the U.S. objective in Laos. . . .

This memorandum—and it is only one of many made available to the Subcommittee on Refugees—illustrates the cynicism which too often has characterized our Government's policies and actions toward the civilian population of Indochina. Meanwhile, as the civilian toll rapidly mounts in Laos, the military situation deteriorates rapidly—despite the massive air war and billions of dollars being spent to support it.

CAMBODIA

In Cambodia, the bubble of official optimism has burst. Less than a year ago, we were being told by our national leadership that the Cambodian invasion was "the finest hour" of this administration—that it was a great military victory, serving to lighten America's military burden in Indochina by assisting the process of Vietnamization. But what do we find today?

After only a year, instead of shortening the war, the invasion has helped to spread the war into new areas. American planes have flown an increasing number of bombing sorties over Cambodia. Our military aid to Cambodia is on the increase. Foreign troops wander at will throughout the countryside. And throughout it all, the government in Phnom Penh controls less territory than ever before.

Inevitably, the familiar pattern of Vietnam and Laos—in the destruction of the countryside, the generation of refugees, and the occurrence of civilian casualties—is being repeated today in Cambodia. As recent testimony before the Subcommittee on Refugees indicates, our Government is failing to recognize this situation and the potential it holds if the war in Cambodia continues. But Phnom Penh's Commissioner General for War Victims estimates that some 700,000 persons have fled the countryside into Phnom Penh and a number of other cities controlled by government forces. He also estimates that civilian casualties total some 15,000, including 6,500 deaths. Most independent observers feel, however, that the number in both categories is significantly higher.

The record is clear on where we stand in Indochina. In our use of the modern technology of war—of heavy bombing and extensive artillery support, of trying to do from the air what we could not do from the ground—over the years we were destroying the very land and people we had set out to save.

The United States has dropped nearly three times the tonnage of bombs over Indochina that we dropped during World War II. Of the nearly 6 million tons of bombs used over Indochina, nearly half have fallen during the last 2 years—a tonnage equal to the explosive force of more than 100 Hiroshima-type atomic bombs.

In a speech in Boston over 3 years ago, I said:

The kind of war we are fighting in Vietnam will not gain our long-range objectives: the pattern of destruction we are creating can only make a workable political future more difficult.

I felt that "if the current policies relating to the nature of the war were not changed, and the assumptions underlying civilian programs not revised, then the prospects for Vietnam * * * were dim."

Just how dim, we can see only now.

The record is clear on where America stands in Indochina. Each day brings new violence. Each day escalates the human costs for all involved. There are more refugees. There are more casualties, both military and civilian. There are more prisoners of war and more missing in action. And with each additional loss, Americans are reminded that our Nation cannot allow the spectre of a highly dubious bloodbath of the future to blind us from the bloodbath that is going on today—every day—in Vietnam and our country is part of it. It will continue as long as the war continues, and so long as efforts to end that war are avoided and delayed for whatever excuse.

Few will disagree that the North Vietnamese and their allies are also contributing to this "bloodbath." But the question for most Americans today is, How much longer will we tolerate policies by our Government which make easy the killing and maiming and dislocation of millions? How much longer will we fuel and finance what our military planners call "saturation bombing," "protective reaction," "close air support," and other strategics and labels—devoid of much moral restraint and responsibility—devoid of much apparent concern for the plight of civilians who continue to bear the brunt of this endless war? And how much longer will we permit our national leadership to continue its policy of violence—of a no-holds-barred air war—of incursions and sanctuary operations which take the conflict, with its inevitable human toll, into new areas?

Since 1965, the impact of the Indochina war on the civilian population has been a primary concern of the Subcommittee on Refugees. We have conducted field studies and hearings. We have issued reports of findings and recommendations.

We have offered our help and suggestions to officials in the executive branch and others. Over and over again, we have tried to make the case that the people and war victims in Indochina must be a matter of vital concern to our government.

Regrettably, whatever priority our government has attached to this issue has too often been measured by the degree of congressional and public pressure than by an active moral and political concern at the highest levels of our national leadership.

Our national interest does not lie in the continuation of the Indochina war. It does not lie in the further destruction of the countryside in Vietnam or Laos or Cambodia. It does not lie in the generation of more war refugees and civilian casualties. It does not lie in the serious crisis of people spreading from one country to another.

Rather, our national interest lies in the very urgently needed effort by our Government to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. It lies, as well, in a far greater effort to meet the vast human needs generated by the conflict.

The pending amendment reflects the overwhelming view of the American people. The amendment deserves the active support of us all.

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

Mr. KENNEDY. I yield.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Massachusetts for his presentation today on this subject, particularly as it highlighted the problem of civilian deaths.

I should like to ask the Senator, since the subcommittee of which he is chairman has been the basic source of numbers and estimates on civilian casualties, why a Senate committee had to go out and dig up this kind of information itself. Was this information not available from other sources, without the committee having to go forth to develop these statistics and figures?

Mr. KENNEDY. The Senator is correct in this observation We had an extremely difficult time collecting information, both in terms of numbers of refugees and of civilian casualties, as well as finding out what realistically needed to be done for the refugees.

This has been going on since the mid-1960's, when we started to investigate these problems. Still, as recently as a month ago, we had statements by Ambassador William H. Sullivan that there was not a refugee problem in Cambodia, that there had been no requests by the Cambodian Government for refugee aid, and that therefore we could not assist the Cambodians. Yet, when we want to drop bombs or provide artillery support there, I wonder how much attention has been paid to what the Cambodians ask for. When we asked Ambassador Sullivan whether we can exert some influence within their Government to provide some housing and medical attention to the people, they say that they do not want to interfere in the internal matters of the country.

Mr. HATFIELD. Did the Senator and his committee staff have to go out to develop these estimates and figures because he received the same response from the Pentagon that I received, when I asked the question as to what kind of civilian casualty records they had, and the Pentagon replied that they kept no record of estimates on the civilian casualties?

Mr. KENNEDY. We had the same response; and the figures that were made available to us, of course, are quite incomplete.

I will say that when we visited Vietnam in January of 1968, for example, we checked at various hospitals and found that official statistics on hospital admissions were understated by 10 to 30 percent and more.

This was in South Vietnam. So the Senator is correct about the fact that we have in a matter of hours collected information on the number of machineguns captured in Cambodia, and hand grenades, and so forth, about 24 hours after a military operation. But we cannot find out the number of civilians wounded in these countries.

Mr. HATFIELD. Does not the Senator agree, too, that this results in something more than just a problem of "people logistics," but highlights the moral insensitivity of the very policy we are asked to follow?

Mr. KENNEDY. I would agree with that. If the Senator will let me comment on that point and refer to a staff report of September 1970, pages 77 and 78. We were interested in the reports of bombing accidents in Laos. We were interested in what rules and regulations were being used, whether there were any violations, and whether there were any penalties against those involved in such violations. So we asked the Defense Department for a response on various accidental bombings. I shall make page 77 of this report available to the Senator, and he will see the number of communities and little villages which were accidentally bombed.

Here is one, for example, which was given to us by the Defense Department:

14 January 1968. Accidental bombing of Ban Nalan Wapikhamthong Province, resulted in a reported 54 persons killed and 31 wounded. Compensation of 1,507,000 kip was paid, and other claims have not been processed by the Lao Ministry of Defense.

At 500 kips to the dollar that comes to less than $60 and that is what we compensated for those who were killed, let alone the wounded. Those people were lucky because they were able to get some compensation—if we want to call that lucky. This is only a partial list of accidental bombings, which goes to January 1969. It is incomplete, as the subcommittee's report and Representative McCloskey have pointed out.

Mr. President, the American people do not realize that we are paying only 50-some dollars in terms of compensation for the loss of life there.

Of course, it is difficult, under any circumstances to place any dollar value on a human life. We all agree with that. Certainly these are really tragic situations.

Mr. HATFIELD. Does not the Senator agree, too, that the major number of civilian casualties are created or occur as a result of our bombing policies?

Mr. KENNEDY. The Senator mentioned that. In that connection, Mr. President, I ask unanimous consent to have printed in the Record a summary of the findings of an official U.S. Survey of Laos refugees, July 1970.

There being no objection, the summary was ordered to be printed in the Record, as follows:

I. Findings of an Official U.S. Survey of Laos Refugees, July, 1970 (Mueng Hiem Refugees in Ban Xuan Area)

In the past week our three interviewers have talked with refugees, most of whom are now living in the Ban Xuan area in Site 272. The majority are from Mueng Hiem in Luang Prabang Province and Muang Son (Sam Neua). Some are Xieng Khouang, Lao from Muang Khem (around Ban Ban) who are now living at Ban That, near Phon Hong. And a few are Meo whose original homes were southwest of Mueng Sen in North Vietnam, the point that protrudes into Laos just off Route 7; after leaving North Vietnam they had moved to Muang Meh (site 46) and then to their current home at Ban Than Penp (TF 7693). The same factors that limited the report on the Plain of Jars refugees—lack of time, and weather conditions, the interviewers' lack of experience—hampered this operation too. Nevertheless, it gives some notion of what the people interviewed have experienced and are thinking about. Some findings:

1. Type of people interviewed:

The male-female ratio was 60% vs 40%.

70% of the people interviewed had never attended school.

73% were ordinary villagers, not holding any position in the village hierarchy.

18% were Mai Beng.

92 of the 97 were married, and 88 of the 92 had children.

79% of those with offspring said their children were still with them, and of the children who had left home, 15% are now with the Pathet Lao and 6% with the RLG.

2. The largest group, 22%, left their homes in 1967, 19% in 1969, 19% in 1966. Since leaving their homes, 41% have moved twice, 28% three times, and 13% only once.

3. 50% of the people said they left their homes because they did not like the Pathet Lao, 28% because they feared bombing, and 22% because they wanted to be away from the war and when the government troops came they went with them.

4. 79% said the areas in which their original homes are located were controlled by the Lao-Viet while they were there. The interviewees from Sam Neua had been with the communists since 1953, for they were caught up in the resistance movement against the French.

5. The interviewers could get only 22 people to respond favorably about their experiences with the Pathet Lao. Of the 81 who answered the question "What did you like best about living under the Pathet Lao?", 59 (73%) said they did not like anything. The lack of favorable comment on the Lao-Viet may be attributed in part to fear of reprisal. However, the fact that the same interviewers got many favorable reactions from the PDJ refugees about their experience with the Lao-Viet suggests that the 97 people interviewed this time do have some genuine feelings of dislike for the communists. A partial explanation may be found in the terrorism employed by the Vietnamese troops when first introduced into Laos in large numbers in 1963. Another factor, of course, is that most of the people spoken with are now settled and seem reasonably happy with their new homes. (54% said the land they are now on is as good as, or better than, the land at their original homes. A few of those from Sam Neua spoke wistfully about the profits from growing opium "back home". But they conceded that the land around site 272 is better than their holdings for highland rice.)

Of the many undesirable aspects of life under the Pathet Lao mentioned, the highest number (48 of 133) items centered around forced porterage. Following that was taxation (33). The other 52 negative responses fell into six catagories.

6. 25% of the respondents said they first saw bombs dropped near their villages in 1964 and a higher percentage (37%) had heard of bombs being dropped on other villages in that year. 6% said they had seen bombs dropped frequently (48 out of 70). 60% said they hid in the woods during bombing attacks.

7. 25% (24 of 97) had seen people killed by bombing, although only one had witnessed the death of over seven people. The majority of those who had seen people killed (58%) had seen two or more deaths (29% had seen two and an equal number had seen three).

8. 69% said there were PL troops in the area being bombed, although only 18% had seen enemy troops killed by air attacks. A slightly higher percentage, (24%), had heard of enemy casualties being caused by bombing.

9. 82 people said the bombing made life very difficult for them—80% of this group saying they could not eke out more than a bare subsistence living after the attacks started. A point of some interest here is that only 7% said they feared death from the bombing.

10. 57% of the respondents said they had seen T-28's bombing and 40% mentioned having seen jets. 49 of 92 (53%) said they thought the bombing was done by Americans; 30% listed the RLG as the responsible party; and 17% said they did not know who was doing it.

11. Although 25% of the respondents said they had left their home due to fear of bombing, 23% said they would return home if it were stopped. But 90% of all respondents said they would not return to their homes even if the planes stopped bombing, as long as the PL were still there. Reasons given were fear of continued war, dislike of the communists, and satisfaction with their present situation.

II. Findings of an Official U.S.[1] Survey of Laos Refugees, July 1970 (Refugees from Xieng Khouang Province)

In the past two weeks our interviewers have talked with refugees from Xieng Khouang Province, located in twenty settlements, from the Phoung Hong area in Thadeua District. Most of them came to the Vientiane Plains with the group evacuated from the Plain of Jars in February of this year (1970). They came from 96 villages, located in 17 townships.

Bad weather and the usual travel impediments hampered the interviewers' movements and limited the scope of their findings. The lack of time and paucity of the interviewers' experience (only one of the four had ever been involved in such an experience) were also limiting factors. Nonetheless, the relatively large number of people queried should give some degree of validity to the findings, at least enough to indicate general trends of thinking.

This group of people is atypical when compared to other refugees in Laos—the length of time they spent with the Pathet Lao separates them from the mass of refugees here. A separate report is being prepared on the people who have sought refuge from their homes in Saravane, Sam Neua, and Luang Prabang. (People representing the latter two provinces now at Ban Na San—Site 272.) A cable will be prepared for the Ambassador on the 272 people.

Some findings:

1. Respondents' Background:

96 percent of the respondents admitted to having lived with a Pathet Lao administered government, 63 percent of them from 1964 until they sought refuge with the RLG in 1969.

77 percent said their children are living with them; 20 percent indicated that their offspring are now with the Pathet Lao; and the remaining 3 percent told the interviewers their children are away from home serving in the RLG.

Most of the people the interviewer talked with left their homes in 1969 (this was true of 93 percent). Including the move which took them to their current location, 48 percent said they had moved a total of three times after leaving their home; 37 percent twice.

Nearly 50 percent said someone had arranged for their children to be taken to school—76 percent of this group said the PL had provided this service. There was an exact correlation between the location of the schooling and the parent's reaction to it—if in the village, all concerned said it was desirable; if away from the home, the people said they did not think it to be a good thing.

2. Aspects of Life under the PL:

Finding what they liked and disliked about their experiences with the communists proved to be difficult—the refugees were quite naturally reluctant to speak with strangers about their feelings toward the communists. However, the interviewers did manage to get 210 responses (more than one response was allowed) to the question, "What did you like best about the PL?" Of this number, 22 percent saw "unity" as a positive aspect of their life with the PL. ("Unity" in this sense means cooperative farming, communal arrangements for looking after children, etc.) 16 percent of the responses indicated "morality" (sintham) as a feature of life under the PL. (Note: No doubt one reason this was mentioned is the stealing of the refugees' cattle and water buffalo by the II troops prior to their evacuation from the Plains of Jars. Nine percent said they liked the PL system of education.

Forced porterage was the least desirable aspect of life under the PL (41 percent of 363 response). Next was taxation (36 percent). (Ref: McKeithen report provides a detailed account of life under the PL in Xieng Khouang.)

3. Bombing:

97 percent of the people said they had seen a bombing attack—32 percent as early as 1964. 49 percent said they could not count the number of times they had seen bombs dropped, and 43 percent said they had seen planes bomb "frequently".

68 percent of 168 response tabulated indicated that the respondents had seen someone injured by bombing, and 61 percent had seen a person killed. Given the period involved for most of the respondents (1964–1969) the number of people seen killed by bombiing was extremely low—32 percent had seen only one person's death caused by a bomb. The only exception to this was one refugee from Mouang Soui who reported having seen 112 people killed during a bombing raid. (Unfortunately, the interviewer who talked with this man is now sick and had to be taken to a hospital in Bangkok, so it is impossible to get any more details about this case.) The other responses indicate a generally low casualty rate.[2]

This appears to be true for the enemy as well. Only 18 percent of the respondents said they had actually seen Lao-Viet troops killed by bombing, and 25 percent indicated they had heard rumors of deaths caused by bombing. The one outstanding exception reported was a T-28 strike on a cave near Sieng Khou-

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[1] For many of the questions, the number of responses is less than the total number of people interviewed, i.e. 150 may have answered one question, 180 another, etc. The primary reason for this is that I asked the interviewers not to carry the questionnaire with them while conducting the interview. They were instructed to wait until they could find a place away from the people interviewed to mark down the responses. This was done in an effort to keep the climate of the interview as relaxed and free form as possible. I also warned the interviewers about guessing when it came time to tabulate their findings, thinking it better to skip the question then have a partially recalled answer marked down. The length of the questionnaire, the driving rains under which many of the interviews took place and the generally inexact nature surrounding the whole process resulted in many blank answer sheets. Moreover, the ratio of responses to number of respondents tabulated for each question should give us a reasonable accurate picture of the respondents' opinions.

[2] USAID refugee relief officer Edwin McKeithen reported one case involving refugees being killed by an air attack. In took place in June, 1969, as villagers from Khang Khay were being led through the Site 119 valley to Nong Pet by PL sympathizers. The group of approximately 4,000 was caught in the open by four T-28's and fired upon repeatedly. The casualties, according to McKeithen, numbered over forty. After the attack, SGU troops intercepted roughly 300 of the people and USAID moved them to site 240, in transit to Lat Saen. But before they could be moved, LS 240 fell and nearly half the people were recaptured by the enemy, presumably to resume their march to Nong Het.

angville used by the PL as a communications center. The air attack was reported as having done away with the commo installation as well as some eighty PL troops who were in the cave at the time. Other cases reported in which relatively large numbers of enemy were killed by bombing, included 20 PL meeting their end at Phou Com Phet, 30 at Phou Kha Boh, and 20 at Phou Tuong.

That the bombing raised havoc with the lives of the people while they were in the Plain of Jars area is not to be denied. 75 percent of 190 respondents said their homes had been damaged by bombing. 76 percent said the attacks took place in 1969. 99 percent of 212 respondents said the bombing made life difficult for them. 63 percent of this group told our interviewers that they were prevented from earning more than a bare subsistence living during the most intense periods of bombing. 37 percent reported building a shelter in the woods after they first saw a bombing raid.

Even after being exposed to such trials, 74 percent of the respondents said they understood the air attacks were caused by the PL waging war. But, 23 percent told the interviewers that the bombing is directed not only at the PL but also the people—13 percent said it was aimed at the people only. 71 percent of 238 responses indicated the U.S. is responsible for the bombing; only 17 percent laid the onus on the RLG. The 38 percent who had seen T-28s dropping bombs said they had seen jets doing the same thing. Their familiarity with planes was considerable; F-105s were noted in some conversations, as were "sky raiders" and P-4-hs(? ? ?). The PL propaganda machine has been reasonably effective, although it would seem to be aimed at a highly receptive audience.

4. Refugees' Future Aspirations:

With regard to their aspirations for the future, the responses gathered by our interviewers did not yield a very clear picture. 49 percent of the people whose answers were tabulated on this point (111 of 226) said that fear of bombing was the reason for their seeking refuge away from their homes. 29 percent listed dislike of the Pathet Lao, as the reason for leaving. 15 percent said the RLG coming in and either allowing or encouraging them to move was a primary factor in making them refugees.

The bombing is clearly the most compelling reason for moving. 57 percent of all 213 respondents said they would return to their villages if the air attacks were stopped. However, nearly 96 percent said they would not go back if the PL were still in control of their homes.

There are several possible reason for this latter response. One might be that the people really cannot imagine having PL in the vicinity of their homes without resultant bombing. Another might be a fear of having alienated the PL by coming to RLG side, thus leaving themselves open to retribution. But probably the most intense is a simple desire to be away from the war and from all the suffering and hardships it brings.

My personal impression is that it was a combination of three factors that moved most of the refugees. The destruction of their home villages by bombing certainly instilled the type of fear that would make a person want to move. However, 31 percent of the people had lived with bombing since 1964. Though it was not as intense as in 1969, it still represented a threat to their homes and lives. Being forced to serve as a porter irritated a high percentage of the people. On the other hand, while living under the RLG brings with it some mistreatment, it is nevertheless a way of life which generally does not impose many restrictions. In my opinion, it was all these factors, coupled with the opportunity offered by the RLG's sweep over the Plain of Jars in late 1969, that brought the people to the Vientiane government's side.

Mr. KENNEDY. Mr. President, we had great difficulty in obtaining this survey. We heard it had been made. We made a request for it. It was not made available to us for 8 months. Finally, Representative McCLOSKEY was given a summation of it, which was put into his briefing book, and then he was able to get the complete document in Vientiane. He told us about it and then, on that very day, the Department of State made it available to us.

Mr. President, the survey shows that in 96 villages in Laos, 97 percent of the people said they had seen a bombing attack; 61 percent said that they had seen a person killed; 67 percent said that their homes had been damaged; and 23 percent said that they thought the bombing was directed at civilians.

Now, Mr. President, you and I know that the Vietcong, and certainly the Pathet Lao, do not come with clean hands when it comes to the destruction of human life—terrorist activities, assassinations, and other kinds of violence. But when we start to talk about the creation of refugees, particularly in Laos, as shown in the Government's report, the number of refugees increases by the same geometric progression as the bombing does, as it did in 1969. It is virtually identical.

After the escalation of the bombing in 1969, the one study that was made by the Government, shows that the refugees are created—and it states this clearly—as a result of our air activity. I think that is something which has been much disputed, but the facts are clear.

Mr. HATFIELD. I thank the Senator for his comments because I believe he would agree with me that when we consider we have a ratio of firepower to our adversary of about 500-to-1, and when we consider the number of troops and bombs we have dropped on various parts of Indochina, it works out to be about 160 pounds for every man, woman, and child there. When we also consider the fact that we have in one operation at Lam Son 719—the invasion into Laos—151,837 air sorties, just in that one operation, it is apparent that the refugees and the casualties that result from bombings have a distinct relationship to the overall military policy that we follow.

I am sure the Senator would also agree that when we consider we had only about 40,000 troops in Vietnam in February 1965, when we started the bombing of North Vietnam; even when we are told that the troops will be withdrawn by a certain date, whatever that might be, that does not say that we will stop the bombing or that civilian casualties will cease, because as the Senator from Massachusetts knows, we have very important air power in Thailand—as well as the 7th Fleet—that is used in action over Vietnam or Laos or Cambodia. So it does not take thousands and thousands of ground troops to maintain a bombing policy.

The Senator has commented today on the matter of refugees and casualties and the other comments he has made. They certainly focus attention upon the moral implications of this war.

I cannot conceive why the Pentagon would say it is so unimportant that they have no record of civilian casualties. Yet they expect us to accept without question the policy that has had this kind of result, and especially since we have signed international treaties and made commitments to other nations in joint action with them not to bomb villages that are defenseless and not to bomb medical supplies or medical centers or medical facilities.

Yet I am sure the Senator is aware not only of those treaties that we have signed indicating we would not do those things, but he is also aware that we have even talked about having done so. As part of a progress report to the American people on May 3, 1970, the Vice President on the Program "Face The Nation," speaking of the Cambodian operation said,

> The purpose of the strikes in to the sanctuaries is not to go into Cambodia, but to take and reduce these supply depots, the hospital complexes,

I want to underline that—"the hospital complexes"—

> the command network, the communication, etc. . . .

I want to carefully and explicitly quote from article XIX of the Geneva Convention that we signed as a treaty, which reads as follows:

> Geneva Convention for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces (Article 19) states: "Fixed establishments and mobile medical units of the Medical Service may on no circumstances be attacked, but shall at all times be respected and protected by the Parties to the Conflict.

I think here again it shows a moral impoverishment on this whole policy.

Again I express my appreciation to the Senator from Massachusetts for focusing upon this facet of the war today.

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

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. KENNEDY. Mr. President, I commend the Senator from Oregon and the Senator from Dakota for introducing this amendment.

I would hope that this colloquy and the statements made in my prepared remarks today would remind the Senate that just withdrawing the last American is not going to fulfill our responsibility to the people of Indochina. We have a very basic and fundamental responsibility in seeing that the violence ends and that it ends on the ground and from the air, and that we do not leave a situation where Asians are killing Asians, and that the United States is part of that operation.

I would certainly hope that this dialog would help remind us all of the impact this war is having on the people of Indochina. We have a very serious responsibility to them that can only be achieved through a political settlement of the conflict.

But the level of fighting continues. The flow of refugees continues. The civilian war casualties mount each day. More

people are made homeless. Children are losing their arms and their legs, as well as their parents. It is our responsibility to end the war and to help in the reconstruction of that region.

A South Vietnamese child now has to wait about a year for a prosthetic device if he loses an arm or a leg. Yet, we can get the military gear and equipment that is necessary over there in little time. I am all for getting the military equipment there to insure that the lives of American servicemen will not be endangered.

But it seems to me that we have been talking about this for years and years, that this whole aspect of the impact of the war on the civilians has not received anywhere near the priority it should receive.

Mr. President, on another aspect of this matter, I wrote a letter to the Secretary of Defense on May 10, asking him questions about various military terms and asking him to describe the definitions for the various military terms and what impact the Defense Department thought they would have on the civilian population.

I asked him for the intensity of the impact on the civilian population of the American air war in Laos. I asked him to make some kind of study of this question and for photos of various villages we listed, from which we had heard from refugees and volunteer service people about how they had been destroyed. So far, we cannot find out about this.

I also asked about the rules of air war and what kind of protection is given by the various services to the civilians. I have not received a response from the Secretary of Defense.

There were a number of questions. However, the time is getting late, and we still have not heard from him.

I thank the Senator from Oregon for yielding the time. I appreciate the comments he has made. He has provided great leadership on this whole question of our policy in Southeast Asia.

It is a pleasure to be able to join with him today in support of the amendment. He has cosponsored with the Senator from South Dakota.

Mr. HATFIELD. Mr. President, I am grateful for the contribution of the Senator from Masachusetts and for engaging in this colloquy today.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, as the floor manager of the bill that has been under debate all these weeks, I assure my friend, the Senator from Oregon, and others that I have no objection whatsoever to this amendment being offered to the bill. In fact, I welcome discussion of it and continuing our discussion of last year.

I do point out that at the moment while we are handling this subject matter today, we should be entitled to the recommendation, one way or another, of the Foreign Relations Committee on a subject matter of this kind.

It is a matter of great interest. It is of interest on the part of the people and is of interest on the part of the membership in the Senate.

We will have a good debate on it. Many Senators are well informed on it.

At the same time, in a way it is coming in the side door, because it does not have the detailed analysis, the hearings, the recommendations, or a report of some kind.

If there were dissenting opinions, we do not have the dissenting opinions. We do not have the facts to back it up.

These are not casual matters. They are highly important. They are part of our system.

So we have to do the best we can.

This does have something to do with manpower. This is a manpower problem and it is related by subject matter in that way. However, the policy question involved is foreign policy. It is not an attack so much on the conduct of the war, which might under some circumstances be a military matter. This is a question about the policy of the war in Indochina.

Mr. President, I am opposed to this amendment, primarily, not because I am the chairman of this committee or handling this bill on the floor as what we call the floor manager. I was opposed to ever going to Vietnam with military power as early as 1954.

I mention that to show my background of thought on it. I was opposed to ever going in there. However, once we did go in, I have backed it and I do that as a matter of principle.

I have never been able to swing myself around to the proposition of opposing it without believing that opposition helped the other side. I am opposed to this amendment because I believe that in the long run our Nation will be better off in the decades ahead, far better off, and especially so in that part of the world, the Asian part of the world, Pacific Asia, if we hang on, hard as it may be now, and bring this war to an end, an end that is something less than an abject surrender.

I do not believe it has been a failure. I believe that much good has been gained and much value for America's future has been realized because of the loss of these men's lives.

I opposed going in there. However, I do not subscribe to the idea that it has been altogether a failure or that there was nothing gained for our Nation and the free world because of the sacrifice of these boys.

I do not want a single additional one of them to lose his life. At the same time I do not want to throw away whatever value might be gained by those who have already made the supreme sacrifice. I believe this would be a mandate for legislative withdrawal. That is what this would be if this amendment should pass and become law. If it should be agreed to, the influence of it would almost amount to a mandate, and that would be a legislative withdrawal.

I believe there should be legislative action before we commit ourselves to a war. I have said so many times, and I have said so recently in this Chamber. I believe the Commander in Chief does not have unlimited authority and power, but after we are in there and after we said to other nations that we are going to take a position and we got in and we are there, I do not believe in an abject surrender and I do not believe in a legislative withdrawal. We have to hang our policy and power on a different peg if we are going to be successful in the years ahead.

We are all concerned about the prisoners of war. We are vitally concerned. That is a great "ace in the hole," so to speak, for Hanoi. I have been concerned about it, and I know the President is concerned about it. This is one of the worst features about the whole war.

But I notice in this amendment, and I have the greatest respect for and subscribe to all that has been said about the motives of the authors, it is stated:

SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

As I see it that is a complete withdrawal. Money could not be spent to deploy U.S. Armed Forces in Indochina or to conduct U.S. military operations in Indochina or over Indochina. So here with one stroke of the pen we take away all military assistance we might have and everyone agrees, as I have said, that with an abject withdrawal of that kind, not even giving those local armies or military units air support, the odds against them would be greater.

Personally I believe they could not stand the military pressure without air support, at least. I hope they could, but I do not believe it and I believe that point is a major part of the debate. That is why I am making it, and that it why I am making it early, and let it be answered by anyone who thinks he can.

Let us get back to the amendment. In section (3) it is stated:

If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements—

What are "arrangements"? I will skip beyond that and continue to read:

For the release and repatriation, by December 31, 1971, of all such prisoners:

(1) The date in subsection (a) shall be extended for sixty days,

What good would 60 days do? If they are going to have 6 months, approximately, what good would 60 days more do here? I do not see anything to it except that it extends the first 60 days after the date of enactment. So I do not believe that adds anything.

Subsection (2) states if this has not been done the way we want it done with respect to the prisoners of war we have an alternative:

The Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Of course, Congress has that authority. The key point is, "such further action as is recommended by the President," which means we throw it right back in the President's lap.

The first part of the amendment takes it away from the President, then we give

them 6 months, and not one dollar; but if what we say does not go over we want the President to recommend to us what we do.

I think we are reasoning in a circle and that we meet ourselves coming back. We had better keep the responsibility since we are in there. I blame myself as much as anyone else for our being there because I was a Member of this body when it all happened. But we had better keep the responsibility where it is rather than to withdraw it from the Chief Executive. That is our system of government.

I have faith and I think all of us have faith that the present President of the United States, whatever his name and whatever his party, is doing his best in wrestling with this problem, which is an international problem. It is certainly a total Asian problem. It is a policy not for Vietnam or Indochina but an entire Asian problem.

Our entire Asian problem rises or falls on what is done about ending this war. This entire matter will extend far beyond the time of those of us here now after we end the war, if we have faith. As I have emphasized, I do not think anyone lacks faith in the President's sincerity. If we believe he is trying and wrestling with the problem and making any headway at all we better keep the responsibility where it is and support him and at least provide the money so long as he is winding it down, as he is now, and has a program which is working with some success.

I believe it is admitted in this amendment that this is just a trial run and that we have no idea how this is going to work. We say that after 6 months we will be looking to the President to recommend what we do. Then, there is reference to the arrangements for the release and repatriation of American prisoners of war. That is the whole concept of the problem.

This amendment, I think, is prompted in large part by a desire by the authors that the fixing of a date by the legislative branch would bring about almost immediate highly encouraging results and prospects of almost immediate results with respect to the POW's. But my point is that, in a large sense, the amendment itself turns right around and inserts major language and puts a proviso at the end of it that we admit this may not work, and if it does not, then we are going to turn to the President to make a recommendation, and we are right back where we started.

I do not believe I am too hard a man, but I know there are many things in life where we have to "tough" them out for a while, where we do not have a choice of looking for an easy way. Nations are the same.

There was another way we could have proceeded, and that was a war of aggression, rather than a war not to win, but I think that time has passed. We have to move beyond that. So I think we will have to "tough" it out a while longer.

With respect to the policy question, I think the policy on the war there has boiled down to one that we are not trying to win it. Perhaps that was a mistake, but we have passed that mileboard. It is a question of what is going to be our policy in future decades with respect to all of Southeast Asia, not just Indochina, but the whole Pacific area—the Philippines, Nationalist China, South Korea, Japan. Those countries certainly are our friends. I think Japan ought to be doing far more in trying to maintain the peace and check the Communist trend in the Pacific area. Without their help, I do not believe communism can be held in check indefinitely.

In any event, the whole policy on Cambodia, Laos, Thailand, Indonesia, including South Vietnam, of course, is involved.

I do not think it is a simple matter which presents itself to the President of the United States. I think the problems are involved in our basic policy in this part of the world for years and years to come. If we pull out of there abruptly, or on terms less than some kind of—I will not use the word "victory," but some kind of sustained accomplishment that really has an opportunity to be the hard core of betterment there, we will have wasted our efforts.

I do not want to weigh the life of one American as against a boy anywhere else, but if we come out now, after all this sacrifice and effort, under circumstances where that country is going to be overrun in a few months and be worse off than when we went in there, I think we will regret the day. Furthermore, we will have set a precedent in which the world will see that the United States, once having put its hand to the plow and having made a promise—even though it was a promise that had dubious ancestry—did not carry it out or did not go the second mile after we had gone the first mile, and did not go as far as we reasonably could. In doing that, I think we will have set a precedent that will haunt us for many years to come.

I do not have any complete answer, and no one else does. The President has no quick solution. I admire him for having the political fortitude and the personal fortitude to keep on fighting to find a solution in this matter, and baring himself to adverse public opinion and taking a chance on wearing out the patience of more and more people and taking a chance on having the willing support of more and more Members in this body.

A man who is President of the United States must be rather tough-minded and be willing to make hard decisions and do things that are not popular in order to bring about results for the future of our people. I am not one of his close advisers at all, but I know something about what he is going through.

I do not think any President would willfully send men into battle unless he thought it was best for the country.

It is said that the President said we will get out. I hoped we would get out sooner, under the conditions that have been described. I am sure the President did. But when things got rougher and rougher, he did not back up and he did not ask for quarter. He deserves a lot of credit for that. I think it was a hard decision to go into Cambodia and Laos and do many other things that have not been publicized, but any man at the head of the Government has to take his licks and ruffles. It is hard on him, and it will continue to be hard. Of course, it is hard on the men who have to go.

I think things are getting better gradually. It may be that we are right on the brink of some measure of success that would permit these people to stand on their own feet and govern themselves and defend their territory. From that could grow other Asian nations that could see what had been done, and take hope.

If the people of South Vietnam were a little successful the people would take new hope and strength, and from that a great movement would gradually emerge. There would be no transformation overnight, but from that small beginning—and it will be small; it will not be a giant move when we leave—these people, who have been relatively physically weak and have not had a strong government for modern times to cope with modern problems, could gain some strength. From that could grow a new idea in that part of the world, at least, of self-government, a new idea of personal liberty of a kind, a new idea of a chance to own a little land, too. I think that is the basis of a great deal of the trouble and the reason for the slowness of their land programs and better development. There is that possibility.

It has been said that we have seen the light at the end of the tunnel, and the light did not show up, but perhaps we have made some progress. Maybe we are winding down the war. The casualties are fewer and fewer, and we are thankful for that.

I take the position that, if as a nation and a people, we are willing to "tough" this thing out for a while, we will gain rather than lose, which will happen unless we try somewhat longer for terms and conditions that I have already outlined.

I feel there is a big chance that from all this will come this opportunity for all these people. They are fine people. They have been weak politically and weak economically, for reasons well known. Many others in that area of the world are the same. This is an opportunity for them. Nobody can say just where we are.

But I believe we are on our way to something better, and, not just to support the President of the United States or just to keep this amendment from passing, but because of the policy that is involved, I trust that the amendment will fail, that it will be defeated again, and that we can continue, even though slowly, to make progress along the lines I have indicated.

Mr. President, how much time did I consume?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I have listened carefully to the comments and the presentation made by the Senator from Mississippi, the chairman of our Senate Armed Services Committee.

I am grateful for the relationship that we have here as colleagues on this floor, but more than that, as close personal friends. Often people from outside the

Senate organization cannot understand how men can deeply, vociferously, and intensely differ on issues and still maintain mutual respect and personal friendship. I think, of all the men and the one lady with whom I have served in this body, this is always one of my most reiterated thoughts as it relates to my personal relationship with the Senator from Mississippi.

I feel that he has made a contribution here today in putting into focus and eloquently stating the objections that we have heard time and time again concerning our amendment. I would say to the Senator from Mississippi that he obviously understands it clearly. He has, paragraph by paragraph, gone through that amendment today and has analyzed it accurately and with clarity of understanding. He has stated it precisely the way we intended it. So there is no disagreement here about understanding our objective or understanding the amendment. In fact, I think he probably explained it better than I did. I am grateful to the Senator from Mississippi for that.

As I say, the Senator has raised these arguments that we have heard many times. He said, first that this amendment has come to the floor without the benefit of a report or some recommendation from the Senate Foreign Relations Committee.

Mr. President, this is not a strange or new issue. I know of no issue that has been debated and discussed more intensely or more broadly around this country than this issue of our war in Vietnam. The Foreign Relations Committee has held extensive hearings on not only the basic concept involved in this amendment, but on other proposals as well. So the Committee on Foreign Relations has addressed itself to the issue. It has provided a forum by which men and women of different viewpoints have been able to explain those viewpoints, and have communicated them not only to the Foreign Relations Committee, but also through that committee to Congress.

Second, we have heard here today that we have made gains, that all this sacrifice has been for some purpose, that certainly we have made some gains from losing over 50,000 American lives and spending more than $125 billion of the taxpayers' money.

But I would like to ask the question: What gains? What are the gains? What have we gained?

We have not gained territory on behalf of or with the efforts of the South Vietnamese. We have not gained prestige in the eyes of the world. If anything, we have become a new focus for criticism by the world, including our friends.

What gains have we made? We have seen inflation go unchecked at home. We have seen further imbalance of our international payments. We have seen the cancer of this war tear apart the very internal strength of this Nation, with alienation and estrangement of father against son, child against parent, and student against teacher. I feel that this war has done more to undermine respect for law and order and create the environment for disrespect of law than any other factor.

We have neglected our cities, we have neglected the poor, we have neglected housing needs, we have neglected medical needs, we have neglected education needs. The very week that the President said it was inflationary to have an increased HEW budget, he came back and asked us for more money for an ABM system. Here we have an example of the distortion of priorities in the use of our natural resources. We have put bandaids where surgery was called for on some of these problems at home.

What new power and prestige do we occupy in the eyes of the world? Less than we had when we went to Vietnam. No, this is not like our going to the aid of the allies in World War I, when America was hailed as the savior of Western Europe. This is not like going to the aid of justice and liberty against the forces of fascism in World War II. This is not even like trying to fulfill our obligation under a United Nations action, as in the case of Korea. This war has been an undeclared, illegitimate war from the very beginning. You cannot legitimize that which is illegitimate to begin with, even by Act of Congress.

Therefore, Mr. President, I think we have had nothing but losses. What are the gains? Put the gains up against the losses, and see how it balances out. That is what this Nation deserves: A ledger sheet. What have been the investments and what have been the returns on those investments? I think we would be shocked at seeing the kind of investment we have made in human blood, money, neglect of our homefront, and neglect of other parts of the world which needed our assistance and leadership.

What have we gained?

Mr. President, we have also heard today about the 60 days. We have been asked, what good will 60 days do?

That is a legitimate question. I say that 60 days is a triggering mechanism. We obviously have not attained any result from 116 conferences in Paris. I would remind the Senator from Mississippi again that since last year, on September 1, 1970, when we voted on this amendment, not one prisoner of war has been returned. It is about time we attempt something that will break that deadlock. And that is what the 60 days will do; it will trigger an action to break the deadlock.

And we will not have yielded one thing in providing for that 60 days. We will not have yielded a thing. If it does not work in those 60 days, then we will have put our adversary to the test. We will have proved, without any question of a doubt, his insincerity and his lack of integrity. Since our adversaries have said flatly that they will sit down and negotiate the prisoner-of-war question once we set a date certain, I say it is time that we put them to the test, and that is what the 60 days will do.

We have been told today that our word would be in jeopardy, that if we should crawl out of Vietnam, somehow the world will lose faith and confidence in America. I say the world has lost faith in America by our very presence in Vietnam. I do not think we have to go back to 1960 to look at some of the political policies or prestige policies that were quoted in that campaign, showing how America's prestige had slipped. I would say those would probably be pretty high scores today, if we were to make comparisons.

Not going the second mile? Why, Mr. President, after 50,000 American deaths and $125 billion? What in the world constitutes the second mile?

What promise did we make? I am glad the Senator from Mississippi indicated that there was some kind of a question as to exactly what that promise was. I will tell you what the promise was. It was written in a letter by President Dwight Eisenhower to President Diem. The only evidence that can be produced showing any kind of commitment at all was in that letter, and if you read that letter, the President of the United States, Mr. Dwight Eisenhower, said to President Diem that—

> We stand ready to provide you with economic aid, provided

And he gave contingencies, and those contingencies were embodied in political reform. None of those contingencies was met, and I stress the point about economic aid.

We have no promise. We have no legitimate constitutional basis for which we are presently not only there but also pursuing a military activity in bombing and incursions into neighboring countries. Whatever evidence we had of some constitutional authority was repealed by Congress, and that was the Gulf of Tonkin resolution.

Mr. President, if any nation ever went the second mile and the third mile and the fourth mile and the fifth mile and the sixth mile, and on ad infinitum, I would say it was the United States, as it relates to what we have sacrificed in Vietnam. I do not think the world demands more blood from America in order for this country to be able to gain a certain amount of prestige or to have our word honored or to have us respected.

I would say that we have done more to cause disrespect and question about our word as we have violated treaty after treaty in the pursuit of this war policy—treaties that have called for the protection of unarmed villages, undefended villages; treaties we have signed that relate to the amelioration of the sick and wounded; treaties we have signed that relate to the bombing attacks on medical facilities and medical centers. These things we have violated. This is one of the sacrifices, one of the costs, of this war. I would say that other nations would have more reason to question our word and our honor on that basis than our early withdrawal from Vietnam.

Mr. President, the Senator from Mississippi has said that perhaps if we withdrew now, in a few months the South Vietnam Government would be overrun and the country would be overrun. I want to say that I think we have a right, as a people, to know how long it is going to take for the South Vietnamese Government to be able to stand on its feet, if we have made this kind of political commitment that, again, is not a legitimate commitment, because it has not been made with the approval of Congress. How many more months, how many more lives of Americans, how many more lives of Asians, how many more

dollars, do we have to expend in order to have a reasonable time for the South Vietnamese to stand on their own feet?

Until we set a date certain, in my opinion, that South Vietnamese regime, headed by Thieu and Ky, is not going to do other than depend upon military presence for its political base. I have seen nothing, including the latest electoral law that was passed by the Vietnamese Parliament, that indicates to me that this regime has gone out to establish any sort of legitimate popular political base. They are so concerned about opposition and competition that they have to restrict it so that only one candidate can easily run for President. That is how unpopular and how unstable that regime is. Yet, we are asked to continue to pour out lives and money. For a few more months, a few more years? How long?

I should like to point out, too, that I think this is a very interesting question that should be answered: Why is it that the North Vietnamese, without an air force, having been subjected to the most intensive bombing in the history of warfare, have been able to maintain this kind of offensive, militarily speaking, politically speaking, when we consider the fact that the South Vietnamese are about equal in size and strength, in population, but the North Vietnamese are so much inferior in military manpower? The North Vietnamese have approximately 200,000 of their soldiers, according to the Pentagon, in South Vietnam, another 400,000 under arms in North Vietnam. The South Vietnamese have more than a million men under arms, trained and equipped by this country.

Why is it, with respect to the so-called cost for freedom that we like to oversimplify, that the side that supposedly stands for freedom, South Vietnam, is so weak that it cannot even sustain its own political base? Why?

Then we look at the Communist North. Are we being told today that there is something more inspirational about the Communist North than we have seen in the South? I hope not. I know that my colleagues do not intend to say or imply that. But that, in a sense, is exactly the point.

All these years of pouring all this wealth and manpower into South Vietnam somehow has not been able to create enough of a political base or a political cause for the South Vietnamese to stand on their own feet now; whereas, throughout this whole period of time the North Vietnamese and their cause, expressed by the Vietcong, the National Liberation Front, have been able to sustain this kind of war, where their supply lines are long and complicated, through the Ho Chi Minh Trail. It is said that the Russians supply them and the Chinese supply them. But it should be remembered that the supplies that the Russians and the Chinese give them must be brought into the action. And where is the major action? In South Vietnam. I am constantly surprised by the many people before whom I have spoken who have shared these views. They said, "Do you mean the major part of the war is still being waged in South Vietnam?" That is where it is. That is the area of our so-called base and our strength and our stronghold.

I think we ought to ask ourselves this question: Why is the North so powerful and why is the South so weak, after all these expenditures and investments?

Then we are told: Just a few more months, maybe; just a few more years. Maybe a hundred thousand more civilian deaths and another ten thousand American deaths. What is the criterion? How many do we have to slaughter, what do we have to sacrifice, in order to provide the South Vietnamese government with a reasonable chance of being able to defend itself?

The President of the United States has made this very clear. Many Americans have to listen to him. I certainly do not criticize the President of the United States. He has been very consistent. But the point is that the American people have not listened carefully, on the basis that they want to get out, on the basis that they expect to get out, and believe they are. But the President has always put a very interesting addition to the matter of Vietnamization. That is why this administration fights this amendment—because they see that it separates the constitutional questions: This administration has said that:

> We are not going to have our prisoners of war home or we are not going to be completely out of Vietnam until we have had a reasonable period of time for the South Vietnamese to stand on their own feet as a government.

So here is the political commitment. That is the political base upon which this administration is evidently waging this war—maintaining our presence in South Vietnam at any level.

So I feel now that this amendment is not so much a challenge to the President as it is to this body to look at its constitutional responsibilities and to act thereupon.

Again let me emphasize that I believe these have been probably the best compilation and the finest stated facts and arguments, that the Senator from Mississippi has used today, that we face all over this country. He has compiled them beautifully, in putting them together in succinct form, and raising them as arguments against the amendment. I commend him for this, because only through discussion and debate can we really get these points and understand them more clearly. I am grateful to him for that contribution.

Mr. President, I ask unanimous consent that a statement by the Senator from South Dakota (Mr. McGovern), who is recovering from an operation and could not be with us today, be placed in the Record at this point.

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

Statement by Senator George McGovern

The Senate today undertakes debate on a proposal which represents the one means of assuring an end to our involvement in the Indochina war.

Last September first a similar proposal was defeated by a vote of 55 to 39. Next Wednesday we will have an opportunity to correct the clear error of that decision.

Last September opponents of this Amendment expressed concern over the safety of withdrawing forces. Since then over 2800 more Americans have died in Indochina, and another 11,250 have been wounded. Today we have reason to believe that the terrible sacrifice could end within hours after the date has been set. And we have another nine months of experience to prove that the tragic toll will continue mounting until we take that step.

Since last year we have discovered a new menace to the young Americans we have sent to Indochina. As many as four a week are dying now from addictive drugs, supplied not by enemy forces but by the very people we are trying to save. An estimated 15 percent have fallen victim to the drug peddlers, to a threat no less deadly than that posed by enemy soldiers.

Since last year we have seen further clear evidence that "Vietnamization" cannot and does not contemplate an end to the war. The continuation of bloody combat in Cambodia and the invasion of Laos illustrate that Vietnamization is instead a formula for endless and expanded conflict and for a permanent American involvement.

Since last year we have seen, through the raid on a vacant prisoner of war camp in North Vietnam and through Administration statements, that there is a desperate lack of hope in Vietnamization for the release of our prisoners of war. The Administration has, in effect, turned the keys to their prisons over to the Thieu-Ky government. The Administration is willing to continue the war so that the Saigon regime can survive until some unknown date instead of setting a withdrawal date which has every chance of bringing our prisoners home. Saigon's demands for further U.S. sacrifice are given a greater priority than the yearning of our prisoners to be returned to their families.

Since last year the Gulf of Tonkin resolution has been repealed, eliminating the only vestige of Congressional authority for the prosecution of this war. Having the clear power to end it, we mock the very foundations of our Republic each day we let it go on.

Since last year the most reputable public opinion polls have told us that nearly three-fourths of the American people believe our armed forces should be withdrawn from Indochina by the end of this year. Can we refuse again their plea, and still point with pride to a form of government which is responsive to the people?

It is impossible to believe that further bloodshed will affect the future of Indochina. Ultimately the people of those ravaged countries must choose their own course. Ultimately they will.

By postponing that event, we can only assure that there will be no future at all for many more young Americans; that others must live out their lives with gravely injured bodies and minds; that still others will languish indefinitely in Indochinese prisons.

Our amendment offers the best chance of achieving realistic goals in Indochina.

It will provide a clear test of the adversary's pledge to free American prisoners. I believe they would all be returned before the end of the year.

It could bring an immediate end to the killing and crippling of young Americans. I believe we could expect a ceasefire almost at once.

And it will serve notice on the governments of Indochina that they must move now to determine their own futures.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. How much time does the Senator desire?

Mr. HUMPHREY. Seven or 8 minutes.

Mr. STENNIS. I yield 10 minutes to the distinguished Senator from Minnesota.

THE LYNDON BAINES JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS

Mr. HUMPHREY. Mr. President, the Senator from Arizona (Mr. GOLDWATER) and I join together today in placing in the CONGRESSIONAL RECORD the dedication program of the Lyndon B. Johnson Library and other pertinent information on this impressive collection of Presidential papers.

Having been nominated by our political parties for the high office of President, we bring this information to the Senate with a keen appreciation of the Presidency in our country's political life and a personal understanding of the tremendous demands that are made upon the person who fulfills this responsibility.

Just prior to his election as President, John Kennedy summed up the duties in this way:

> There, on that one desk, on his shoulders, will converge all the hopes and fears of every American, and indeed all the hopes and fears of all who believe in peace and freedom anywhere in the world. Whatever the issues, however critical the problem may be, the President will sit alone at the apex. He will have his advisers, his Cabinet, his own sources of information and ideas. But the responsibility, the burden, the final decision must be his and his alone.
>
> For four years, the reins of the Nation will be in his hands and the burdens of the world will be on his back. For four years, no other decision . . . will be so fateful . . . (for our) country. No other act . . . will entrust so much of (our) future to one man, his party and his honor.

Americans need to know far better than they do what is involved in being President of the United States—the tremendous range of power, the vision, the talent, the skills that are required.

Americans need greater knowledge of the expansion of duties that has taken place in this complex office as our Nation has grown and become a global leader.

They need to understand more fully what Aristotle called the "master art"—politics, the wisdom of Solomon that is required by a Chief Executive in balancing the national interest and welfare against sectional, State, and local interest.

In making available the voluminous papers and documents of his long political career, President Johnson provides scholars and others interested in the study of Government with a unique opportunity for in-depth study.

There are few men who have occupied the office of President that have had as long and as varied a public career as President Johnson: Congressman, Senator, majority leader, Vice President, and President. His public life spans some 34 years of our country's most interesting history.

As his legacy to the Nation is assessed, I believe that President Johnson will be regarded as one of our great leaders—an extraordinary President, with extraordinary accomplishment.

In the domestic area alone he must be regarded as a legislative giant. It is unlikely that any President in the near future will find it possible to match his monumental successes with the Congress.

Legislation that had been pushed for years in the social welfare area finally became a reality during the Johnson years: medicare, aid to elementary and secondary education, model cities, Appalachian regional development, new protection for consumers, housing, manpower training, the antipoverty program with such efforts as community action, Job Corps, Neighborhood Youth Corps, VISTA.

And then there was the landmark progress in civil rights—the greatest step forward this Nation had made since Reconstruction, the passage of the Civil Rights Act of 1964 and voting rights legislation.

To this list must be added immigration reform, air and water pollution control, new Cabinet level Departments of Housing and Urban Development and Transportation, mass transit, the creation of an Administration on Aging, space exploration, library services, land and water conservation, highway beautification.

The Johnson successes were so numerous that it prompted the leader of the Republican Party in the Senate, Everett Dirksen, to exclaim:

> This isn't the Great Society—it's heaven.

In the international field there were such landmarks as the United States-Soviet Civil Air Agreement; the Glassboro summit talks; the United States-Soviet Consular Convention; the agreement with the Soviet Union to discuss limitation of all offensive and defensive weapon systems; the agreements with the Soviet Union and other major nations to the treaty banning proliferation of nuclear weapons and to the banning of these weapons in outer space and prohibiting bases and fortifications on the moon.

The United States joining with Asian nations in establishing the Asian Development Bank and in fostering regional development in Asia; the agreement to prohibit weapons of mass destruction from the seabeds; the food for freedom program; the Kennedy rounds on trade; the International Monetary Conference; his efforts toward peace in Cyprus, the Middle East, and parts of Africa; the aid to India during the famine crisis; the opening of initiatives with China; and the President's dramatic efforts to get peace negotiations underway to end the war in Vietnam.

However, I am inclined to agree with political scientist James MacGregor Burns that students of government will remember Lyndon Johnson for the following reason:

> He was the first President to recognize fully that our basic social ills are so rooted in encrusted attitudes and stubborn social structure that no single solution or dramatic crusade will solve them; the first President to see clearly that only a total attack across the widest front, with every possible weapon, would bring a breakthrough; and the first President to propose basic institutional changes to make a total attack possible.

And as he further observed:

> History has a way of siphoning into oblivion the petty and the irrelevant and of measuring up the real stature of the man.

I have no doubt that history's judgment will deal kindly with the man with whom I served as Vice President.

That judgment will be aided by the vast record of the period that has been assembled on the campus of the University of Texas.

How appropriate, in view of the President's deep interest in education—it was perhaps the cause closest to his heart—that his library should be affiliated with a university and include a school of public affairs. This will insure that the library will not become merely a museum of unused collections of papers, but it will remain a living, active source of study for years to come.

This is a great and a big country and national treasures of this type should be dispersed throughout our land. Therefore, I am also pleased that the library and school of public affairs are located in Texas, rather than Washington, D.C.

I know that the location of President Eisenhower's library in Kansas, President Truman's library in Missouri, President Hoover's library in Iowa, and President Franklin Roosevelt's library in New York has made rich and lasting contributions to those areas.

Now I am pleased to join with Senator GOLDWATER in asking unanimous consent to have printed in the RECORD certain pertinent material on the dedication ceremonies, the library, and the Lyndon B. Johnson School of Public Affairs.

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

PROGRAM FOR DEDICATION OF LBJ LIBRARY AND SCHOOL OF PUBLIC AFFAIRS, SATURDAY, MAY 22, 1971, 11:30 A.M.

Presiding: The Honorable Frank C. Erwin, Jr., Member and Former Chairman, Board of Regents of The University of Texas System.

Mr. ERWIN. The Invocation will be pronounced by the Reverend Billy Graham. Please rise.

Dr. GRAHAM. God of our fathers, by whose grace this nation was founded, and by whose providence we have survived, we ask You to bless all of us who have gathered here today to dedicate this Library and School honoring Lyndon Baines Johnson. We are grateful that he and his wife chose to give the best years of their lives in public service. We thank Thee that we live in a nation where it is possible for a boy to go from a Texas farm to the highest office that his country could bestow. Grant that from the studies made in this building, we may learn the lessons that only history can teach us, and that future leaders of America may profit from them as they guide our nation in its search for justice and peace. Help us to recognize that the fear of the Lord is the beginning of wisdom. Help us as a people to understand once again our spiritual heritage and the necessity for full dependence on God, as we face the crisis of today and tomorrow, for we ask it in the name of Jesus Christ, our Lord. Amen.

Mr. ERWIN. Thank you, Dr. Graham.

Mr. President, Mrs. Nixon, President Johnson, Mrs. Johnson, Distinguished Guests—

On behalf of the Board of Regents, the Administration, the faculty, and the students of The University of Texas, I am pleased to welcome you most cordially to this significant and historic event.

The addition of this great Library and School of Public Affairs to the campus of The University of Texas at Austin will enrich the educational and cultural opportunities for the entire Nation. As you—and thousands of others who will follow in the years ahead—tour the Johnson Library, I think that you—and they—will have a fresh awareness of the awesome responsibilities of the Presidency and will feel a renewed sense of gratitude to those men who have given this utmost service to their country.

In a gathering as distinguished as this, it is regrettable that time will not permit the individual recognition of all of the outstanding guests who have assembled here this morning. Suffice it to say that rarely in the history of this country has such a brilliant assemblage come together except for the inauguration of a President.

However, I do want to recognize those on the platform who do not have a speaking part on the program.

First, we are delighted to welcome to The University and to Texas the Nation's gracious First Lady, Mrs. Richard Nixon.

Next, our own and beloved Mrs. Lyndon Johnson.

The Vice President of the United States, the Honorable Spiro T. Agnew.

The Speaker of the United States House of Representatives, The Honorable Carl Albert.

The Secretary of State of the United States, The Honorable William P. Rogers.

The Secretary of the Treasury of the United States, The Honorable John B. Connally.

The Governor of Texas, The Honorable Preston Smith.

The Lieutenant Governor of Texas, The Honorable Ben Barnes.

The Speaker of the Texas House of Representatives, The Honorable Gus F. Mutscher.

In the interest of time, will you please hold your applause until all of the other platform dignitaries have been introduced.

The Administrator of the General Services Administration, The Honorable Robert L. Kunzig.

The Archivist of the United States, The Honorable James B. Rhoades.

The Director of the Lyndon Baines Johnson Library which is a unit of the National Archives and Record Service of the General Services Administration, The Honorable Harry Middleton.

The Dean of the Lyndon Baines Johnson School of Public Affairs of The University of Texas at Austin, Dr. John Gronouski.

The Chancellor of The University of Texas System, Dr. Charles LeMaistre.

The President of The University of Texas at Austin, Dr. Bryce Jordan.

Our first speaker is Dr. Harry Huntt Ransom, Chancellor-Emeritus of The University of Texas System, who has from the beginning been closely identified with the plans for the Library and the School that we dedicate today, Dr. Ransom . . .

Dr. RANSOM. Mr. President and Mrs. Nixon, President and Mrs. Johnson, Ladies and Gentlemen:

Today the dedication of this Presidential Library assures long-range interpretation of a period in American history.

Today the Lyndon Baines Johnson School of Public Affairs gathers strength for looking toward tomorrow, and the twenty-first century.

Thus a branch of the United States Archives and a division of a state university join in greeting the future.

This prospect was conceived in proposals made by Chairman W. W. Heath, Chairman Frank C. Erwin, Jr., and their colleagues on successive Boards of Regents from 1965 to 1971.

By name, Lyndon Baines Johnson is honored here as an American who has given his life to his state, his country, and his fellow men. In his name remembrance of the past is combined with informed preparation for the making of history which is still unpredictable.

It is impossible, of course, to put final dollar-marks on a heritage. The conception of the Regents, however, could not have been realized except for the generosity of President and Mrs. Johnson. Two facts not widely known are worth emphasis. The working resources of the Library contributed by the President have been evaluated at between fifty and sixty million dollars. Furthermore, he and Mrs. Johnson have made personal contributions to the Library and the School totaling approximately two million dollars.

The years of President Johnson's public career during the fourth and fifth and sixth and seventh decades of this century have been given a physical record. Insight for deepening knowledge of that period is the main purpose of the Presidential Library. Such insight is not gained solely from artifacts of experience. It calls upon both imagination and a sense of human destiny.

The chief obligation of the School is to assume a wide perspective through systematic study and practical experience. Its profession of sound learning challenges oncoming scholars and younger students bound for public service.

Basic to every assumption about these two programs are certain old and renewable beliefs:

That this Republic and its history must survive

That their survival is worth our devotion

That our devotion requires not mindless allegiance but loyalty enlightened by knowledge.

That this loyalty challenges open minds to defend responsible freedoms

That the future will call upon courage and courage gain strength in a feeling of identity with all peoples.

To dedicate to these ideals the Library and the School is not only to summon up memories. It is also an act of welcome to younger Americans still to come, who will contribute through their inquiry and their living both to this country and to the common good.

Today's dedication is therefore an expression of faith: faith in the promise that on this hill the aspiration of resident scholars and visitors will lead to the benefit of others. With that faith, wisdom can fix the highest purposes of this Library and this School upon steadfast concern for all those who share the hopes of mankind.

Mr. ERWIN. Thank you, Dr. Ransom. We are all proud of the Library and School, as we are proud of the man whose name they bear.

Ladies and Gentlemen: The distinguished 36th President of the United States, The Honorable Lyndon Baines Johnson. President Johnson . . .

President JOHNSON. Mr. President, we are delighted that you, the Vice President, the Members of Congress, and these distinguished guests have come here today.

We are all partners in this hopeful undertaking. The people of Texas built this library. The National Archives will manage the Library. The documents I have saved since the 1930s are being given, along with the documents of many others who served with me. Those documents contain millions and millions of words. But the two that best express my philosophy are the words, "Man can."

I wish President Truman, the father of the Presidential Library System, could be here. He said he didn't want his library to be a tribute to him. He wanted it to serve as a real center for learning about our government.

We are doing that here.

We have a School of Public Affairs offering training for careers in public service which will try to produce thinkers and doers: people who dream of progress and will try to turn those dreams into achievements.

The Library records reflect the Nation for 40 years—from the '30s through the '60s. They picture a sweep of history beginning with the depression and ending with the most prosperous era we have ever known. They record a drive for change and social reform unparalleled in its energy and scope—and a World War unmatched in its destruction. They chronicle the end of colonialism—and the beginning of the Cold War and the Atomic Age which still threaten mankind. They cover the time when liberty was challenged in Europe and Latin America and Asia—and record America's response to those challenges.

It is all here: the story of our time—with the bark off.

A President sees things from a unique perspective. No one can share his responsibility. No one can share the scope of his duties or the burden of his decisions.

In my book, to be published this fall, I explain: "I have not written these chapters to say, 'This is how it was,' but to say, 'This is how I saw it from my vantage point.' "

This Library does not say, "This is how I saw it," but, "This is how the documents show it was."

There is no record of a mistake, nothing critical, ugly, or unpleasant that is not included in the files here. We have papers from my 40 years of public service in one place, for friend and foe to judge, to approve or to disapprove.

I do not know how this period will be regarded in years to come. But that is not the point. This Library will show the facts . . . not just the joy and triumphs, but the sorrow and failures, too.

So, Mr. President, here are 31 million documents, to be preserved for the Nation—for all to review and evaluate—which reflect what man can do and cannot do in one life.

And finally, on behalf of Lady Bird and myself, I want to tell you how much joy you give us for your presence here today. I look out into that sea of faces, and I see men that I have engaged with debate through the years—men and women who have followed us every mile of the long road. And it gives me nothing but the greatest satisfaction—one of the greatest of my life. Thank you very much.

Mr. ERWIN. Ladies and Gentlemen: The President of the United States.

President NIXON. The entire Nation is indebted to you, President Johnson, to the University of Texas, and to all who have had a hand in assembling and establishing this extraordinary treasury of insights into a critical period in our Nation's history. On behalf of the people of the United States, I am privileged to accept it. The American people have reason to be doubly grateful to you today, first for your long lifetime of service, and now for this collection that can take the scholars of future generations behind the scenes of that service.

One of the first rules of statecraft is that we can successfully chart the future only if we can understand the past. And libraries such as this can be among our best keys to that understanding. With its more than 31 million documents, this contains more items by far than any other Presidential library yet established; and through its connection with a great university, it promises both to enrich the university and to be enriched by it.

Often I am asked what it feels like to sit in the President's Oval Office—to know, in President Truman's famous phrase, that "the buck stops here," and to experience the weight of history that hangs over it.

Just a few minutes ago, as President Johnson was showing me through the library, we visited its replica of the Oval Office. As we did so, I reflected once again on the answer to that question.

President Johnson sometimes used to comment, in speaking about the Presidency, that "the problem is not doing what is right; the problem is knowing what is right."

Sitting in the Oval Office the other day, I found myself reflecting on its shape—on the fact that it is built as an oval, without corners, and with walls that might be said to have no sides, or an infinite number of sides—and on the fact that in this there is a certain parallel with the Presidency itself. For the President cannot approach a question from one side or the other; and on each issue that comes to the Oval Office, there normally are an infinite number of sides, and of competing considerations to be resolved or chosen among.

This reflects the fact that the easy questions are not the ones that come to the President; those are decided at other levels. The ones that he must decide are the ones on which there are disagreements, even among members of his own administration who share his own goals, but who have different perspectives or different judgments about how best to achieve those goals. They deal not simply with right versus wrong, but with varying degrees of right and wrong, with various balances of legitimate but competing interests, and with varying judgments about how best to accomplish the right. And so the study of the Presidency is a study of the difficult decision, the close question. But I have found that the more deeply I study the Presidency, the more firm I become in my faith that throughout our history, the basic high principle of those who have been called upon to govern has been one of the great sustaining strengths of America.

I believe this has been true because the office inhabits the man, just as the man inhabits the office. No one holds that office without a profound sense of obligation—to the country, to the world and to the future.

As we look back over all the past Presidencies, we also find something else: that each one has recognized, in his turn, that he is the one who must speak for all of the people. A man of one region must speak for all regions. A man of one party must strive to see how problems look from the other party's point of view. A man who has crusaded for a cause recognizes that he has a responsibility to those of the opposite view, as well as to those with whom he agrees.

One of the most scholarly men ever to sit in the Senate of the United States was Albert Beveridge of Indiana. In a speech in Boston back in 1898, he once discussed partisanship in these terms:

"Partisanship," he said, "should only be a method of patriotism. He who is a partisan merely for the sake of spoils is a buccaneer. He who is a partisan merely for the sake of a party name is a ghost of the past among living events. He who is merely the partisan of an ordinary organization is only a pebble in the sling of a boss. But he who is the partisan of principle is a prince of citizenship."

A partisan of principle—that is what our political system is all about; that is what transforms ordinary disputes into those great debates that illumine for years to come the issues confronting the Nation, in which men of principle test their principles and the Nation achieves a deeper understanding of itself. It also is what holds us together on those great questions on which our unity has kept us free.

Every President has to be a leader of his party—and our party system is essential to our democratic system. But more and more in today's world, the times require that a President, and indeed all of us who help lead the Nation, go beyond party to be partisans of principle. For increasingly we confront great concerns that go beyond partisan differences—concerns that reach to the security of our Nation, to our hopes for peace in the world, to realizing the American dream here at home in our lives and those of our children—and on these we must be partisans of principle.

It has been my privilege, during a quarter-century of public service, to know many partisans of principle. And I think today especially of those times during the Eisenhower Administration, when I was Vice President and Lyndon Johnson was majority leader of the Senate. He was a vigorous leader of his party. But I knew, and President Eisenhower knew, that wherever the great issues of national security were concerned, he would always be a partisan of principle and not a partisan of party.

It is in that same spirit that we are gathered here today to dedicate this library, and in doing so to pay tribute to President Johnson—and to dedicate ourselves to the proposition, as Senator Beveridge so eloquently put it so long ago, that "partisan of principle is a prince of citizenship."

Mr. ERWIN. Thank you, President Nixon. We are all deeply honored by your presence here today.

Ladies and Gentlemen: The Benediction will be given by the Reverend George Richard Davis, Minister of the National City Christian Church, Washington, D.C. Please rise and remain standing for the National Anthem.

Dr. DAVIS. Let your benediction, O God, crown with ultimate significance this inspiring occasion.

Let Your favor rest upon Lyndon Baines Johnson, who will stand strong and tall before the relentless judgment of history, whose good works will glow with increasing splendor.

Let Your benediction rest upon this great University, not as yet frozen in the glacier of pseudo-intellectualism, a center of learning alert to the call of the tomorrows and free with the restlessness of this unlimited land of glory.

O' mighty God, keep this Southwest breathless with excitement, uplifted with the energy flowing from unbounded hope.

Bless, guard and uphold the President of the United States and all who stand in places of authority.

Keep our nation secure from those at home and abroad who peddle only nightmares.

Rather, guide us to live by our magnificent dreams, upheld by our glorious accomplishments, until the brightness of God's day shall break upon this earth. Amen.

(The National Anthem, played by the Longhorn Band.)

Mr. ERWIN. Please remain where you are until the Presidential Party and the platform guests have left the area.

(After the Presidential Party and platform guests have departed:)

Please bear with me for three announcements.

A barbecue luncheon and refreshments will be served to all of you immediately following the ceremony, on the grounds in front of you and to your left.

The Library will be open for your inspection beginning at 12:20—twenty minutes from now—and continuing until 7:00 o'clock this evening. Some of you may prefer to tour the Library before you have lunch. The Library will be open to the public beginning at 9 o'clock tomorrow morning.

This evening at 8:00 o'clock in the Library Auditorium, the Austin Symphony Orchestra will present a dedicatory concert. Admission is free, and the public is cordially invited to attend.

We are most grateful to all of you who have joined us on this historic occasion.

This concludes our program.

FACT SHEET

Name: Lyndon Baines Johnson Library and Lyndon Baines Johnson School of Public Affairs.

Location: On high eastern portion of The University of Texas campus, Austin, Texas, situated on a 30-acre site. The Library is situated on a promontory-like plaza adjoining the Sid Richardson Hall and LBJ School of Public Affairs, 2313 Red River Street.

Library administered by: National Archives and Records Services of the General Services Administration, under provisions of the Presidential Libraries Act of 1955.

Library constructed by: The University of Texas at Austin, Texas 78712.

Library and Sid Richardson Hall Architects: Skidmore, Owings and Merrill, partner-in-charge, Gordon Bunshaft.

Brooks, Barr, Graeber and White, partner-in-charge, R. Max Brooks.

Exhibit Designer: Arthur Drexler.

Contractor: T. C. Bateson.

Administrators: Harry Middleton, Director, LBJ Library; Dr. John A. Gronouski, Dean, LBJ School of Public Affairs.

Built and completed: Sept. 1967 to May 22, 1971 (Library). Sept. 1967 to Jan. 1971 (Sid Richardson Hall).

Archives: 31 million papers donated by President Lyndon Johnson and others connected with his public career from 1935–1969 as well as visual, audio and historical resources.

Library Architecture: Modern, monolithic in design, unrelieved by ornaments or windows; strong, challenging, melding of museum and Library, travertine marble, exterior and interior, 8 floors, plus basement, and totally air-conditioned.

The east and west walls have a base thickness of eight feet, curving gently upward to the underside of the eighth floor which overhangs the exterior walls by 15 feet on each side. The north and south walls are set back 15 feet with balconies overlooking the campus city.

Cost: Construction cost of the buildings is $13,897,430. In addition, there is $1,626,545 for equipment and furnishing; $1,783,735 for site work on the entire nine-block area surrounding the Library complex, including parking lot and landscaping; $1,375,240 for supervision, inspection, testing and fees for architects. The complex was constructed under one contract. The buildings were built at a cost of $30.88 per square foot.

Library floor plan: First Floor (or plaza level): Main entrance to LBJ Library exhibition hall, measuring 200 feet by 90 feet. OPEN TO VISITORS. A broad staircase leads to another exhibition hall on the second floor.

Second Floor: LBJ Library exhibition hall, OPEN TO VISITORS. On behalf of this level, the ceiling rises to the 7th floor, permitting visitors to glimpse through glass panels at the Library Stacks on each of the floors above.

Third Floor: LBJ Library and UT Archives stacks.

Fourth Floor: LBJ Library and UT Archives stacks.

Fifth Floor: LBJ Library Archives stacks.

Sixth Floor: LBJ Library Archives stacks.

Seventh Floor: LBJ Library Archives stacks.

Eighth Floor (Open to Public) LBJ Library Administration and study area, including offices for library administrators and working librarians; reading rooms and library stacks, research areas, microfilm reading room.

Also on the Eighth Floor is the replica of the Oval Office in the White House which will serve as an exhibit and also as an office for President Johnson when he is in the building. An open courtyard is centrally located on this floor.

Basement: LBJ Library space for service facilities, including storage, mechanical, maintenance and work areas, plus audio-visual equipment. Also a 1,000-seat auditorium, 250-seat lecture hall, reception-lobby area and exhibition gallery.

Library exhibits: First Floor (Open to Public): Biography of Lyndon Johnson, The Great Society Programs, Life In The White House, Letters To The President, Gifts From Heads of State, The President And The People, and International Affairs.

Second Floor (Open to Public): The Great Hall, Wall Mural of the Career of LBJ, Archives, The Presidential Seal, Johnson Ad-

ministration Programs, and Days In The Life Of A President.

Becker Collection of Political Campaign Memorabilia, Political Campaigns Through The Years, by Gary Yarington.

Eighth Floor (Open to Public): Replica of Oval Office in the White House.

Library visiting hours: 9 a.m. to 5 p.m. daily, beginning May 23, 1971. No Admission charge.

Library guided tours: Arranged through LBJ Library director's office.

Other Presidential libraries:

(1) Herbert Hoover Library, West Branch, Iowa.

(2) Franklin D. Roosevelt Library, Hyde Park, New York.

(3) Harry S. Truman Library, Independence, Missouri.

(4) Dwight D. Eisenhower Library, Abilene, Kansas.

(5) John F. Kennedy Library, Cambridge, Massachusetts (construction has not yet started).

SID RICHARDSON HALL

Name: Building named for the late Texas Businessman, Sid W. Richardson of Fort Worth, Texas.

Floor plan: Unit 1 (south unit): First Floor—Latin American Collection, including reading and study areas, Second Floor—Latin American Collection, including carrels. Third Floor—Latin American Collection and the Institute of Latin American Studies.

Unit 2 (middle unit): First Floor—Texas Collection, including reading and study areas and seminar rooms. Second Floor—Archives, including private and public historical manuscripts. Third Floor—Texas Collection, including library stacks and the Texas newspaper collection; also offices for the Texas State Historical Association.

Unit 3 (North unit): First Floor—Offices and classrooms for the Lyndon B. Johnson School of Public Affairs. Second Floor—Offices and library for the Lyndon B. Johnson School of Public Affairs. Third Floor—Offices and library for the Lyndon B. Johnson School of Public Affairs.

Architecture: The exterior is precast concrete with a special surface of exposed aggregate to harmonize with the beige travertine of the LBJ Library. Upper two stories are enclosed with a projecting concrete grid which is both the actual supporting structure and sunshade for the rooms within. Between the two buildings are three 40-foot fountains. A basement area situated under each of the three units of the building, is devoted to mechanical equipment.

Measurements: 935 feet in length, 95 feet in width.

THE LYNDON B. JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS: A VISITOR'S TOUR OF THE LBJ LIBRARY

A tour through the Lyndon Baines Johnson Library on The University of Texas at Austin campus will be as close to a conversation with the former President of the United States as the planners can make it.

From the time the observer of American history enters the great museum, he will see, hear, and sense tumultuous problems and achievements of the Sixties and the Presidency told in exhibits, films, re-creations of portions of the White House, gifts from heads of state, bridal gowns worn by daughters of a President, papers and documents and personal gifts to the President.

The Library is located high on the eastern portion of the University campus on Red River Street across the street and northeast of Memorial Stadium.

"Our aim is to make the school children or the visitor understand this country a little better during his visit by focusing on the span of time represented in the life of one President," Harry Middleton, LBJ Library director, said.

The tour of the Library will begin with the biographical display of Lyndon Johnson. Shown through a panel of pictures, the exhibit traces the President from his boyhood to his retirement.

Featured are objects and documents, including the small card on which the then new President of the United States wrote out his first statement to the American people while returning to Washington after the assassination of John F. Kennedy.

Through another panel display of motion picture films and photographs, the visitor will experience "The Great Society" programs. The intentions and accomplishments in areas of poverty, civil rights, health, education, consumer affairs, space exploration and ecology in the Sixties will be explained.

Other panels will depict accomplishments made to eradicate poverty and ecological threats, to bring justice to the black, brown and red man, and to show techniques used to solve these problems.

Each American touring the Library will receive the opportunity to experience life in the White House during the Johnson years. In the "Life in the White House" re-creation, located adjacent to the staircase leading to the second floor, the visitor can see the wedding gowns and bridesmaids dresses of Lynda's and Luci's weddings. Re-creations of the East Room and the private family living room plus personal objects used by the Johnsons will depict their life in the historic structure.

Near the display are the letters and gifts sent to President and Mrs. Johnson from kings, queens, emperors, prime ministers and other heads of state. Foreign affairs during the Johnson Administration will be depicted in oblong photographs in an inter-locking 3-dimensional panel design.

Leaving the displays on the ground floor, the visitor will be led up a travertine stairway to "The Great Hall." For the first time in a Presidential Library, the collection of Presidential papers is an architectural feature. The visitor will see through glass five floors housing the papers collected during the public career of Lyndon Johnson. The documents are stored in red buckram boxes adorned with the gold Presidential seal.

The seal of the President chiseled in the north wall of The Great Hall is another feature of this area.

Located at the top of the stairs, a large five-panel photographic mural etched in metal to give the effect of a low-relief sculpture, shows the former President as a Congressman (with President Franklin D. Roosevelt), as a Senator (with President Truman), as Senate Majority Leader (with President Eisenhower), as Vice President (with President Kennedy), and as President.

The exhibit cases in the Great Hall hold the memos, notes, letters of the episodes in the administration of Lyndon Johnson, and documents, giving the visitor glimpses of the varied, dramatic and mundane duties of the President, from the 6-day crisis in the Middle East in 1967 to the greeting of a Mardi Gras queen.

The 31 million presidential papers and documents are the core of the Library. Scholars, writers and researchers for generations to come will spend days sifting through the facts, policies, figures and decisions of four decades of the Twentieth Century. Manuscripts, book reading rooms, microfilm rooms and carrels will be available to the researcher on the eighth floor of the Library.

On each side of the stairway in the Great Hall, will be two large glass rooms, each housing five television consoles, presenting the Johnson Administration programs in conservation, space, housing, civil rights, health, education and international affairs.

Adjoining the Great Hall is the Temporary Exhibition Gallery, where exhibits will be changed periodically to feature new and different presentations.

Cartoons of the former President and a selection of his personal articles will be shown. The Ralph Becker collection of items from past presidential campaigns—George Washington to Richard Nixon—illustrate the fanfare of American political life. Songs, buttons, hats, placards, literature and other paraphernalia have been painstakingly compiled by Ralph Becker, a Washington lawyer and Republican who assembled the gift for the LBJ Library. Only the Smithsonian Institution has any other artifacts of his collection.

In the "Political Campaigns Through The Years" exhibit, short tape recordings will reenact the campaigns of Roosevelt, Truman, Eisenhower, and Kennedy. The 1964 convention in Atlantic City, the 1965 Inauguration and the issues of the Thirties, Forties, Fifties and Sixties will be recalled in the "Era of LBJ" display.

Located, also, on the top floor, and a "must" to see on the tour of the Library, will be a scale reproduction of the Oval Room in the White House. In the office like this one, the former President spent five years making decisions as President of the United States. President Johnson plans to use the Oval Room replica as his office occasionally when he is in the Library building.

As the visitor exits the building, the last exhibit, "The President and the People" will show the gifts given to the President, ranging from quilts, carvings, humorous and touching letters, to a crocheted American flag.

The visitor will leave the Library, but with him will be taken the memories, accomplishments, burdens and pressures of being President. He will have toured one of the richest depositories of history for four decades. And it is possible he will have felt as if he had just finished a conversation with the 36th President of the United States.

THE LYNDON B. JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS: PRESIDENTIAL LIBRARIES

The importance of preserving the history of the executive branch of government was realized in 1955 when the Presidential Libraries Act was passed by Congress.

The act authorized the General Services Administration to accept and operate any Presidential Library that might be offered as a gift to the United States Government, and to preserve the presidential papers and other historical materials within.

The history of the Presidency is contained in the files of the Presidential office, in the correspondence of the President, in his memoranda, his notes and in the reports made to him.

These files constitute the principal evidence on which to base a study of the office of the President.

Many of the collections of presidential papers have been lost or destroyed. Out of the first 35 presidents' papers, substantial collections exist for only 26.

These collections include Washington, John Adams, Jefferson, Madison, John Quincy Adams, Jackson, Van Buren, Polk, Buchanan, Lincoln, Johnson, Hayes, Garfield, Cleveland, Benjamin, Harrison, McKinley, Theodore Roosevelt, Taft, Wilson, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower, Kennedy and Johnson.

The Presidents whose papers have been largely dispersed or destroyed are Monroe, William Henry Harrison, Tyler, Taylor, Fillmore, Pierce, Grant, Arthur and Harding. Some items from these Presidents are scattered in various public and private collections. There is, however, no chance of assembling any continuous record of their activities.

The substantial collections of Presidential papers now in existence have been assembled by purchase by the Federal Government or by donations by friends, relatives or executors.

Presidential libraries now in existence operated by the Federal Government include the Herbert Hoover Presidential Library at West Branch, Iowa; the Franklin D. Roosevelt Library at Hyde Park, New York; the Harry S. Truman Library in Independence, Missouri; the Dwight D. Eisenhower Library in Abilene, Kansas; the John F. Kennedy Library in Cambridge, Massachusetts; and the Lyndon B. Johnson Library in Austin, Texas.

The Presidential Library almost is a necessity now due to the great growth in volume of Presidential papers. Franklin D. Roosevelt's papers totalled 20 million while Lyndon Johnson's totals 31 million.

Besides the Presidential papers, a Presidential Library houses the gifts, memorabilia and rare historical objects acquired by a President.

"In my opinion there should be a melding of both library and museum, a melding from which they would both profit and both become more alive, more vividly used as an instrument to record and remember history," Mrs. Lyndon B. Johnson said.

President Johnson's collection began in 1935 when he announced his intentions to run for Congress. It has grown steadily throughout the intervening years.

In 1965, The University of Texas asked him to place his papers on their campus, in a building they would provide. In addition, the University offered to create a School of Public Affairs and name it after the 36th President.

President Johnson felt it would be important and wise to place his Library on a campus of learning, where use of the papers would be part of the intellectual atmosphere. In addition to use of the papers by researchers, the Library's museum will be open to all citizens.

The Lyndon B. Johnson Library is the first Presidential Library to be located on a University campus. For years to come, scholars from across the United States will come to The University of Texas at Austin campus to study the papers and visitors to see the museum.

Franklin D. Roosevelt summarized what Presidential Libraries must be and why they must be—"To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a nation must believe in three things: It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future."

THE LYNDON B. JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS AS THE SCHOLAR SEES THE LIBRARY

For the scholar, the biographer and the literary historian, The University of Texas Library system offers unlimited and continuous resources in a wide scope of information.

The University of Texas Library has more than two million volumes and is the largest and most comprehensive within a radius of 800 miles. It contains incomparable collections in modern English and American literature, gathered under the aegis of the Humanities Research Center.

The University Library is recognized, also, for its Latin American Collection and Texas Collection.

Because of its outstanding resources, the UT Library recently was listed one of the 32 great libraries of Western Europe and North America.

British authority, Anthony Hobson, of Sotheby's, the famous London auction house, places the UT Austin Library in the great libraries group.

"It is on the great 20th Century archive that its lasting reputation will be based," Hobson writes. "Texas' collections are not restricted to the members of the University but are open to all scholars, and future biographers and literary historians are likely to travel to Austin as inevitably as students of Balzac now visit Chantilly."

The other United States Libraries represented in Hobson's "Great Libraries" are Harvard and Yale, the Pierpont Morgan Library in New York and the Henry E. Huntington Library in San Marino, California.

The Lyndon B. Johnson Library is significant since it is the first Presidential Library to begin operation under the U.S. Archives in direct affiliation with a university. Both a wide variety and notable unity for research, writing and public exhibition will be available to interested persons.

Unity will be assured by the Library's continuous record of both major developments and American responses to change.

"No other account of statesmanship has been recorded in greater depth or breadth," said Dr. Harry Ransom, chancellor emeritus of The University of Texas.

"From natural resources to educational planning, from programs in health and civil rights to complex foreign affairs, the Library's original materials reflect not only topical subjects but also permanent concerns of humanity."

"The most important single quality of the Library is that its spirit is informed by President Johnson's spirit. His time is reflected here not as the era of a Texan or of one citizen who held the highest office in the United United. It is revealed as a period in which men and women came to realize more poignantly their roles as human beings."

"The experience of other Presidential Libraries has shown up to five years are required for professional archivists to make the papers available to researchers," Harry Middleton, LBJ Library director, said.

Some of the Presidential papers are under security rules prescribed by the Department of Defense, the Department of State, and the Central Intelligence Agency for a certain number of years.

"President Johnson's deed of gift follows the guidelines established by the National Archives for research into collections such as this," Middleton said. "But every effort is being made to open all papers to the researcher as soon as possible."

As the archivists review the papers, each is screened against the various other requirements set by the National Archives:

No papers will be available which would embarrass any living person.

The confidence of individuals reporting to the President will be honored.

The University of Texas Library system is continuing to collect informational resources on a comprehensive level for scholars and students of world history.

The LBJ Library will help the UT Library system to continue its unique responsibility to the world of scholarship.

THE LYNDON B. JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS: LBJ SCHOOL OF PUBLIC AFFAIRS

Side by side at The University of Texas are two "namesakes" of former President Lyndon B. Johnson which, though separate entities, will complement each other in attracting a community of scholars.

One is the Lyndon B. Johnson Library, a Federal repository of the Johnson Presidential papers and other Johnson memorabilia, and the other is UT Austin's newest graduate school, the Lyndon B. Johnson School of Public Affairs.

The School of Public Affairs offers a two-year problem-oriented, interdisciplinary course of study leading to the Master of Public Affairs degree. Its dean is Dr. John A. Gronouski, former U.S. Ambassador to Poland and U.S. Postmaster General.

According to Dean Gronouski, the "research potential of the LBJ Library coupled with the possibility of having some association with students and faculty of the Johnson School undoubtedly will attract a community of scholars—not only from academe but from public life, the news world and other areas."

Dean Gronouski explains that the Johnson Library "will draw to the campus for varying periods persons who might not come just to a teaching institution."

"While scholars engage in research in the Presidential Library," the dean continued, "some part-time faculty appointments may be arranged for them in the School of Public Affairs." He said that by drawing visiting scholars into the school's orbit "we can broaden the vision of our students."

While Dean Gronouski looks forward to the "spillover" of visiting scholars into the LBJ School, he says the LBJ Library also will offer important resources for the development of case studies that can be used in the seminars of the School of Public Affairs.

"Because our students regularly work on public affairs problems, they will 'mine' the LBJ Library for the historic background on development of government programs," he explained.

Quite apart from the Presidential Library is the School of Public Affairs' own growing library in Richardson Hall. Distinguishing between the libraries, the dean says the library of the LBJ School is "more of a current public affairs library, primarily of secondary sources," while the Presidential Library contains "almost all primary sources."

"In other words," he noted, "the resources in the Presidential Library are of the kind that will generate the publications that will eventually be added to the shelves of the School of Public Affairs' library."

Other ties expected to be fostered between the Johnson Library and the Johnson School of Public Affairs include the co-sponsorship of several future lectures and conferences, Dean Gronouski said.

THE LYNDON B. JOHNSON LIBRARY AND SCHOOL OF PUBLIC AFFAIRS: ORAL HISTORY PROJECT

One of the most complete oral history collections of friends and foes alike of a President of the United States will be included in the Lyndon Baines Johnson Library.

"So many people know so many things that have never been put into writing," Dr. Allan Nevins, adviser to the oral history project and considered father of oral history, once said. "There was a time when historic detail was entrusted to paper, but no longer. Today they talk on the phone or discuss it in person."

When a 34-year public career is climaxed with the Presidency, each fragment in the design takes on a national historical significance.

That long period witnessed the Depression, World War II, the Korean War, major social legislation, the civil rights movement, the emergence of nuclear capabilities and space exploration, advances of technology, urbanization, and hundreds of significant changes in the nation's life.

Directing the Oral History is Dr. Joe B. Frantz, UT Austin history professor who worked for more than a year from an office in Washington with a staff of interviewers and assistants.

A total of 933 tapes record the interviews of 555 persons, filling in information that cannot be obtained from written documents. An average interview lasted 60 to 90 minutes and produced 30 to 50 pages of transcription.

Dr. Frantz started with an original list of 1,600 prospective interview possibilities in 1968, but "names were added and dropped along the way."

He explained that abundant documentary evidence already exists on President John-

son's career and the programs with which the President had some association, "but it helps fill out the record to talk to persons who were involved in some of those programs to see why certain decisions were made and the alternatives that were considered."

"Some of the persons interviewed may have never laid eyes on Lyndon Johnson," Dr. Frantz said, "but they may have run some programs in which he was interested."

As an example, Dr. Frantz said he taped nine hours of discussion with Nash Castro who as regional director of the National Parks Service had Washington D.C., as his special district when Resurrection City was erected there in the last year of President Johnson's term of office.

The UT professor said some of the interviews are "heavily analytical" while others are "simply narrative," and are intended to reveal "the times of Lyndon Johnson as much as the life." He indicated the interviews were generally planned to be "more issue-oriented than personality-oriented."

Among those interviewed by Dr. Frantz and his staff were the famous and the obscure, the close advisers and the outspoken opponents.

The list ranges from former White House assistant Jack Valenti to Georgia governor Lester Maddox, from the late Senator Everett Dirksen to the young intern who was on duty at a Washington area hospital in 1955 when Lyndon Johnson was admitted with a heart attack.

Dr. Frantz points out that among the "obvious" persons one would expect to be interviewed for such an oral history are members of the President's cabinet and long-time political associates on the Texas and national scene.

Each interviewed decided the conditions under which his tapes would be released for use, and the restrictions will be observed.

Some persons indicated their papers and transcripts be released immediately, while others requested their tapes not to be made available until some time later.

Dr. Frantz said only a half dozen persons refused to be interviewed.

"The great majority of the interviewees were 'candid', and although some of Lyndon Johnson's opponents may have been a little guarded in their statements, others laid it on the line to the fullest."

Dr. Frantz hopes eventually to interview President Richard Nixon for the project, "but that interview probably won't take place until after he leaves office."

Dr. Frantz said there is ample precedence for collecting oral histories of former United States presidents, but that the Texas project "is the most ambitious to date."

He said Columbia University, as part of its extensive oral history effort that covers many subjects, has done some tape recordings about Presidents Herbert Hoover and Franklin D. Roosevelt. Oral histories are currently under way under auspices of the National Archives of Presidents Harry S. Truman, Dwight D. Eisenhower, and John F. Kennedy.

Lyndon Baines Johnson Library: Architectural Report

Every President of the United States since the nineteen thirties has found that the material documenting his term of office has been of such a quantity and importance that a special building has been necessary to house this material. With the complexity of domestic and international affairs, this documentary material is of such interest to scholars of contemporary politics, economics, and sociology that the immediate availability of this material, and a suitable place in which to study it, becomes increasingly urgent.

The University of Texas has a preeminent position in the field of rare books and manuscripts of 19th and 20th Century English and American Literature with its interacting disciplines of literature, sociology, and physical and political science. Also unique is the collection on Latin America and Texas history. The Regents of the University of Texas, wishing to complement their internationally important Library, sought President Johnson's agreement to house his great documentary collection on the Austin Campus of the University. The University commissioned Skidmore, Owings & Merrill and Brooks, Barr, Graeber & White to design a significant archives and research building for the storage and use of this material.

The site chosen for the Lyndon Baines Johnson Library is situated to the east of the present University campus and is on a direct axis with the Main Building of the University. The Library is to be part of a new group of buildings called the East Campus. One of these buildings, the Sid W. Richardson Hall, designed by the same architects and built at the same time as the Lyndon Baines Johnson Library, composes architecturally with the Library. The Sid W. Richardson Hall was dedicated in January of this year. Occupying this building, devoted mainly to rare book collections, are the Latin American Collection Library and Institute of Latin American Studies, the Eugene C. Barker Texas History Center Library and Texas State Historical Society, and the Lyndon Baines Johnson School of Public Affairs.

A valley of Waller Creek lies between the central buildings of the University and the new East Campus site, so that views between the two groups will be unobstructed and dramatic. The land of the East Campus site forms a half bowl facing the rest of the University. Extensive landscaping supplements the existing very fine old live oaks in a way to enhance the natural beauty of the sloping site. The nineteen acres of this site also give to the University open space lost in the explosive expansion of the main campus and creates an oasis of green for the relaxation and enjoyment of the students and faculty.

A Presidential Library preserves the documentary history of the era in which a President holds office. It contains not only the President's own papers, but also the papers of other important persons and organizations relating to the events of this period.

The Architects in designing the Lyndon Baines Johnson Library felt that the building should express through monumentality the importance of the historical treasures protected and preserved. The building should evidence from without and within that it is truly a treasury of important documents.

The Lyndon Baines Johnson Library stands upon a promontory-like podium projecting forward from the sloping hillside. The appearance of the Library is simple and strong and is an expression of the structural and mechanical systems. Two great parallel walls, 200 feet long, 65 feet high, and ninety feet apart define the main mass of the Library Building. These walls, as well as the podium upon which the building stands, are faced in travertine. The two great walls curve gently inward and upward from a base thickness of eight feet. The tapering shape of these walls delineates the vertical cantilevered thrust of the closely spaced columns within the walls. At three quarters of the height of the walls the surface splays out to receive and distribute the weight of the girders which support the cantilevered top story and span the space between the two great walls. The weight of the girders is transferred to these walls by large steel truncated pyramids, called "pins." These pins are 3 feet high and serve to separate the walls and girders. The space between the girders and walls is of glass defining the meeting of walls and roof structure and continuing visually the flow of space between the exterior and interior.

The girders themselves are massive hollow structural members 5 feet wide and 7 feet high of concrete, spanning 90 feet and cantilevering 16 feet beyond the walls of the building. The girders are connected to each other by thin stiffeners to form a strong pattern visible from below. The two tapering main walls also serve to contain the arteries of mechanical distribution rising from the heart of the mechanical system in the podium. The north and south walls of the building are set back 15 feet from the ends of the two sloping walls. These are faced in travertine as well.

The Lyndon Baines Johnson Library may be approached from the University complex to the west on foot through a campus setting of fountains, lawns, flowers, shrubs, and trees which form a park for the Library and other buildings of the East Campus. The Library may also be approached from the east by car from a parking lot screened by Sid W. Richardson Hall. Both routes bring the visitors onto a terrace-topped podium surrounding the Library. From this terrace are panoramic views of the University. The entrance doors of the Library lead from the terrace into the lobby of the building. Scholars may take elevators to the study rooms at the top of the building and visitors proceed into an exhibit area devoted to displays relating to the official life of the President and to significant events and programs. Here are shown treaties, records of memorable historical events, aspects of the social welfare programs, gifts from Chiefs of State, and records of outstanding social events in the life of the President while in the White House.

From these exhibits a spacious stairway ascends through a 30 foot square opening to the space above. As the visitor goes up the stair, he enters a hall of dramatic proportions and scale, 85 feet square and 55 feet high. This is the Great Hall delineating through audio-visual means the political, social, and economic advances made during the President's life of public service. The south wall of this high ceilinged space is all of glass and is first seen from the top of the stairs. Five levels of archive-filled floors are seen through the glass. These archives are the heart and treasury of the Library. They are contained in red bound boxes placed like books on shelves. This is the most carefully guarded area of the Library where constant checks are made for temperature, humidity, and physical security of the documents. The other walls of the room are of the same travertine as used on the exterior, giving monolithic quality to the architecture. The north wall of the room opposite the archives is separated from the floor by a 9 foot high strip of glass with doors opening onto a balcony overlooking the northern part of the campus. On each side of this room are glassed-in alcoves containing closed television receivers showing material from the extensive film collection. The east and west walls repeat the gently curving structural walls seen from the exterior. The ceiling of this hall is of great richness. The huge girders with connecting stiffeners form a rich and striking pattern of coffers and beams illuminated by light. The coffers and beams may be seen extending beyond the walls of the room through gray glass separating the walls from the ceiling. Under the archives continuing the space of the Great Hall will be a small film auditorium seating 85 people. Beyond this is a space set aside for changing exhibits. This space in turn opens onto a balcony to the south overlooking the University and the City of Austin with the hills beyond. Above the massive girders of the Great Hall is one floor at the top of the building. This is the research portion of the Library with offices for curators of the museum and archive collections and study rooms for scholars and a small open stack library with reading room. This floor has views from protected balconies to the north and south and opens into an interior landscaped court. Here also will be offices for President Johnson and his staff.

Beneath the Library structure and within the podium are the service elements of the Library, as well as an audio-visual studio where recordings may be made and where scholars may listen to tapes and view films pertaining to the field of knowledge of the Library.

Sharing the space within the podium and with separate entrances from the campus park and also by stairway from the Sid W. Richardson Hall for the use of University students are a 1,000 seat auditorium, an exhibition hall, and a 250 seat lecture hall. These elements serve to link the Lyndon Baines Johnson Library to the special University Library collections and the Lyndon Baines Johnson School of Public Affairs in the Sid W. Richardson Hall.

MARCH 16, 1971

Structure: Reinforced concrete frame, clad in travertine, 8th Floor construction; post-tensioned girder (90' span with 15' cantilever at side). Roof framing: structural steel with concrete roof plank.

Mechanical: Airconditioning for entire building. Utilities from University of Texas central utility plant (i. e. steam, electricity, chilled water, etc.).

Electrical: Public areas: incandescent lighting. Work, Research & Stack areas: fluorescent lighting.

Elevators: 2 Passenger, 1 Service.

Statistics: Number of Stories: 8 upper levels, 2 podium levels. Dimensions: 200'–0'' long, 100'–0'' wide, 85'–0'' high above podium. Gross Area: 100,000 sq. ft.

Client: The Board of Regents of the University of Texas.

Associated Architects: Skidmore, Owings and Merrill and Brooks, Barr, Graeber and White.

Partners-in-Charge: Gordon Bunshaft (SOM), Design. R. Max Brooks (BBG&W), Project Development.

SOM: Frederick C. Gans, Project Management; Sherwood A. Smith, Design; Leon Moed, Working Drawings; Davis B. Allen, Interiors; and Carroll Donoghue, Landscape.

BBG&W: Charles L. Tilley, Working Drawings, and David Yarborough, Field Coordination.

Exhibit Designer: Arthur Drexler.

Consultants: Paul Weidlinger-W. Clark Craig & Associates, Structural; Gregerson, Gaynor & Sirmen, Inc., Mechanical-Electrical; Edison Price, Inc., Lighting; Bolt, Beranek & Newman, Inc., Acoustics; and Fountains, Inc., Fountain Engineering.

General Constructor: T. C. Bateson Construction Company.

Mr. HUMPHREY. Mr. President, I want to thank the distinguished Senator from Mississippi (Mr. STENNIS) who, in his normal life pattern, is always so generous, courteous, and considerate to all his colleagues.

Mr. STENNIS. Well, I owe the Senator a lot.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on its final determination with respect to Docket No. 336, the Eastern Shawnee Tribe of Oklahoma, et al, v. the United States (with accompanying report); to the Committee on Appropriations.

PROPOSED DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

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 concerning grants approved by the Department which are financed wholly with Federal funds (with accompanying report); to the Committee on Finance.

PROPOSED AMENDMENT OF THE PEACE CORPS ACT

A letter from the Director of the Peace Corps submitting a further amendment to the Peace Corps Act (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION CONCERNING LAND IN TRUST FOR LAKE SUPERIOR CHIPPEWA INDIANS

A letter from the Assistant Secretary of the Interior submitting proposed legislation to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE COMMISSION ON CIVIL RIGHTS

A letter from the Chairman of the Commission on Civil Rights transmitting, pursuant to law, a report on the racial and ethnic impact of the section 235 program, June 1971 (with accompanying report); to the Committee on the Judiciary.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BURDICK):

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Public Works:

"A CONCURRENT RESOLUTION

"Memorializing Congress to enact legislation to prohibit the Savannah District Army Corps of Engineers from permitting the dumping of sewage in Lake Hartwell in South Carolina

"Whereas, the Savannah District Army Corps of Engineers has received an application from a firm in Anderson, South Carolina to permit it to construct and maintain a discharge line which will discharge treated effluents from a holding pond into Lake Hartwell near where U.S. Highway 76 crosses Six and Twenty Mile Creek; and

"Whereas, the application if granted would permit concern to dump eight thousand gallons of treated sewage a day into the Six and Twenty Mile Creek channel of Lake Hartwell; and

"Whereas, Lake Hartwell has been developed as a residential area and as an outstanding recreational spa attracting many thousands annually to its shores to indulge in such water sports as swimming, water skiing, boating and fishing; and

"Whereas, the dumping of sewage whether treated or not presents a threat to the health and safety of residents in the vicinity and the many users of the facilities of Lake Hartwell. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring: That the Congress of the United States is hereby memorialized to enact such legislation as may be necessary to prohibit the Savannah District Corps of Army Engineers from approving a proposal to permit the dumping of sewage in Lake Hartwell in South Carolina.

"Be it further resolved that copies of this Resolution be forwarded to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

Robert W. Fri, of Maryland, to be Deputy Administrator of the Environmental Protection Agency; and

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency.

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. CURTIS:

S. 2037. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs. Referred to the Committee on Finance.

By Mr. WEICKER:

S. 2038. A bill to provide financial assistance to the National Railroad Passenger Corp. for the purpose of purchasing new, high-speed railroad passenger equipment. Referred to the Committee on Commerce.

By Mr. BUCKLEY:

S. 2039. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. ERVIN, Mr. GRAVEL, Mr. HOLLINGS, Mr. HRUSKA, Mr. MCGEE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. MUSKIE, Mr. STEVENS, and Mr. THURMOND):

S. 2040. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen. Referred to the Committee on Labor and Public Welfare.

By Mr. YOUNG:

S. 2041. A bill for the relief of Ronald F. Soltess. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2042. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 2043. A bill for the relief of John S. Traylor; and

S. 2044. A bill for the relief of Richard S. Traylor. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2045. A bill to amend the Act of December 30, 1969, establishing the Cabinet, Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for two additional years. Referred to the Committee on Government Operations.

S. 2046. A bill to establish methods of payment for national forest timber, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. 2047. A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increases in benefits based on increases in the costs-of-living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases. Referred to the Committee on Finance.

By Mr. SYMINGTON:

S. 2048. A bill for the relief of Jun Juen Chiu Yee (Jun Juen McNeely Yee). Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2049. A bill to consolidate, simplify, and improve laws relative to housing and housing assistance. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCHWEIKER:

S. 2050. A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency. Referred to the Joint Committee on Atomic Energy.

By Mr. THURMOND:

S. 2051. A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes. Referred to the Committee on Veterans' Affairs.

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

S. 2052. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HRUSKA:

S. 2053. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS:

S. 2037. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs. Referred to the Committee on Finance.

REVENUE SHARING FOR PUBLIC ASSISTANCE ACT

Mr. CURTIS. Mr. President, I send to the desk a bill for appropriate reference, and I ask unanimous consent that, at the conclusion of my remarks concerning the bill, there be printed in the RECORD the full text of the bill, a section-by-section analysis of the bill, and a comparison of my bill (S. 2037) with H.R. 1.

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

(See exhibits 1, 2, and 3.)

Mr. CURTIS. Mr. President, the bill I have just introduced more nearly carries out the President's expressed goals with regard to welfare reform than any which has been introduced so far. This bill is designed to return the States the meaningful control over their welfare programs which Congress contemplated when the initial Federal laws were enacted. There is no doubt that the gravest problem facing State administrations today is the ballooning cost of welfare programs. At the heart of this problem is the fact that the States, under current Federal programs, have little effective choice over the range and requirements which dictate the basic costs.

My bill will return the complete administration of these major programs to the States. It will allow the States to spend the money with the wisdom which comes only from the knowledge they possess, without HEW bureaucrats dictating every move. It will give the States incentive to reorganize their programs so that greater benefits can go to the truly needy, and waste and fraud can be eliminated. Finally, it will give the States sufficient Federal funds to overcome the fiscal crisis which threatens not only all welfare recipients, but also the entire economy of this Nation.

How will my bill do this? It is very simple. I have adopted President Nixon's own concept of special revenue sharing as the basic principle of welfare reform. My bill is a special revenue sharing bill for welfare.

I have serious reservations about the idea that the best, or only, solution to welfare reform is to "federalize" all welfare programs. That, in essence, is the solution offered us with great fanfare, by the bill recently reported from the House Committee on Ways and Means. In his remarks to the Republican Governor's Conference in Williamsburg on April 19, President Nixon indicated his own feeling that welfare reform is "related" to revenue sharing, and went on to say:

> I consider welfare reform the most urgent proposal because if the present welfare system is allowed to go on unchecked, it will soon erode the benefits to be gained from revenue sharing.

My question is, "Why not solve our problems two at a time by dealing with welfare reform through the mechanism of revenue sharing?" In urging revenue sharing the President has pointed up the need to reverse the flow of power—to get more of the power of government back into the hands of States and localities.

But the "federalization" of welfare is a solution which goes exactly counter to the very essence of our federal system of government and to the President's fundamental reason for advocating revenue sharing.

My bill is the reasonable alternative. It is developed entirely out of the President's thinking on special revenue sharing. It provides a way for the power to flow back into the States. The approach of the House bill is to concentrate further power in Washington. And let me add that, in my opinion, federalization of welfare would render meaningless any further consideration of the entire concept of revenue sharing.

Though I am not quite sure how so obvious a fact could have escaped them, there are apparently many people who do not fully recognize or understand the extent of the role which the Federal Government has played in escalating the welfare problem to its present crisis. This continual escalation is the primary reason that welfare costs are now on the verge of bankrupting many State governments.

Who has been responsible for this constant escalation? In the final analysis, it has been largely the Federal bureaucracy. In order for a State to receive Federal support for welfare programs, it must conform to the regulations promulgated by the Department of Health Education, and Welfare. Over the years the scope and interpretation of those regulations have become ever broader and more inclusive. Putting it quite bluntly, the States have been robbed of the authority and power to effectively determine the kind of programs which best fit the needs of their people and any semblance of real control over the administration of the programs imposed upon them. Under HEW regulations, the State must do it Washington's way or there will be no money to do it at all. When this happens it often does not mean just the loss of matching funds for welfare payments. It means the State loses its monies for programs of aid to the blind and the aged, for child care, medical and rehabilitation programs

Surely that fact is amply demonstrated by the recently well publicized experience of the State of California. However, lest we dismiss California's experience as "unique" or "politics" let me call to your attention that Arizona, Nevada, Oklahoma, my own State of Nebraska, and in fact virtually every State has encountered less-publicized rebuffs by HEW when they attempted to deviate from the established norm in the interest of providing a service peculiarly suited to their particular needs or to tailor their programs more to the liking of their own voters, taxpayers, or welfare clients.

It goes without saying that no State has the resources or the tax base to "go it alone" and hope to provide programs which bear any resemblance to the programs presently in operation involving some HEW funds. They cannot tell the Federal bureaucrats where to get off. So HEW has, in short, simply blackmailed the States into ever increasing caseloads and widening eligibility requirements. One of the coercive devices used is for HEW to decide that welfare money was paid to a State for a period the State was out of conformity and to so notify certain other U.S. authorities who in turn stop payment of funds for an unrelated program in order to make a recovery. For instance, in one case the State welfare agency was brought to its knees when money for construction of State highways was withheld. Such coercion and unreasonable regulations have been the single most important factor in the fi-

nancial bankruptcy which now threatens many State treasuries.

I believe a State should have control over the level of State funds required to support welfare programs. Under the present system it has no such control. My bill will give the States that control. But it does not absolve the State of all fiscal responsibility and fund the program entirely from the Federal Treasury. That is no solution. The same taxpayers provide the money, no matter where the money comes from. It is not merely the inability of most States to afford their share that threatens the program. It is the inability of States to tailor those programs to the needs of their own people and thereby to reduce the waste and abuses inherent within the present system and to remove from the welfare rolls thousands who are not truly needy. If this could be done, most States could both reduce their own costs and increase the level of assistance to those in real need. Instead, according to recent reports, the welfare rolls have increased by 29.6 percent in the last year. The widening scope and inclusiveness of Federal guidelines on eligibility are unquestionably responsible for a large part of this increase, and it is little wonder that the States find themselves literally going under with tnis evermounting caseload.

I fully concur with Governor Reagan when, in transmitting his welfare reform program to the State legislature, he said:

> The idea of simply surrendering our authority and administrative machinery to the same huge federal system that created the crisis in the first place is simply unacceptable to me.

I find it equally unacceptable.

And I am pleased to note that the distinguished chairman of the Senate Finance Committee apparently shares that view. In the May issue of Nation's Business he is quoted as saying he is "fearful of the Government attempting to take over the—welfare—program for the younger people," conceding only that income programs for the aged might well be federally financed since we are "doing most of that already under social security."

The chairman went on to state: "The Federal Government has done many things to increase the cost of—welfare—programs without intending to do so," citing examples such as the hiring of poverty lawyers, paid by the Federal Government to file suits against the Federal Government; the resultant striking down of such limitations as State residency requirements for welfare eligibility; and the proliferation of multiple welfare claims fraudulently filed by the same individuals in different States and using different social security numbers.

I was interested in another response of the Finance Committee chairman when he was asked if the work incentive approach to welfare had been successful. He answered:

> It has not worked because under the Johnson Administration HEW used its best efforts to keep it from working. HEW actually called meetings to show how to keep the work incentive program from succeeding and how to frustrate the intention of Congress. We are still trying to find ways to improve the work incentive programs. The difficulty is that those people in HEW, who seem to stay there no matter who is President, have plans to the contrary.

I commend the chairman for the candidness of that observation and would point out that it is verified by the 1971 report of the Oregon House of Representatives Task Force on Welfare, a most enlightening document which the junior Senator from Oregon recently included in the RECORD. It contains the following observation regarding the objective of moving welfare recipients off the welfare rolls and toward self-sufficiency:

> To our dismay, we discovered that social workers are neither educated nor trained to believe such an objective is desirable. There is an appalling lack of strong policy direction and leadership to stress that public welfare possesses the responsibility to assist recipients in becoming self-sufficient.

The task force went on to recommend that Oregon take strong and positive action immediately to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

Such policy should be elementary, but all the evidence indicates that it is not current policy at the State level because it is contrary to HEW policy and if welfare is turned over to the Federal Government it will never be the policy.

President Nixon urged at the Republican Governors' Conference the need for "a system in which young Americans will grow up in a nation which recognizes the dignity of work, the dignity of self-reliance. In the course of reforming the welfare system," he said, "we have to re-establish the recognition of that fact—the dignity of work, any work, which will enable an individual to take care of his responsibilities without going on welfare."

I submit that the "solution" constructed in H.R. 1 plays into the hands of the very people who reject that goal and the need for any system that will achieve it.

Under my bill, States like Oregon can institute such a policy and enforce it without official or unofficial interference from HEW. States who share the HEW philosophy will be free to adhere to it, but they will pay for it. That is guaranteed under provisions which leave each State free to design its own welfare program but which require that it pay a fixed percent, not of its total welfare bill, but of each specific program it operates. If the State programs are broad and all-inclusive it will add proportionately to the State costs or result in compensatory reductions in the level of benefits available.

Another observation of the Oregon task force is pertinent to this discussion. The report states:

> The Task Force believes that the State Public Welfare Division has adopted a liberal interpretation and administration of some federal dictates to the States. We believe that the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

Yet, the experience of too many States under the present program has been that the primary loyalty of their welfare administrators has been to their HEW masters in Washington who, because they help to pay the piper insist on calling all the tunes. I believe that each State has a right to expect that the primary loyalty of its employees is to the government of that State, and not to some Federal bureaucrat who might some day advance their personal cause by promoting them as HEW officials.

But does it not strain anyone's sense of logic and credibility to have it suggested that the solution to this problem is to abolish State programs and State administrators and turn the entire program over to the Federal wisemen? Why does it not seem at least as logical that the present problems might be resolved by giving the States the authority to establish programs consistent with local needs and the financial resources to administer their programs in good faith? Then the State administrator could function as a useful public servant instead of a puppet manipulated by a maze of redtape and his allegiance would, automatically, return to the State government which employs him. This is what my bill would accomplish.

Many other instances could be cited which corroborate the fact that the blame for the ills of the present welfare programs can be laid at the door of the Federal Government and which cry out that "federalization" is not the answer to those ills. There are the self-appointed lobbies for the poor who, knowing the Federal Government controls the welfare program, constantly bombard Congress with their demands for public financing of a guaranteed minimum annual income of $6,500 a year—a thinly disguised proposal for a permanent form of national income redistribution. "Federalization" of welfare will only intensify such agitation.

Or I could cite, as the Senator from Louisiana did, the legal services program of the Office of Economic Opportunity which has used taxpayers dollars to bring suits that have resulted in striking down many reasonable restrictions and eligibility requirements which State officials have sought to impose to keep the welfare program within some kind of realistic bounds. Such suits have resulted in, for example, the Supreme Court decision that length of residence in a State cannot be used to impose a limitation upon eligibility for welfare, despite the clear intention of Congress to allow a residency requirement to be established. And in the course of this undermining of the program, many of the so-called poverty lawyers have openly flouted the canons of judicial ethics which prohibit members of the bar from soliciting clients.

But it seems to me this is evidence enough of Federal culpability in the creation of the welfare mess. It was sufficient, at any rate, that I felt obliged to offer an alternative to the current headlong rush to add insult to injury by federalizing welfare in the guise of a solution to the existing crisis.

I am convinced that the only welfare reform that is really acceptable is a system which puts the burden on each State

to establish, administer, and to the extent of its reasonable ability, finance its own welfare programs. The Federal role should be confined to that which is imperative for it; namely, the sharing of sufficient revenue to do the job, inasmuch as it has so preempted the revenue resources of the States as to preclude their ability to finance adequate programs themselves. In short, welfare is a prime candidate for the revenue-sharing approach.

To that end I have introduced a bill which leaves to each State the authority and flexibility to design and administer whatever welfare programs are best suited to the needs of its people.

As pointed out earlier, it also calls upon the State to pay a fixed percentage of the cost of each and any program it establishes. In this way, a measure of guarantee is provided that no State will ask the Federal Government to share in providing for a welfare program or any category of welfare recipient which its own taxpayers are not willing to support.

Above that level the Federal Government will support those programs instituted by the State. Such support will be in the form of block grants allocated under a formula to be determined by the Secretary of Health, Education, and Welfare consistent with the level of Federal support presently received by each State, its per capita income, and its per capita welfare caseload.

While the language of the bill leaves to the Secretary the responsibility for establishing a suitable formula, I am presently working on a formula that suits the purposes of the proposal and would hope to have it ready by the time hearings begin on this legislation. At an appropriate time I plan to reintroduce the measure, incorporating a specific formula.

The bill permits increased Federal participation where local economic or migration patterns add to a State's welfare caseload though the State has made no change in the scope of its programs. And it incorporates, as did the Finance Committee last year in H.R. 17550, language designed to indicate specific congressional intent that the States shall have the right to establish residency requirements and make reasonable investigations to satisfy themselves as to the eligibility of public assistance applicants, and to provide penalties for and recovery of Federal funds from deserting parents.

I share the prevalent feeling of urgency that the present welfare system be reformed. I recognize the financial need facing our State governments. I hear the explanations that the proposed welfare reform and family assistance bill is designed to reduce welfare rolls and put able bodied recipients back to work. But I look at the projected cost and reason rebels. Logic refuses to accept the proposition that the present system will be improved by more than doubling its present cost and greatly adding to the number of people receiving benefits.

The working American will not stand for programs which provide for free, a better quality of care and a higher standard of living for the nonworking poor than he can provide for himself and his family. He will not stand for a program which rewards the able bodied nonworker at the expense of the productive. For all of the protestations to the contrary, I cannot find any "reform" of these tendencies in the bill ordered reported by the Ways and Means Committee.

Welfare, as administered by HEW, has enslaved the States and the American taxpayer. Even worse, it has enslaved them with their own money.

It is time for a new Emancipation Proclamation. It is time for a new Bill of Rights. It is time that we increase assistance to the truly needy by freeing the States from bureaucratic redtape and providing them with adequate resources to achieve that end as efficiently and inexpensively as possible. Nothing in the history of the present welfare program or any other Federal program encourages me to think that "federalization" is the answer. Only an honest, straightforward welfare system can remove the stigma attached to the recipient of welfare about which so many complain. It will not be accomplished by a more complicated and more removed administration which breeds suspicion.

EXHIBIT 1

S. 2037

A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Revenue Sharing for Public Assistance Act".

GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

SEC. 2. The Social Security Act is amended by adding after title XIX thereof the following new title:

"TITLE XX—REVENUE SHARING GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

"APPROPRIATION

"SEC. 2001. (a) For the purpose of assisting each State in meeting expenses incurred by it in providing public assistance to the residents thereof, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year beginning July 1, 1972, such sums as may be necessary to effect the provisions of this Act. The sums made available under this section shall be used for making payments to States which have in effect one or more public assistance programs, to assist them in meeting the costs of carrying out their public assistance program or programs; and such sums shall not be used for any other purpose.

"(b) In determining the amount of the appropriation necessary to carry out the provisions of the Act, the Congress may require of the Secretary of Health, Education, and Welfare an annual estimate of the States' need the the Federal share thereof, based on the estimating procedure set out in Section 2003(b)(2) for determining the entitlement of the States.

"ALLOTMENTS TO STATES

"SEC. 2002. (a) For each fiscal year, the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 2001 among the States on the basis of the relative population, financial need, and number of individuals in need of public assistance.

"(b) Any amount so allotted to a State for any fiscal year and reamining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such fiscal year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year.

"PAYMENT TO STATES

"SEC. 2003. (a) From the funds available from the allotment (under section 2002) to any State for any fiscal year, the Secretary shall pay to such State, with respect to expenditures made by such State in carrying out one or more public assistance programs in such State, an amount equal to the Federal share (as defined in subsection (c)) of such expenditures.

"(b) (1) Payments to which a State is entitled under subsection (a) shall be made with respect to calendar quarters.

"(2) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter to carry out public assistance programs in such State, and stating the total amount appropriated or made available by the State and its political subdivisions for such expenditures for such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of recipients of public assistance in the State, and (C) such other investigation as the Secretary may find necessary.

"(3) The Secretary shall then pay to the State, in such installments as he may determine, the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(4) All Federal agencies, including the Department of Health, Education and Welfare, shall co-operate with the States in providing data and assistance requested by the States, through the Department of Health, Education and Welfare, for purposes of carrying out the provisions of the Act.

"(c) (1) The term 'Federal share' for any State shall be 100 per centum, less the State percentage; and the State percentage for each public assistance program it specifically establishes by law shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (A) the Federal share for each public assistance program shall in no case be less than 50 per centum or more than 83 per centum, and (B) the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 50 per centum.

"(2) The Federal share for any State shall be determined and promulgated in accordance with the provisions of subparagraph (B) of section 1101(a)(8).

"RECORDS, AUDITS, AND REPORTS

"SEC. 2004. (a) In order to assure that payments made to States under this title are used for the purpose for which made, the Secretary is authorized by regulations to require States, as a condition of entitlement to such payments, to—

"(1) make such reports, in such form and containing such information;

"(2) maintain and keep such records and afford such access thereto, for purposes of audit and examination, by the Comptroller General of the United States or his duly authorized representative; and

"(3) otherwise provide to the Secretary such information;

as the Secretary reasonably deems necessary for the proper and efficient administration of this title.

"NOTIFICATION, HEARINGS AND JUDICIAL REVIEW

"SEC. 2005. (a) At the earliest practical opportunity the Secretary shall notify a State of any decision affecting the amount of payments or allotments to be made to it or of any decision adversely affecting the State, together with an opportunity for a hearing.

"(b) Within 60 days after receipt of notification by a State of a decision or action of the Secretary adversely affecting it, the State may request a prompt hearing and the Secretary shall provide such a hearing, take evidence and enter findings of fact, together with his decision thereon.

"(c) Any State which is dissatisfied with a final determination of the Secretary may, within 60 days after it has been notified of such determination, file with the United States court of appeals for the circuit in which such State is located a petition for review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his determination as provided in section 2112 of title 28, United States Code.

"(d) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and, if authorized by the court, may modify his previous action, and shall certify to the court the transcript and record of the further proceedings.

"(e) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"LIMITATION ON DURATION OF APPEALS PROCESS

"SEC. 2006. Notwithstanding the foregoing provisions of this title, no payment shall be made to any State with respect to expenditures made by such State in providing, under any public assistance program of such State, aid or assistance in the form of money payments to or with respect to any individual, unless such program provides that—

"(1) any hearing held before the State agency administering or supervising the administration of such program (or the part of such program which relates to the provision of aid or assistance in the form of money payments) at the request of any individual to determine the matter of whether the aid or assistance (in such form) provided to such individual under such program should be terminated or the amount thereof reduced shall be completed, and such State agency shall make a final decision with respect to the matter, not later than 30 days after the date such individual is notified of the intention of such agency to terminate or reduce the amount of such assistance; and

"(2) if any individual is determined under any such final decision to have received (prior to such decision) as aid or assistance (in such form) under such program any amount to which he was not entitled, such amount shall be repaid by such individual to such State agency, and if such amount is not so repaid it shall be withheld from any future payments to which such individual would otherwise be entitled, as aid or assistance (in such form), under such program.

"PROHIBITION AGAINST FEDERAL INTERFERENCE WITH STATE PUBLIC ASSISTANCE PROGRAMS

"SEC. 2007. Except for the requirement that moneys paid to a State under this title be used by a State for the purpose of carrying out State public assistance programs, nothing in this title shall be construed—

"(a) to authorize the Secretary or any other Federal officer or employee to exercise any supervision or control over any such program; or

"(b) impose any requirement or limitation on the State, as to the operation of any such program, or as to the terms and conditions governing eligibility of individuals to receive aid or assistance under any such program.

"DURATION OF RESIDENCE REQUIREMENTS UNDER PUBLIC ASSISTANCE PROGRAMS

"SEC. 2008. (a)(1) Notwithstanding the foregoing provisions of this title, no payment shall be made to any State with respect to expenditures made by such State in providing public assistance unless such program provides that—

"(A) except as provided in subparagraph (B), public assistance shall not be furnished to any individual unless such individual (i) is a resident of the State, and (ii) has resided in the State continuously for one year immediately preceding his application for such assistance; (or if such public assistance is public assistance paid with respect to a child such public assistance shall not be furnished with respect to any child unless such child (i) is a resident of the State, and (ii) (I) has resided in the State for one year immediately preceding the application for such aid, or (II) was born within one year immediately preceding the application for such aid, and the parent or other relative with whom the child is living has resided in the State for one year immediately preceding the birth of such child)

"(B) public assistance shall be furnished under such program for a period not to exceed one year to any individual (or with respect to a child) who (i) has moved out of such State, (ii) was receiving such assistance under such State program in the month before the month in which he moved out of such State, (iii) continues to meet the eligibility requirements of such program except for residency, and (iv) does not meet the duration of residency requirements (if any) imposed under a program of public assistance of the State in which he is living.

"(2) The provisions of paragraph (1) shall be inapplicable in the case of any State if the State law of such State (or any rule or regulation made pursuant to the State law of such State) provides for the furnishing of such public assistance without regard to any duration of residency requirement or on the basis of a duration of residency requirements different from those specified in paragraph (1).

"AUTHORITY OF STATES TO REQUIRE INVESTIGATION IN DETERMINING ELIGIBILITY FOR PUBLIC ASSISTANCE AND TO REQUIRE INSPECTION OF HOMES OF APPLICANTS OR RECIPIENTS OF PUBLIC ASSISTANCE

"SEC. 2009. (a) (1) Notwithstanding any other provision of law, any State which has in effect a public assistance program may conduct such reasonable investigations as it deems necessary to determine and audit eligibility of applicants for public assistance and shall not rely upon methods which do not involve actual investigations and actual factual determinations.

"(2) The provisions of paragraph (1) shall be inapplicable in the case of any State if the State law of such State (or any rule or regulation made pursuant to the State law of such State) provides for the furnishing of such public assistance without requiring actual investigations and factual determinations with respect to establishing eligibility.

"(b) Notwithstanding any other provision of law, any State which has in effect a public assistance program may require that any applicant for (or any individual receiving) aid or assistance under such program agree, as a condition of eligibility for such aid or assistance, to permit inspection of his home, at reasonable times and with reasonable notice, by any duly authorized person employed by or on behalf of such State in the administration of such program.

"ASSISTANCE OF MOTHER OF CHILD IN IDENTIFYING THE FATHER OF SUCH CHILD

"SEC. 2010. States, in the administration of any public assistance program (or part thereof) which authorizes the provision of aid to families with dependent children, are authorized to seek the assistance of the mother of such a child in identifying the legally responsible father of such child if such mother is an applicant for or recipient of such aid under such program.

"PENALTY FOR CROSSING STATE LINES TO AVOID PARENTAL RESPONSIBILITIES

"SEC. 2011. Whoever, knowingly goes from one place to another in interstate or foreign commerce for the purpose of avoiding any responsibility imposed upon him under the common law or under statutory law of any State pertaining to the obligations of a parent to his child, shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for not more than one year.

"FINANCIAL OBLIGATION OF DESERTING PARENT

"SEC. 2012. (a) Except as provided in subsection (b), any individual who has deserted his spouse, child, or children, with the result that such spouse, child, or children, because of financial need, obtained aid under this title, shall be obligated to the United States in an amount equal to the Federal share of such aid.

"(b) If a court of any State has issued a support order against any individual described in subsection (a), the obligation of such individual under this section shall be limited to the amount specified in such court order less any amounts actually paid by such individual pursuant to such court order. The Attorney General of the United States is authorized, in accordance with procedures applicable to the recovery of obligations due to the United States, to enforce such court order in any appropriate court and to distribute the proceeds to the beneficiaries of such court order after deducting the amount paid as aid under this title. He shall refund to any State that portion of the amount so recovered which constitutes the State's share of such aid.

"(c) If a State court has not issued a support order against an individual described in subsection (a) the Attorney General of the United States is authorized to recover from such individual an amount equal to the Federal share of the aid furnished under this title to the spouse and child or children of such individual.

"(d) If the Attorney General of the United States (or any other officer of the United States) obtains information with respect to address or location of any individual described in subsection (b) such officer is authorized to furnish, upon request, such information to the deserted spouse, guardian, or custodian of the child or children deserted, or their counsel.

"DENIAL OF AID TO FAMILIES WITH DEPENDENT CHILDREN WHERE THERE IS A CONTINUING PARENT-CHILD RELATIONSHIP

"SEC. 2013. (a) If public assistance with respect to dependent children is provided under a public assistance program of any State and if such program so provides, a child shall be deemed not to have been deprived of parental support or care by reason of the continued absence from the home of a parent if there exists a continuing child-parent type relationship between such child and an adult individual who is not the father, mother, grandfather, grandmother, adult brother, adult sister, adult stepbrother, adult stepsister, adult uncle, adult aunt, adult first cousin, adult nephew, or adult niece, of such child. For purposes of deter-

mining whether such a relationship exists between a child and such an adult individual, only the following factors may be taken into account: (A) the frequency with which such child and such individual appear together in public, (B) whether such individual is the parent of a half brother or half sister of such child, (C) whether such individual exercises parental control over such child, (D) whether substantial gifts are made by such individual to such child or to members of the family of such child, (E) whether such individual claims such child as a dependent for income tax purposes, (F) whether such individual cares for or arranges for the care of such child when the relative with whom such child is living is ill or absent from home, (G) whether such individual assumes responsibility for such child when a crisis occurs in such child's life, such as illness or detention of such child by public authorities, (H) whether such individual is listed as the parent or guardian of such child in school records which are designed to indicate the parents or guardians of children, (I) whether such individual makes frequent visits to such household, (J) whether such individual gives or uses as his address the address of such household in dealing with his employer, his creditors, postal authorities, other public authorities, or others with whom he may have dealings, relationships, or obligations. Such a relationship between an adult individual and a child may be determined to exist in any case only after an evaluation of the factors referred to in the preceding sentence, as well as any evidence which may refute any inference supported by evidence related to such factors."

"USE OF SOCIAL SECURITY NUMBERS

"SEC. 2014. Notwithstanding any other provisions of the Social Security Act or other law, no payment shall be made to any State with respect to expenditures made by such State in carrying out any public assistance program, unless, as a condition of eligibility for aid or assistance under such program, each applicant for or recipient of such aid or assistance is required to furnish to the State agency administering or supervising the administration to such program his social security account number, and such State agency utilizes such account numbers in the administration of such program.

"DEFINITIONS

"SEC. 2015. (a) For purposes of this title—

"(1) (A) The term 'public assistance program' means a State program including administrative costs thereof, which provides public assistance.

"(B) The term 'public assistance' means any or all of the following:

"(i) old-age assistance;

"(ii) aid to families with dependent children;

"(iii) aid to the blind;

"(iv) aid to the permanently and totally disabled;

"(v) low income family assistance

and

"(vi) medical assistance

"(2) The term 'old-age assistance' means any or all of the following;

"(A) money payments to or on behalf of needy individuals who have attained age 65;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals who have attained age 65; and

"(C) services to needy individuals who have attained age 65 to help them attain or retain capability for self-care or to prevent or reduce dependency;

except that such term does not include any such payments to or on behalf of, care in behalf of, or services to any individual who is an inmate of a public institution (except as a patient of a medical institution).

"(3) The term 'aid to families with dependent children' means any or all of the following:

"(A) (i) money payments with respect to a dependent child or dependent children;

"(ii) money payments to meet the needs of the relative with whom any dependent child is living;

"(iii) money payments to meet the needs of the spouse of the relative referred to in clause (ii), if such spouse is living with such relative and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity of a parent or is a dependent child under paragraph (4) (B);

"(iv) money payments to meet the needs of any other individual living in the same home as the relative with whom such child is living, if the needs of such individual are taken into account in determining the needs of the family of which such child is a member;

"(v) money payments in behalf of a child receiving foster care in a foster family home or in a child-care institution, if such child is a dependent child under paragraph (4) (C);

"(B) medical care or any type of remedial care recognized under State law to meet the needs of any or all of the individuals referred to in clauses (i) through (v) of subparagraph (A);

"(C) child-welfare services (as defined in paragraph (6) for children receiving aid to families with dependent children; and

"(D) family services (as defined in paragraph (7)) for children, relatives, and other appropriate individuals (living in the same home as a relative and child receiving aid to families with dependent children whose needs are taken into account in determining need of such relative and child for such aid) receiving aid to families with dependent children.

"(4) The term 'dependent child' means any or all of the following:

"(A) a needy child (i) who has been deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and (ii) who is (I) under the age of 18, or (at the option of the State) (II) under the age of 21 and (as determined by the State in accordance with regulations prescribed by it) a student attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment;

"(B) a needy child, who meets the requirements of subparagraph (A) (ii), who has been deprived of parental support or care by reason of the unemployment (as determined in accordance with standards prescribed by the State) of his father or other responsible adult as defined in subparagraph (A), and who is living with any of the relatives specified in subparagraph (A) in a place of residence maintained by one or more of such relatives as his (or theirs) own home; and

"(C) a needy child (i) who would meet the the requirements of subparagraph (A) or (B) except for his removal from the home of a relative (specified in subparagraph (a)) as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child, and (I) whose placement and care are the responsibility of a State agency concerned with child welfare, or (II) who has been placed in a foster family home or childcare institution as a result of such determination, and (ii) for whom there is no other available means of support.

"(5) The term 'family services' means services to a family receiving aid to families with dependent children or any member of such a family for the purpose of preserving, rehabiliating, reuniting, or strengthening, the family, and such other services as will assist members of such a family to attain or retain capability for the maximum self-support and personal independence.

"(6) The term 'child-welfare services' means public social services which supplement, or substitute for, parental care and supervision for the purpose of (A) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, (B) protecting and caring for homeless, dependent, or neglected children, (C) protecting and promoting the welfare of children of working mothers, and (D) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities.

"(7) The term 'aid to the blind' means any or all of the following:

"(A) money payments to or on behalf of needy individuals who are blind;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals who are blind; and

"(C) services to needy individuals who are blind to help them attain or retain capability for self-support or self-care or to prevent or reduce dependency; except that such term does not include any such payments to or on behalf of, care in behalf of, or services to, any individual who is an inmate of a public institution (except as a patient of a medical institution) or any individual who is a patient in an instituton for tuberculosis or mental disease.

"(8) The term 'aid to the permanently and totally disabled' means any or all of the following:

"(A) money payments to or on behalf of needy individuals 18 years old or older who are permanently and totally disabled;

"(B) medical care in behalf of or any type of remedial care recognized under State law in behalf of needy individuals 18 years old or older who are permanently and totally disabled; and

"(C) services to needy individuals who are 18 years old or older to help them attain or retain capability for self-support or self-care or to prevent or reduce dependency;

except that such term does not include any such payments to or on behalf of, care in behalf of, or services to, any individual who is an inmate of a public institution (except as a patient of a medical institution) or any individual who is a patient in an institution for tuberculosis or mental disease.

(9) The term "family assistance" means assistance under a program which contemplates that—

(A) the assets and resources of families will (except to the extent otherwise prescribed by the State) be taken into account in determining eligibility for or amount of payments under the program;

(B) there will be established minimum income levels for families of various sizes;

(C) money payments will be made (periodically) to families whose income is less than the applicable minimum income level so established;

(D) such money payments will be denied to any adult member of a family (other than such a member who is ill, aged, or disabled, is caring for another member of such family who is ill or disabled, or is caring for another member of such family who is a child of preschool age) who refuses without good cause to accept employment or participate in a vocational training or similar train-

ing program which is designed to prepare such member to engage in employment;

(E) incentives for members of families to engage in employment will be provided by disregarding a portion of the earnings of such family for purposes of determining eligibility for and the amounts of the money payments payable to such family under the program; and

(F) there will be provided to the families participating in such program (in appropriate cases) (i) placement and employment training services, (ii) child care services when needed to facilitate participation, by adult members of such families, in employment or a vocational training or similar training program, (iii) family planning services, and (iv) other appropriate supportive services.

"(10) The term 'medical assistance' means payment of part or all of the cost of medical or other health care services for any of all of the following:

"(A) individuals who, under a public assistance program, are recipients of—

"(i) old-age assistance;

"(ii) aid to families with dependent children;

"(iii) aid to the blind; or

"(iv) aid to the permanently and totally disabled; and

"(v) low income family assistance

"(B) individuals (other than individuals described in subparagraph (A)) who are—

"(i) under age 21;

"(ii) 65 years of age or older;

"(iii) blind;

"(iv) 18 years of age or older and permanently and totally disabled; or

"(v) relatives specified in paragraph (4)(A)(i) with whom a child is living if such child, except for paragraph (4)(A)(ii), is (or would, if need be) a dependent child (as defined in paragraph (4)); or

"(vi) persons essential to individuals receiving aid or assistance under a public assistance program;

but whose income and resources are insufficient to meet all of the costs of such medical or other health care services; except that such term does not include—

"(D)(i) any such payments with respect to care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

"(ii) any such payments with respect to care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

"(11) States shall have the authority to define an employed person to be one who has worked:

"(A) more than 10 hours in the last week prior to application for aid to families with dependent children under a State public assistance program providing such aid, or

"(B) more than 80 hours in the 30 days prior to application for such aid.

"(b) For purposes of this title, if any State program provides aid or assistance of the type which would meet the definition of 'public assistance' (as defined in such subsection (a)) except for the fact that the scope of the aid or assistance provided under such program or the category of persons to whom such aid or assistance is so provided is not as great as indicated in such definition, such program shall not, because of such fact, be considered not to meet such definition."

TECHNICAL AND CONFRONTING PROVISIONS

SEC. 3. (a) No payment may be made to any State under title I, X, XIV, XVI, or XIX, or under parts A or B of title IV, of the Social Security Act for any period after June 30, 1972.

(b) Section 1101(a)(1) of the Social Security Act is amended by striking out "and XIX," and inserting in lieu thereof, "XIX, and XX".

PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PUBLIC ASSISTANCE PROGRAMS

SEC. 4. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST USE OF FEDERAL FUNDS TO UNDERMINE PROGRAMS UNDER THE SOCIAL SECURITY ACT

"SEC. 1122. (a) No Federal funds shall be used (whether directly or indirectly) to pay all or any part of the compensation or expenses of any attorney or other person who, as a part of his federally financed activity whether as an employee in the executive branch or under a grant or contractual arrangement with the executive branch, engages in any activity, for or on behalf of any client or other person or class of persons, the purpose of which is (by litigation or by actions related thereto) to nullify, challenge, or circumvent any provision of the Social Security Act, or any of the purposes or intentions of the Congress in enacting any such title or provision thereof or relating thereto; and it shall be unlawful for any such attorney or other person who engages in any such federally financed activity to accept or receive any Federal funds to defray all or any part of his compensation.

"(b) Any person who authorizes the disbursement of any Federal funds, and any attorney or other person who receives or accepts any such funds, in violation of subsection (a), shall be held accountable for and required to make good to the United States the amount of funds so disbursed or received or accepted."

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF S. 2037

Section 2 of the bill, entitled the Revenue Sharing for Public Assistance Act, adds a new title XX to the existing Social Security Act.

The first section (2001) of the new title authorizes appropriations beginning in Fiscal Year 1973 of such sums as may be necessary to carry out the provisions of the Act, and the preparation by the Secretary of HEW of an estimate of the States' need and the Federal share thereof.

Section 2002 authorizes block grants to the States—on the basis of a formula to be devised by the Secretary taking into consideration relative population, financial needs and public assistance caseloads and other pertinent factors—for supporting any public assistance program or programs the individual states may see fit to conduct. Unobligated funds allotted to the State in a given fiscal year remain available for one additional year without reduction in the state's allotment for the subsequent year.

Section 2003 authorizes the Secretary of HEW to determine each state's allotment, based on information provided by the State as to its own appropriations for public assistance, the number of people receiving public assistance and other pertinent data, as prescribed by the Act. Grants are made to the states on a quarterly basis.

It is further provided that each state shall pay a percentage of the cost of each of its programs. The formula by which the state share is to be determined is basically that by which the state share in medical assistance payments is now determined under the Kerr-Mills bill. The "federal share" is defined as 100 percent of the cost of the programs less the State percentage. In no case, however, would the federal share be less than 50% nor more than 83%.

Section 2004 authorizes the Secretary to require certain records, audits, and reports necessary to assure that payments to the States are used for the purpose for which they are made.

Section 2005 provides for appropriate notice by the Secretary to the states of actions affecting payments or allotments or adversely affecting any state program.

Judicial review of the Secretary's decisions, including review by the Supreme Court under certiorari or appropriate certification, is also provided.

Section 2006 provides for a 30-day limitation on the duration of individual appeals from state action reducing or terminating aid under any public assistance program and requires repayment or the withholding from future payments of the amount of any overpayment to any public assistance recipient.

Section 2007 specifically prohibits federal interference with State public assistance programs, except to the extent specially set forth in the Act for assuring that the moneys are actually used for eligible public assistance programs.

Section 2008 through 2014 incorporate provisions agreed upon by the Senate Finance Committee and incorporated in H.R. 17550 in the 91st Congress to express in a positive manner the intent of Congress that the States may place certain requirements and restrictions on the receipt of public assistance.

Section 2008 requires that States impose "duration of residence requirements", unless State law specifically provides otherwise.

Section 2009 requires that States make actual investigation and factual determination of eligibility for public assistance unless State law specifically provides otherwise and authorizes States to require reasonable in-home inspection of applicants or recipients of public assistance.

Section 2010 authorizes States to seek the assistance of the mother of a child receiving public assistance in identifying the father of the child.

Section 2011 imposes a penalty of up to one year in prison for crossing State lines to avoid parental responsibilities.

Section 2012 obligates a deserting parent to repay the Federal share of any financial assistance provided his spouse or children under any public assistance program; and authorizes the Attorney General to enforce this provision and to provide information regarding the address or location of such parent to the deserted spouse, guardian or custodian of the children, or their counsel.

Section 2013 provides for denial of public assistance to families with dependent children where there is a continuing parent-child relationship with a person capable of supporting the family.

Section 2014 requires the States to make use of Social Security members in administering their public assistance programs.

Section 2015 sets forth the definition of the terms "public assistance", "public assistance program", "old-age assistance", "aid to families with dependent children", "dependent child", "family services", "child-welfare services", "aid to the blind", "aid to the permanently and totally disabled", "medical assistance" and "low income family assistance" and specifically spells out that a State program of aid or assistance of the type defined as "public assistance" shall qualify as public assistance even though the scope of the aid or assistance or the category of persons receiving it may be not as great as that indicated in the definition.

Section 3 of the bill provides that no appropriations shall be made in Fiscal Year 1973 or thereafter to any State under such existing titles of the Social Security Act (I, X, XIV, XVI, XIX of parts A or B of IV) through which Federal assistance for welfare is presently provided to the States, and other conforming provisions.

Section 4 of the bill amends Title XI of the Social Security Act to add a prohibition against the use of federal funds to undermine programs under the Act. This is aimed at federally financed Legal Services suits to challenge regulations governing administration of the programs authorized under Title XX and funded, in part, by the federal government.

EXHIBIT 3

CURTIS BILL	H.R. 1
1. Eliminates the uniform guaranteed annual income concept.	1. Provides a guaranteed annual income of $2,400-a-year for a family of four.
2. Dismantles the H.E.W. bureaucracy by returning to the states the responsibility for determining what kind of welfare programs they will have and establishing the rules and regulations under which the programs will be administered.	2. Enlarges the H.E.W. bureaucracy by "federalizing" all welfare programs.
3. Provides mechanism for decreasing welfare caseloads.	3. Nearly doubles the number of people eligible for welfare.
4. Provides mechanism for reducing the cost of welfare while increasing the level of benefits to the truly needy.	4. More than doubles the current expenditures for welfare.
5. Restores the concept of "federalism" by returning the "flow of power" to the states.	5. Undermines the concept of "federalism" at the expense of the states, by concentrating both the administration and financing of all welfare programs in Washington.
6. Strongly states Congressional support for the use of residency requirements investigation to confirm eligibility of applicants, reasonable home inspections, co-operation of mothers in identifying the fathers of children receiving welfare and other similar limitations.	6. Would eliminate residency requirements and other similar limitations opposed by H.E.W.
7. States could impose work requirements and establish job training programs.	7. Requires that the able-bodied work so long as they are paid ¾ of the Federal minimum wage and provides job training and other employment incentive programs through the Labor Department.
8. Permits flexibility for each state to design programs suitable to the needs of its people.	8. Imposes standard, uniform programs and regulations in all areas without regard for differing problems and needs.
9. Permits new low-income family assistance programs at the discretion of the states.	9. Establishes a uniform and costly program of family assistance to the working poor.
10. Carries out the Administration's proposals for special revenue sharing.	10. Is diametrically opposed to the concept of revenue sharing and so costly it endangers passage of any other revenue sharing proposals.

By Mr. WEICKER:

S. 2038. A bill to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing new, high-speed railroad passenger equipment. Referred to the Committee on Commerce.

HIGH-SPEED RAIL PASSENGER EQUIPMENT ACT OF 1971

Mr. WEICKER. Mr. President, from the actions of the Congress, the appearance has been given the American public that a brighter day lies ahead for rail transportation in the United States. Certainly the machinery exists to realize such a day. However, miserly funding for both urban mass transportation and intercity rail transportation holds back the dawn.

Today I will confine my comments to the situation at Amtrak, although what is said here is equally applicable to urban mass transportation. When Amtrak came into being, few people realized that the American public was to get yesterday's trains painted in today's political rhetoric. Now we need rhetoric to make Congress and the administration aware of the appalling deficiencies in rail transportation, but rhetoric is not going to move one human being from Boston to New York, Seattle to Chicago, Washington to Atlanta or Dallas to Los Angeles. New equipment will. Amtrak exists, but it cannot create. Existing is running the same equipment over the same roadbeds in the same time. The result can only be the same as that which drove us to create Amtrak in the first place—the slow atrophication and death of railroad passenger service.

Creating is operating high-speed trains in heavily populated corridors, trains which will compete directly with the airlines and highways giving the United States a triple transportation capability. The new trains should be run like jetliners, not like steam locomotives. They should have the services of modern travel such as meals, central baggage handling, automated reservation systems. A "bubble-gum-and-bailing-wire" mentality is not what the Nation expects in the execution of its new ideas.

I am today introducing legislation to get Amtrack in the business of futuristic railroading rather than contemporary pacifying. The bill is simple. It authorizes a $90 million payment to Amtrak specifically for the purchase of high-speed trains which can utilize today's roadbeds Based on current cost estimates, this amount will purchase 30 trains capable of carrying 240 passengers each.

The need and the opportunity for this kind of train is startlingly obvious.

Today, approximately 40 percent of all domestic air flights are under 350 miles.

Today, there are 2,928 flights per day of less than 350 miles operating in the densely populated corridors centered on Atlanta, Chicago, Dallas, Los Angeles, and New York alone.

Today, underutilized railroad stations exist in the centers of our major cities while overcrowded airports are often up to an hour from the cities they serve.

Today, air and highway traffic congestion are such that it is often faster to ride a conventional train—let alone a high-speed train—between cities, than it is to fly.

Today land costs and public opposition are increasingly limiting our ability to expand airports and highways, while existing rails sit idle.

Today the cost of a one-way plane ticket from New York to Washington is $27 plus bus or taxi fares to and from the airports. Conventional train service costs $13 and eliminates the need for supplemental transportation.

Today airlines lose far more on short routes than on any other portion of their business.

Today the Metroliner between New York and Washington and the Turbotrain between Boston and New York operate at 60 to 65 percent of capacity—far above conventional trains and even above planes operating along the same routes.

The need, then, for high-speed rail service is here, but the high-speed trains are not.

Last year we launched an idea—Amtrak.

Today I propose that we launch a train—a train which will attract passengers because it is comfortable, fast and economical, a train which will reduce highway and airway congestion, and will provide an important first step toward a truly balanced national transportation system.

Thirty high-speed trains running on routes of 200 to 350 miles can make 90 one-way trips per day. Assuming a capacity of 240 passengers and a load factor of only 50 percent, this means 10,800 passengers per day and 3,942,000 per year. At an average fare of $20 per trip, this would mean revenues of $79 million a year for Amtrak—well covering the cost of operating such a service.

These trains can use today's roadbeds a fact not to gloss over. It is estimated that the cost of straightening the track between Boston and New York alone would be $1 billion. With the technology already developed these costs are largely eliminated.

In 1970 we set up Amtrak with a one-time appropriation of $40 million and loan guarantees of up to $100 million—this for a railroad passenger system which was losing $200 million annually. It was said at the time by the proponents of Amtrak that such initial financing could only constitute a holding operation.

I now propose to move rather than hold with an additional authorization and appropriation of $90 million—seemingly a large amount until it is put into perspective. During the coming year we will be asked to spend $3 billion for interstate highways and an additional $1 billion for primary, secondary and urban highways. Traffic and highway safety programs alone will cost $185 million; highway beautification will come to $66.3 million and research and administration for the highway program will add $93 million more. The Interstate Commerce Commission, which only regulates the railroads, will receive $27 million.

Most important, I am proposing a one-shot capital grant, while these other programs will continue indefinitely, spending many billions far into the future.

Also, in calling for a capital grant for Amtrak, I am stating my firm opposition to endless operating subsidies for passenger service—a fate to which the corporation is now predestined. By providing new equipment and allowing Amtrak to provide the kind of service needed to attract public support, we give them the tools to do the job they were created to do—to run a modern, efficient rail passenger network—at a profit.

In effect, what happened on May 1 of this year was that the American people became the board of directors of Amtrak. They do not expect the kind of tired thinking and whining for subsidies that emptied the tracks of American railroads. They expect us to make America move by writing, not repeating the book.

By Mr. BUCKLEY:

S. 2039. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

CENSURE, SUSPENSION, AND DISBARMENT OF ATTORNEYS

Mr. BUCKLEY. Mr. President, Chief Justice Burger, in his address of May 18 to the American Law Institute, condemned lawyers who engage in courtroom disruptions and behave disrespectfully toward judges as "a menace and a liability, not an asset, toward the administration of justice." The Chief Justice concluded that either the courts or the legal profession should have responsibility for correcting these abuses "with rigorous powers of discipline wherever we place the responsibility."

The Chief Justice has called attention to an aspect of the administration of justice which urgently calls for reform. The tactics to which the Chief Justice refers have troubled me for some time. To deal with the situation I am today introducing a bill which will not only vest in the Federal courts the power to undertake such discipline, but also will impose on the U.S. attorneys of the various Federal district courts the affirmative duty to institute and prosecute disciplinary proceedings against lawyers who misbehave.

The bill is by no means revolutionary or inconsistent with traditional due process and the right of accused persons to diligent and devoted counsel. The procedure is largely adapted from General Rule 5 as it was in effect for many years in the U.S. District Court for the Southern District of New York, somewhat changed to make it more effective. The principal changes are these:

First, disciplinary proceedings would become a matter of statute applicable nationally and uniformly rather than merely of court rules varying between the courts. The Federal courts exist by virtue of legislation enacted by Congress and Federal judges are appointed with the advice and consent of the Senate. It is appropriate that Congress protect these courts and their judges in the performance of their duties.

Second, it would become the duty of the U.S. attorney to institute such proceedings. The bill is so drawn that funds will be available for the purpose. Of course, the U.S. attorney would act only in those cases in which he believed proceedings warranted. Largely, as I understand it, because funds have not been available, there have been no disciplinary proceedings in the Southern District of New York for over 2 years.

Third, the list of offenses for which discipline is authorized has been slightly broadened so as specifically to include incitement to riot and the like. Experience has shown that tactics of disorder in the courtroom and at public meetings are closely related. Obviously any discipline for such conduct is subject to the clear-and-present-danger rule which the Supreme Court has held to be applicable to all limitations on speech.

Fourth, insofar as a disciplinary proceeding resulted in the suspension or disbarment of an attorney, it would be effective in all Federal courts, and not merely the court that entered the order.

This bill would not affect the rights of attorneys to practice in the State courts. The States could use as they see fit findings made in the disciplinary proceedings provided by this bill. Assuming that it becomes law, the bill will show the determination of the Federal Government that disorder in its own courts will not be tolerated; and that attorneys who have been extended the privilege of practicing before such courts will be expected to conform with generally accepted standards of professional behavior.

By Mr. BOGGS (for himself, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. ERVIN, Mr. GRAVEL, Mr. HOLLINGS, Mr. HRUSKA, Mr. MCGEE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. MUSKIE, Mr. STEVENS, and Mr. THURMOND):

S. 2040. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen. Referred to the Committee on Labor and Public Welfare.

VOCATIONAL EDUCATION FUNDS FOR VOLUNTEER FIREMEN TRAINING

Mr. BOGGS. Mr. President, I am introducing today legislation to make volunteer firemen training programs eligible for assistance under the Vocational Education Act of 1963 as amended in 1968.

This bill would give each State the option of apportioning part of its vocational education grant to the training of volunteer firemen.

I am pleased to announce that I am joined in sponsoring this legislation by Senator ALLEN, Senator BAYH, Senator BENNETT, Senator COOPER, Senator DOLE, Senator ERVIN, Senator GRAVEL, Senator HOLLINGS, Senator HRUSKA, Senator MCGEE, Senator MAGNUSON, Senator MANSFIELD, Senator METCALF, Senator MILLER, Senator Moss, Senator MUSKIE, Senator STEVENS, and Senator THURMOND.

Mr. President, there are an estimated 1.8 million volunteer firemen throughout the country, compared to an estimated 200,000 paid firemen. Several States, including my own State of Delaware, which has more than 6,000 volunteer firemen, have devoted considerable sums of money to establish training facilities to enable these volunteers to perfect their skills. This legislation would allow each State to support this training with vocational education funds.

The existence of volunteer companies guarantees many communities protection from fire and accident at little—or no—cost to the taxpayer. We owe our volunteer firemen a huge debt. These men devote large amounts of time to their companies and live with great inconvenience and personal danger in order to serve their communities.

The least we can do is give them every opportunity to receive the best possible training, and for this I believe Federal assistance should be available.

Mr. President, I ask that the text of this short bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 108 of the Vocational Education Act of 1963 is amended by inserting immediately after the word "employment" the first time it appears in such paragraph the following: "(including volunteer firemen)".

By Mr. MOSS:

S. 2042. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SHOSHONE INDIAN CLAIM APPORTIONMENT

Mr. MOSS. Mr. President, in the 91st Congress, I introduced a bill—S. 3320—with the hope of settling a controversy between the Northwestern Bands of Shoshones of Utah, the Shoshone-Bannocks of Fort Hall and the Wind River Shoshones of Wyoming in regard to the division of the judgment based upon their consolidated claims against the United States. The three groups consolidated their claims before the Indian Claims Commission in dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367. The proper division of this judgment is not yet resolved.

I understand that subsequent to the introduction of my bill, the attorneys representing the three Indian tribes had agreed among themselves on a division of the judgment. Thereupon, the attorneys expressed willingness to present the agreement to their respective tribes. The Northwestern Bands of Shoshone Indians approved the agreement in its entirety, but the Shoshone Bannocks of Ft. Hall, Idaho, while approving the attorneys' agreement, elected to repudiate their 1965 agreement with the Wind River Shoshones for the distribution of the balance. In view of the decision of the Shoshone Bannocks, the Wind River Shoshones failed to take any action. Negotiations have been fruitless since that time.

It is my belief that the equitable interest of the Indians of all three groups

should be recognized and fully protected in any attempt at a division of the judgment.

I am, therefore, today introducing a bill to incorporate the terms of the agreement reached by the attorneys for the three tribes, thus allowing for an equitable distribution which has been unnecessarily postponed by unproductive attempts to negotiate.

By Mr. MONTOYA:

S. 2046. A bill to establish methods of payment for national forest timber, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. MONTOYA. Mr. President, for nearly 4 years, Members of Congress, the Forest Service, and representatives of the forest products industry have been discussing payment practices in the sale of national forest timber. As a participant in these discussions and a Senator from a State where several billion board feet of national forest timber were sold during that period, I have become thoroughly familiar with the issues involved. I introduce today legislation which will establish needed policy with respect to the payment bond practice—an important aspect of the overall problem.

The effect of my bill would be to continue the Forest Service's present practice of accepting negotiable securities or surety bonds as guarantees of payment for logs stored prior to the measurement used to determine the volume subject to payment. This practice has been in use for 12 years without any instances of Government loss due to failure to pay for the stored logs. The history of success which it has enjoyed justifies the introduction of legislation to insure its continuance.

One of the foremost allegations of the Forest Service is that the Government is taking a great risk in allowing deferred payment because of the possibility of the purchaser defaulting on his payment. On the basis of 12 years experience, this charge cannot be supported. A surety will limit any timber purchaser to his bonding capacity, and the surety is required to pay promptly in the event of default by the purchaser. In fact, even if the situation necessitated seizure and sale of the purchaser's stored logs, the Government would benefit rather than lose in terms of gained revenue; logs at most mills are much more valuable than they were in the tree; therefore, the timber in question would have enhanced value.

Another argument of the Forest Service is that since the ability of the timber purchaser to get surety bonds and offer them in lieu of cash is determined by the value of the purchaser's assets, deferred payment on national forest logs is discriminatory in regard to small business firms. What the Forest Service seems not to be considering is the difficulty facing the small operator in raising the capital needed to replace payment bonds under the Forest Service plan. It would probably be easier and less costly for the operator to get a bond than a loan—the premium on payment of a bond being lower than the interest on a loan. Furthermore, at a time when the Federal Government is trying to restrict credit, the Forest Service would be forcing the timber industry to obtain additional credit to finance operations.

A big concern of the Government in past years has been the problem of unemployment in rural areas of the United States. Deferred payment, with the inherent situation of log storage, enables timber firms to offer uninterrupted employment to countless men who might otherwise be unemployed. Without the uninterrupted operation made possible by deferred payment—having the capital available to run the mill—one could not expect the survival of a stable community.

The most accurate log scaling is possible in the mill after multisegment logs are cut to standard lengths. Why? Such cutting reveals the extent of defects in the interior of the logs, and this information is needed to obtain the net volume. The Forest Service complains that waiting until the purchaser decides to use the logs places unwarranted pressure upon them and is not only a tedious but more costly procedure to the Forest Service than appraisals done at the time of removal. One should note that this inconvenience is more than compensated financially by the high appraisal placed on the timber being purchased. Competitive bidding on the part of the purchasers also raises the appraised value of the timber. If the Forest Service plan to eliminate deferred payment goes into effect, the purchasers' captial will be tied up and so the extent of overbidding will be reduced and possible revenue to the Government will be lost.

Mr. President, the Forest Service has announced the revocation of payment guarantees in connection with deferred scaling for sales made after July 1, 1971. The forest products industry believes the Forest Service has not adhered to the language of the Senate Appropriations Committee report for the fiscal year 1970 appropriations bill in that there has been no joint study or attempt to resolve the issue and that attempts to discuss the issue with the Forest Service were postponed pending release of the O.I.G. report. Discussions were further postponed pending Forest Service analysis of that report.

In sum, Mr. President, the revocation of payment guarantees with regard to deferred scaling is not warranted until substitute measures are available which give equal assurances of payment and fair treatment to timber purchasers. The present method of guaranteeing payment for national forest timber has been working well. My bill will authorize continuance of this practice. I 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. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payment for national forest timber shall be made before removal unless the purchaser provides an acceptable surety bond guaranteeing payment within thirty days of removal. In lieu of a surety bond, a purchaser may deposit negotiable securities of the United States accompanied by power of attorney and agreement authorizing sale of such securities if payment is not made as above provided.

If the purchaser stores logs off the sale area before scaling and has provided an acceptable payment guarantee, payment must be made within thirty days of such storage unless the purchaser executes an instrument consenting to seizure and sale of such stored logs by the United States with guarantee of free access to the United States or its assigns to permit effective possession and removal of such logs from the storage site in event of failure of sureties to meet payment demands within thirty days after notification of default in payment by purchaser. Such instrument consenting to seizure and sale shall provide that such action shall be stayed if there is a bona fide dispute over the volume or value of the timber involved and the timber purchaser is pursuing administrative or judicial means to resolve the dispute. Payment for all logs which are in storage off of the sale area on December 31, must be made by not later than June 30, of the following year.

By Mr. MATHIAS:

S. 2047. A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increases in benefits based on increases in the costs of living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases. Referred to the Committee on Finance.

Mr. MATHIAS. Mr. President, I was gratified when the Senate this past March passed urgently needed legislation to provide a 10 percent across-the-board increase in social security benefits. The increase, retroactive to the first of the year, represented a major effort, begun in the last Congress, to help social security recipients keep up with the rising cost of living. The measure gave those on social security increased buying power. It was sound legislation in that in addition to increasing benefits, it also raised the revenue to finance the increase. However, while I was pleased by the benefits our senior citizens received from this action, I am disappointed that the job remains unfinished.

Congress will not deal effectively with the social security question until it moves to increase the amount of money which social security recipients can earn without shrinking the size of their monthly benefit checks. Twice in recent months, the Senate has voted to increase the earnings limitation. In its consideration of H.R. 17550 last December and more recently in March, the Senate voted to raise the earnings ceiling to $2,400. Regrettably, the House-Senate conferees did not accept this amount, and the ceiling remains at an unrealistic and unjust $1,680.

Continued failure to act on this question discourages our senior citizens from holding positions which could benefit the Nation. It is shortsighted to turn these experienced men and women out to pasture, give them a monthly allowance which is barely adequate at best, and threaten to take away the money which they have earned or reduce the payment

if the recipient makes use of skills he has spent a lifetime developing.

Many of our senior citizens can perform skills that are currently in demand. For example, many hospitals, nursing homes and clinics in the Nation are in dire need of practical nurses, but a practical nurse who is receiving social security benefits would jeopardize those benefits if she filled one of these positions. This is folly. We are denying the Nation the skills, energy, and experience of these citizens. By our inaction, we are spreading the doctrine that work and the constructive investment of one's time and energy is not in vogue in the United States. It is an attitude that is robbing the Nation of a valuable natural resource —its senior citizens. When we increased social security benefits, we should have completed the job and either raised or eliminated the ceiling on the amount a beneficiary can earn. It seems as though we have forgotten that every person receiving social security has contributed to that fund during his younger years. It is not a form of welfare; it is insurance and the Government has an obligation to pay the benefits when the time comes, whether or not the recipient is still working.

I am hopeful that the Senate will once again deal directly with this problem and end the economic discrimination currently practiced against our senior citizens. Toward that end, today I am introducing legislation which would increase the social security earnings limitation from $1,680 to $3,000.

In addition to increasing the income allowable without penalty, this legislation will alter the manner in which benefits are computed once the beneficiary has earned more than the allowable amount. Under present law, benefits are reduced $1 for each $2 earned between $1,680 and $2,880, and $1 for each $1 earned above $2,880. My bill would change this procedure so that the $1 reduction in benefits for each $2 earned would apply to all earnings above $3,000, thereby providing further incentive for beneficiaries who need to and are capable of working to do so.

For example, the average retiree under social security receives $117 per month. If the retiree were able to earn $3,500 a year in outside income, computation of his earnings under the present retirement test formula would allow him to receive a meager $184 of the $1,404 due him in social security annuity for a total income of $3,684. However, if computed according to my proposal, the beneficiary would be able to retain $1,154, a considerably higher sum, for a total of $4,654.

Many of the letters I receive daily attest to the serious inadequacies in other aspects of our social security system. My bill seeks to improve one vital area, that of increased benefits to the elderly. There is no need to elaborate on the devastating impact of continuing inflation of those who must live on fixed retirement incomes. The Director of the 1971 White House Conference on Aging, John B. Martin, has stated:

> Lack of income has become the Number One problem for a substantial number of the 20 million Americans who are age 65 or older.

One out of every four senior citizens live on incomes which fall below the official poverty level.

The legislation I introduce today should help senior citizens cope with this inflationary spiral. First, this bill would provide the cost-of-living provisions adopted by the Senate last December. This would call for an automatic adjustment in benefits according to increases in the cost of living. With this approach, however, Congress would retain the initiative to fix a social security benefit level, but would assure that benefits would rise automatically when the cost of living increased at least 3 percent if the Congress failed to act on an increase.

Other provisions of this bill are also designed to insure that each person under social security receive a more realistic income—an increase in widows' and widowers' benefits to 100 percent of the amount the spouse would have received, and a $100 monthly minimum benefit.

Under present law, a widow receives 82.5 percent of the amount her husband would have received. Currently the average benefit for a widow is $103 monthly. In its report on H.R. 17550 last year, the Finance Committee stated that surveys of social security beneficiaries have shown that, on the average, women receiving aged widows' benefits have less income—other than social security—than most other beneficiaries. I am pleased that both the House and the Senate voted to increase the widows' benefits in the last Congress' consideration of H.R. 17550, and I am hopeful and confident that this provision will be enacted this year.

The other feature of this bill, which raises the monthly minimum to $100, is an essential step in helping senior citizens to cope with continual increases in the cost of living. In December and in March the Senate did vote to increase the monthly minimum to $100. Regrettably, when the conferees met in March, this amount was not accepted, and the minimum was raised from $64 to a mere $70.40. This amount is still grossly inadequate. We must provide a more realistic minimum benefit level, and the least we can afford is $100 per month.

May was observed as Senior Citizen's Month. Every month should be senior citizen's month. I urge that when the Senate considers social security this summer that it adopt my recommendations—which represent the bare essentials—so we can say that we kept our commitment.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2047

A bill to amend title II of the Social Security Act to provide an increase in the amount of earnings allowed without deduction from benefits, to increase the minimum benefit to $100, to increase widow's and widower's benefits, and to provide for automatic increase in benefits based on increases in the costs-of-living and for appropriate adjustments in the tax rates and wage base to finance the costs of such increases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1971".

LIBERALIZATION OF EARNINGS TEST

SEC. 2. (a) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$250".

(b) The first sentence of paragraph (3) of section 203(f) is amended to read as follows: "For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $250 multiplied by the number of months in such year."

(c) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(d) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1971.

INCREASE IN MINIMUM BENEFIT

SEC. 3. (a) The table in section 215(a) of the Social Security Act is amended by striking out the matter beginning with the line on which appears the following:

"— $16.20 $64.00 — $76 $70.40 $105.50"
or less

and continuing through the line on which appears the following:

"$26.95 27.46 91.90 114 118 101.10 151.70"
"26.95 27.46 91.90 114 118 101.10 151.70"

and by inserting in lieu of the matter stricken

"— $26.94 $90.60 — $113 $100.00 $150.00"
or less

$26.95 27.46 91.90 114 118 101.10 151.70".

(b) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted and with respect to lump-sum death payments under such title in the case of deaths occurring after the date of enactment of this Act.

INCREASE IN WIDOW'S AND WIDOWER'S BENEFITS

SEC. 4. (a)(1) Section 202(e) of the Social Security Act is amended—

(A) by striking out "82½ percent of the primary insurance amount of such deceased individual" wherever it appears in paragraph (1) and inserting in lieu thereof "the amount of the widow's insurance benefit (as determined under paragraph (2)) of such widow or surviving divorced wife"; and

(B) by striking out subparagraph (C) of paragraph (1) and inserting in lieu thereof the following new subparagraph:

"(C)(i) has filed application for widow's insurance benefits, or (ii) was entitled, on the basis of the wages and self-employment income of such individual, to—

"(I) mother's insurance benefits for the month preceding the month in which she attained age 65, or

"(II) wife's insurance benefits for the month preceding the month in which he died, but only if in such preceding month

she had attained the age of 65 or was not entitled to benefits under subsection (a) or section 223,";

(C) by striking out "age 62" in the matter following subparagraph (G) in paragraph (1), and inserting in lieu thereof "age 65".

(2) Paragraph (2) of section 202(e) of such Act is amended to read as follows:

"(2)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (b) of this paragraph, such widow's insurance benefit for each month shall be equal to the primary insurance amounts of such deceased individual.

"(B) If the deceased individual (on the basis of whose wages and self-employment income a widow or surviving divorced wife is entitled to widow's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit, which was reduced by reason of the application of subsection (q), the widow's insurance benefit of such widow or surviving divorced wife for any month shall, if the amount of the widow's insurance benefit of such widow or surviving divorced wife (as determined under subparagraph (A) and after application of subsection (q)) is greater than the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living, be reduced to an amount equal to the amount of the old-age insurance benefit to which such deceased individual would have been entitled (after application of subsection (q)) for such month if such individual were still living."

(b)(1) Section 202(f) of such Act is amended—

(A) by striking out "82½ percent of the primary insurance amount of his deceased wife" wherever it appears in paragraph (1) and inserting in lieu thereof "the amount of the widower's insurance benefit (as determined under paragraph (3)) of such widower";

(B) by striking out subparagraph (C) of paragraph (1), and inserting in lieu thereof the following new subparagraph:

"(C)(i) has filed application for widower's insurance benefits or (ii) was entitled to husband's insurance benefits, on the basis of the wages and self-employment income of such individual, for the month preceding the month in which she died, but only if in such preceding month he had attained the age of 65 or was not entitled to benefits under subsection (a) or section 223"; and

(C) by striking out "age 62" in the matter following subparagraph (G) in paragraph (1) and inserting in lieu thereof "age 65".

(2) Paragraph (3) of section 202(f) of such Act is amended to read as follows:

"(3)(A) Except as provided in subsection (q), paragraph (4) of this subsection, and subparagraph (B) of this paragraph, such widower's insurance benefit for each month shall be equal to the primary insurance amount of his deceased wife.

"(B) If the deceased wife (on the basis of whose wages and self-employment income a widower is entitled to widower's insurance benefits under this subsection) was, at any time, entitled to an old-age insurance benefit which was reduced by reason of the application of subsection (q), the widower's insurance benefit of such widower for any month shall, if the amount of the widower's insurance benefit of such widower (as determined under subparagraph (A) and after application of subsection (q)) is greater than the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living, be reduced to an amount equal to the amount of the old-age insurance benefit to which such deceased wife would have been entitled (after application of subsection (q)) for such month if such wife were still living.

(c)(1) The last sentence of section 203(c) of such Act is amended by striking out all that follows the semicolon and inserting in lieu thereof the following: "nor shall any deduction be made under this subsection from any widow's insurance benefit for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or from any widower's insurance benefit for any month in which the widower is entitled and has not attained age 65 (but only if he became so entitled prior to attaining age 62)."

(2) Clause (D) of section 203(f)(1) of such Act is amended to read as follows: "(D) for which such individual is entitled to widow's insurance benefits and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or widower's insurance benefits and has not attained age 65 (but only if he became so entitled prior to attaining age 62), or".

(d) Section 202(k)(3)(A) of such Act is amended by striking out "subsection (q) and" and inserting in lieu thereof "subsection (q), subsection (e)(2) or (f)(3), and".

(e)(1) Section 202(q)(1) of such Act is amended to read as follows:

"(1) If the first months for which an individual is entitled to an old-age, wife's, husband's, widow's, or widower's insurance benefit is a month before the month in which such individual attains retirement age, the amount of such benefit for such month and for any subsequent month shall, subject to the succeeding paragraphs of this subsection, be reduced by—

"(A) 5/9 of 1 percent of such amount if such benefit is an old-age insurance benefit, 25/36 of 1 percent of such amount if such benefit is a wife's or husband's insurance benefit, or 57/120 of 1 percent of such amount if such benefit is a widow's or widower's insurance benefit, multiplied by—

"(B)(i) the number of the months in the reduction period for such benefit (determined under paragraph (6)(A), if such benefit is for a month before the month in which such individual attains retirement age, or

"(ii) if less the number of such months in the adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is (I) for the month in which such individual attains age 62, or (II) for the month in which such individual attains retirement age;

and in the case of a widow or widower whose first month of entitlement to a widow's or widower's insurance benefit is a month before the month in which such widow or widower attains age 60, such benefit, reduced pursuant to the preceding provisions of this paragraph (and before the application of the second sentence of paragraph (8)), shall be further reduced by—

"(C) 43/240 of 1 percent of the amount of such benefit, multiplied by—

"(D)(4) the number of months in the additional reduction period for such benefit (determined under paragraph (6)(B), if such benefit is for a month before the month in which such individual attains age 62, or

"(ii) if less, the number of months in the additional adjusted reduction period for such benefit (determined under paragraph (7)), if such benefit is for the month in which such individual attains age 62."

(2) Section 202(q)(7) of such Act is amended—

(A) by striking out everything that precedes subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection the 'adjusted reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6)(A) for such benefit, and the 'additional adjusted reduction period' for an individual's, widow's, or widower's insurance benefit is the additional reduction period prescribed by paragraph (6)(B) for such benefit, excluding from each such period—"; and

(B) by striking out "attained retirement age" in subparagraph (E) and inserting in lieu thereof "attained age 62, and also for any month before the month in which he attained retirement age,".

(3) Section 202(q)(9) of such Act is amended to read as follows:

"(9) For purposes of this subsection, the term 'retirement age' means age 65."

(f) Section 202(m) of such Act is amended to read as follows:

"Minimum Survivor's Benefit

"(m)(1) In any case in which an individual is entitled to a monthly benefit under this section (other than under subsection (a)) for any month and no other person is (without the application of subsection (j)(1) and section 223(b)) entitled to a monthly benefit under this section or section 223 for such month on the basis of the same wages and self-employment income, such individual's benefit amount for such month, prior to reduction under subsection (k)(3), shall be not less than the first amount appearing in column IV of the table in section 215(a); except as provided in paragraph (2).

"(2) In the case of such an individual who is entitled to a monthly benefit under subsection (e) or (f), such benefit amount, after reduction under subsection (q)(1) and subsection (e)(2)(B) or (f)(3)(B), shall not be less than the amount it would be under paragraph (1) after reduction under subsection (q)(1), if retirement age as specified in paragraph (6)(A)(ii) of subsection (q) were age 62 rather than retirement age (as defined in subsection (q)(9))."

(g) In the case of an individual who is entitled to widow's or widower's insurance benefits for the month of December 1971, the Secretary shall redetermine the amount of such benefits for months after December 1971 under title II of the Social Security Act as if the amendments made by this section had been in effect for the first month of such individual's entitlement to such benefits.

(h) Where—

(1) two or more persons are entitled to monthly benefits under section 202 of the Social Security Act for December 1971 on the basis of the wages and self-employment income of a deceased individual, and one or more of such persons is so entitled under subsection (e) or (f) of such section 202, and

(2) one or more of such persons is entitled on the basis of such wages and self-employment income to monthly benefits under subsection (e) or (f) of such section 202 (as amended by this section) for January 1972, and

(3) the total of benefits to which all persons are entitled under section 202 of such Act on the basis of such wages and self-employment income for January 1972 is reduced by reason of section 203(a) of such Act, as amended by this Act (or would, but for the penultimate sentence of such section 203(a), be so reduced), then the amount of the benefit to which each such person referred to in paragraph (1) is entitled for months after December 1971 shall in no case be less, after the application of this section and such section 203(a), than the amount it would have been without the application of this section.

(i) In the case of any individual who became entitled to a widow's or widower's insurance benefit after attaining age 62 and who is entitled to such benefit for the month of December 1971, the provisions of this section shall not operate to reduce such benefit

to less than 82½ percent of the primary insurance amount of the deceased individual on the basis of whose wages and self-employment income such benefit is payable.

(j) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1971.

AUTOMATIC COST-OF-LIVING ADJUSTMENTS IN BENEFITS, TAX RATES, AND WAGE BASE

SEC. 5. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of 3 consecutive calendar months ending on June 30, 1971, and the period of 3 consecutive calendar months ending on June 30 of each year thereafter;

"(B) the term 'cost-of-living computation quarter' means any base quarter (beginning no earlier than April 1, 1972) in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 percent, such index in the latest of (i) January 1971, or (ii) the base quarter which was most recently a cost-of-living computation quarter, or (iii) the most recent calendar month (after January 31, 1971) in which a general increase (other than an increase under this subsection) in the primary insurance amounts of all individuals entitled to benefits under this title became effective based upon an Act of Congress; and

"(C) the Consumer Price Index for a base quarter shall be the monthly average of such index in such quarter.

"(2)(A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 288, and the primary insurance amount of each other individual as specified in subparagraph (B) of this paragraph, by an amount derived by multiplying such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such Index for the base quarter determined after the application of paragraph (1)(B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, based on the wages and self-employment income of an individual who became entitled to monthly benefits under section 202, 223, 227, or 228 (without regard to section 202(j)(1) or section 223(b)), or who died, in or before December of such calendar year.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), the increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall not be effective as provided in such subparagraph (A) if in the calendar year in which such cost-of-living computation quarter occurs a law has been enacted which provides for (i) a general increase in the primary insurance amounts of all individuals entitled to benefits under this title, or (ii) a change in the rate of tax on wages and self-employment income under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or (iii) an increase in the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance.

"(D) Except as may be provided in subparagraph (C) if the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before August 15 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been revised previously pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall show the effective date of the primary insurance amounts set forth in column IV of the table immediately prior to its revision.

"(ii) The amounts on each line of column I, and the amounts on each line of column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amount of each line of columns IV and V shall be increased from the amount shown in the table immediately prior to its revision by increasing such amount by the percentage specified in subparagraph (A) of paragraph (2), raising each such increased amount, if not a multiple of $0.10, to the next higher multiple of $0.10.

"(v) Columns III, IV, and V shall be extended. The amount in each additional line of column III shall be determined so that the second figure in the last line of column III is one-twelfth of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised, and the amounts on each additional line of column III shall be the amount on the preceding line increased $5. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised over such base for the calendar year in which the table of benefits is revised. The amount in each additional line of column V shall be 175 percent of the amount appearing on the same line in column IV. Any such increased amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10."

(2) Section 203(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and inserting after paragraph (3) the following new paragraph:

"(4) when two or more persons are entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for December of the calendar year in which occurs a cost-of-living computation quarter (as defined in section 215(i)(1)) on the basis of the wages and self-employment income of such insured individual, such total of benefits for months following such December shall be reduced to not less than the amount equal to the sum of the amounts derived by increasing the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section) as in effect for such December for each such person by the same percentage as the percentage by which such individual's primary insurance amount (including such amount as previously increased) is increased under section 215(i)(2) for such month immediately following, and raising each such increased amount (if not a multiple of $0.10) to the next higher multiple of $0.10."; and

(B) by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(3)(A) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be the amount in column IV of the following table, or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D), determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(i) The amount in column IV on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(ii) The amount in column IV on the line on which in column II of such table appears his primary insurance amount (as determined under subsection (c)); or

"(iii) The amount in column IV on the line on which in column I of such table appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV which is equal to the primary insurance amount upon which such disability insurance benefit is based, except that, if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based."

(B) Effective January 1, 1973, section 215(b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled in or after the effective month of a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) to benefits under section 202(a) or section 223; or

"(B) who dies in or after such effective month without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2) or (6)."

(C) Effective January 1, 1973, section 215

(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the effective month of the latest such table.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(D) Section 215(f)(2) of such Act is amended by striking out "(a) (1) and (3)" and inserting in lieu thereof "(a)(1) (i) and (ii)".

(4) Sections 227 and 228 of such Act are amended by striking out "$48.30" wherever it appears and inserting in lieu thereof "the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$24.20" wherever it appears and inserting in lieu thereof "the larger of $24.20 or the amount most recently established in lieu thereof under section 215(i)".

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE TAX AND BENEFIT BASE

"SEC. 230. (a) If the Secretary determines pursuant to subsection (i) of section 215 that an increase in benefits provided by subparagraph (A) of such subsection applies in the case of monthly benefits under sections 202 and 223 for months of a calendar year immediately following a cost-of-living computation quarter he shall also estimate the long-range additional level-cost (without regard to any estimated actuarial surplus which may exist at such time) of such benefits. He shall also determine the increase that is necessary in (1) the amount of earnings that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance and (2) the rate of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, to meet the total of such level cost and the cost (not previously taken into account under this subsection) of increasing the exempt amount pursuant to section 203(f)(8) for years prior to the year in which such increase in benefits becomes effective where one-half (or approximately one-half) of such total is to be met by the increase specified in clause (1) and the remainder is to be met by the increase specified in clause (2).

"(b) The contribution and benefit base for the calendar year referred to in subsection (a) and all succeeding calendar years, prior to the first calendar year thereafter in which an increase in benefits authorized by subsection (i) of section 215 becomes effective, shall be the sum of the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance with respect to the calendar year immediately preceding the calendar year referred to in subsection (a) and the increase referred to in subsection (a), with such sum, if not a multiple of $300, being rounded to the nearest multiple of $300; except that—

"(1) if prior to such first calendar year a law is enacted which provides that for any calendar year a different amount of earnings may be so counted and may be so taxed, such different amount shall be the contribution and benefit base for the calendar years specified in such law but only until the first calendar year thereafter in which an increase in benefits is authorized by subsection (i) of section 215; and

"(2) the contribution and benefit base for any year after 1972 and prior to the first calendar year in which the first increase in benefits pursuant to section 215(i) becomes effective shall be $9,000 or (if applicable) such other amount as may be specified in a law enacted subsequent to the Social Security Amendments of 1971.

"(c) The Secretary shall allocate the increase specified in clause (2) of subsection (a) of this section among the rates of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 so that—

"(A) the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during a calendar year is equal to the rate of tax under section 3111(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during such calendar year;

"(B) the rate of tax under section 1401(a) of such Code with respect to self-employment income (as defined in section 1402(b) of such Code) for any taxable year beginning during a period specified in such section 1401(a) shall be equal to 150 percent of the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during any calendar year occurring in such period.

After such allocation, the Secretary shall round any such tax rate, increased by reason of such allocation, to the nearest one-tenth of 1 percent.

"(d) At the time the Secretary publishes in the Federal Register the table required by section 215(i)(1)(D), he shall also publish in such Register—

"(1) the actuarial assumptions and methodology used in estimating the additional long-range level-cost referred to in subsection (a), and

"(2) the contribution and benefit base resulting pursuant to subsection (b), and

"(3) the amount of the increase in tax rates required pursuant to such subsection (a) and the allocation of such increase determined under subsection (b) (including any rounding authorized by such subsection)."

(c)(1) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2)(A) Section 211(b)(1) of such Act is furis amended by striking out "; or" and inserting in lieu thereo "; and".

(3) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new paragraph:

"(F) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or in the case of any taxable year beginning in any calendar year after 1972, an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(d)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1973" after "1971", and by striking "; or" and inserting in lieu thereof "and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1972, section 3121(a)(1) of such Code (relating to definition of wages) is amended (1) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and (2) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective."

(3) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base".

(4) Effective with respect to remuneration paid after 1972, section 3125 of such Code is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000" the following: "or (F) during any calendar year after 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year."

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective."

(7) Effective with respect to taxable years beginning after 1972, section 6654 (d) (2) (B) (ii) of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)".

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2049. A bill to consolidate, simplify, and improve laws relative to housing and housing assistance. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

Mr. SPARKMAN. Mr. President, I am introducing for myself and Senator TOWER the proposed "Housing Consolidation and Simplification Act of 1971." This proposed legislation was sent to the Congress by Secretary of Housing and Urban Development, George Romney, on behalf of the administration.

The legislation represents a major effort to consolidate and streamline existing housing laws and improve the operation of federally assisted housing programs.

The proposed Housing Consolidation and Simplification Act is a far-reaching measure. It would rewrite our basic housing law—title II—of the National Housing Act into a "Revised National Housing Act," and would sharply revise the low-rent public housing legislation contained in the U.S. Housing Act of 1937. It would establish eight insurance authorities to replace the approximately 50 now in existence, and create four basic programs to cover assisted and unassisted home mortgages and multifamily project mortgages. It would authorize the Secretary of Housing and Urban Development to set ceilings on all FHA mortgages, based on the cost of area prototypes, and to prescribe maximum interest rates for each type of mortgage. The measure would permit the Secretary to set insurance premiums without limitation, and give him greater discretion in using the general and special insurance funds. It would revise existing basic home mortgage requirements, and establish new subsidy formulas for assisting lower income homeowners and residents of multifamily projects.

These are some of the major features of the proposed Consolidation Act. As you can see, it is both a very broad and a very complex bill. It will require very careful consideration if we are to insure that consolidation results in more effective housing programs, and not simply in better written housing law.

A similar consolidation proposal was sent to the Congress last year by Secretary Romney but, because of its complexity and far-reaching implications, the Congress failed to act on it but promised to consider it seriously this year.

This proposed bill is one of three major pieces of housing reform legislation now before the Senate. These are, first, the Community Development Act of 1971, which includes the Urban Community Development Revenue Sharing and the State and Local Planning and Management titles; second, the Housing Consolidation and Simplification Act; and third, the President's Reorganization Act, which provides for the consolidation of all community development functions in a new Department of Community Development. The first two of these bills will be considered by the Banking, Housing and Urban Affairs Committee, and the third one is being considered by the Government Operations Committee.

I cannot recall a year in which we have had so much reform legislation before us at one time. I note this with some concern. I anticipate that there will be controversy over some of the provisions of the legislation which I am introducing today, as well as some of the others. When I view the workload now before us and the many complicated issues involved, I am not altogether sanguine about early action by this body.

However, I believe we must move ahead and enact the laws which are needed to carry out an effective program to house every American. In this connection, our committee plans to hold hearings later on the bill which I am introducing today and all other housing bills pending before the committee.

Mr. President, I ask unanimous consent that a section-by-section summary thereof be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

The first section of the bill would provide that upon enactment it would be cited as the "Housing Consolidation and Simplification Act of 1971."

TITLE I—MORTGAGE CREDIT ASSISTANCE

Section 101—Consolidation and revision of mortgage insurance authorities

This section would provide a new "Revised National Housing Act", effective as provided in section 102, which eventually would supersede the National Housing Act. The new Act would: (1) consolidate the numerous authorities scattered throughout the National Housing Act into a minimum number of broad, flexible programs, (2) eliminate obsolete or duplicatory authorities; and (3) improve existing operations and subsidy programs.

Structure of the act

Home mortgages would be insured under two authorities—unassisted (section 401) and assisted (section 402). Multifamily mortgages would also be divided into one unassisted (section 501) and one assisted (section 502) authority. These four authorities would replace a large number of separate existing programs. Three existing programs covering hospitals, group practice facilities, nursing homes and intermediate care facilities would be provided for in one mortgage insurance program for health facilities (section 503). The Title X Land Development Program (section 505) would be retained. One Supplemental Loan Program (section 504) would consolidate three existing programs. The Home Improvement and Mobile Home Loan Program (Title III) would be retained but in simplified form. The various provisions spread throughout the National Housing Act relating to insurance funds, payment of insurance benefits, premiums and similar items would be clarified and consolidated.

TITLE I—GENERAL AUTHORITY

Section 1—Definitions

This section would define "first mortgage", "mortgagee", "mortgagor", "home mortgage", "project mortgage", "maturity date", "condominium", "experimental property", "State", and "Secretary", in substantially the same way these terms are used in the National Housing Act. In addition, the term "advances" would be defined to permit "advances" of insured mortgage proceeds during construction or rehabilitation of projects to cover the cost of materials and building components which are in transit, stored off-site, or otherwise located off-site but which will ultimately become part of the mortgaged property.

Section 2—General insurance authority

Subsection (a) would require that an insured mortgage be made by, and held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.

Subsection (b) would provide general authority for the Secretary to insure and make commitments to insure mortgages and loans. The Secretary could, prior to final endorsement for insurance, amend the amount of any commitment consistent with eligibility limitations for the particular class of mortgage or loan involved in effect at the time of the final endorsement.

Subsection (c) would require that a mortgage transaction eligible for insurance under the Act be determined by the Secretary to be an "insurable risk", except that mortgage transactions involving assistance payments, experimental property, property located in an older and declining area where there is a reasonable prospect for revitalization, or single-family housing for employees of research or development installations could be accepted for insurance by the Secretary as a "special risk".

Section 3—Flexible mortgage amounts

Subsection (a) would limit the amount of any mortgage attributable to dwelling use under the subsidized homeownership and rental programs (sections 402 and 502) to not more than 10 percent above the "prototype cost" established by the Secretary for the area in which the property covered by the mortgage is located. For unsubsidized residential mortgages (sections 401 and 501) the increment would be 100 percent, or such lower percent in any area which the Secretary considers appropriate to prevent a diversion of mortgage credit on reasonable terms from moderate cost housing.

Subsection (b) would direct the Secretary to establish prototype costs at least annually based on his estimate of (1) reasonable land and site improvement costs, and (2) the construction costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons receiving homeownership or rental assistance under sections 402 and 502 of the Act. In determining prototype costs the Secretary would take into account the extra durability required for economical maintenance of assisted housing, the provision of amenities which will provide safe and healthy home life, and good design and architectural standards. The prototype costs would become effective upon publication in the Federal Register.

Subsection (c) would define "construction costs" to mean those cost items which are reflected in the amount of a home or multifamily mortgage insurable under section 402 or 502 of the Act except the costs of land and site improvements.

Section 4—Interest rates

This section would give the Secretary permanent authority to prescribe maximum interest rates for insured mortgages and loans based on his determination of the needs of the mortgage or loan market. These rates could differ for each of the different types of mortgages or loans which would be insured under the various sections of the Act and could further differ to take into account differences between mortgages or loans within each provision.

Section 5—Water and sewer facilities

This section would require that there be public or adequate private community water and sewerage facilities serving newly constructed housing except where it was determined by the Secretary that the establishment of a public or adequate private community system was not economically feasible and the Secretary determined that the absence of such a system would not create a significant environmental hazard. The determination of economic feasibility would be made without regard to whether the establishment of the particular type of system was authorized by law or was subject to approval by one or more local governments or public bodies.

Section 6—Approval of technically suitable materials

This section would require the Secretary to adopt a uniform procedure for the acceptance of materials and products to be used in structures approved for mortgages and loans insured under the Act.

Section 7—Insurance contract incontestability

This section would establish the incontestability of an insurance contract in the hands of approved mortgage from the date of its execution, except for fraud or misrepresentation on the part of such mortgagee.

Section 8—Administration

This section would authorize the Secretary to sue and be sued, make expenditures, issue rules and regulations in carrying out the provisions of the Act, and provide or obtain technical assistance in the planning for and construction of projects assisted under the Act.

TITLE II—INSURANCE FUNDS, PREMIUMS AND CHARGES

Section 201—Insurance funds

Subsection (a) would provide that in addition to those obligations incurred pursuant to the National Housing Act, the General Insurance Fund also be used (except as otherwise provided) to carry out the Secretary's obligations with respect to (1) property improvement and mobile home loans under title III of this Act, (2) home and project mortgages insured under sections 401, 501, 503, and 505, and (3) supplemental project loans insured under section 504.

Subsection (b) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the Special Risk Insurance Fund also be used to carry out the Secretary's obligations with respect to (1) home and project mortgages insured under sections 402 and 502, (2) home and project mortgages insured under sections 401, 501, and 503 where the mortgage involves experimental property or property located in an older and declining area, (3) home mortgages insured under section 401 involving housing for employees of research and development installations, and (4) supplemental project loans insured under section 504 where the original project mortgage is an obligation of the Special Risk Insurance Fund.

Subsection (c) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the Cooperative Management Housing Insurance Fund also be used to carry out the Secretary's obligations with respect to (1) project mortgages insured under section 501 where the mortgagor is a cooperative, and (2) supplemental project loans where the original project mortgage is an obligation of the Cooperative Management Housing Insurance Fund or is uninsured.

Subsection (d) would provide that income received or expenses incurred in connection with the insurance of mortgages or loans be credited or charged to the fund obligated for such insurance.

Subsection (e) would authorize the Secretary to borrow from the Treasury from time to time such amounts as he determined were neecssary to make cash insurance payments, in lieu of payments in debentures.

Subsection (f) would allow moneys in an insurance fund which were not needed for current operations to be invested in obligations of, or guaranteed by, the United States or any agency of the United States, or in debentures which are the obligation of the particular fund.

Subsection (g) would authorize repayable advances from one insurance fund to the other in such amounts as the Secretary determined necessary for the administration of the funds.

Subsection (h) would authorize the appropriation of such sums as needed to cover losses sustained by the General Insurance Fund or the Special Risk Insurance Fund.

Section 202—Insurance premiums and charges

Subsection (a) would authorize the Secretary to establish insurance premiums. The Secretary could require payment of the insurance premium either on an advanced or deferred payment basis, except that payment in advance annually would be required with respect to premiums for a project mortgage or loan or home improvement or mobile home loan.

Subsection (b) would authorize the Secretary, in his discretion, to collect an adjusted premium charge in the event a home or project mortgage were prepaid, but not to exceed the amount of premium that would have been paid if the mortgage were held to maturity.

Subsection (c) would authorize the Secretary to terminate any insurance contract upon request of the mortgagor and the mortgagee, and to require the payment of a termination charge computed in the same manner as an adjusted premium charge.

Subsection (d) would permit payment of premiums and charges under this section to be either in cash or in debentures of the insurance fund to which the premium is to be credited.

Subsection (e) would require the Secretary of Defense or the Secretary of Transportation (in the case of a member of the Coast Guard) to pay the mortgage insurance premiums in the case of a mortgage on a single family dwelling or a one-family unit in a condominium, insured under section 401, during such time as the mortgagor was a serviceman. These payments would continue for a maximum of two years on behalf of a widow of a serviceman who died while on active duty.

Section 203—Processing fees and service charges

Subsection (a) would authorize the Secretary to charge the mortgagee processing, appraisal, inspection and other appropriate charges for the services rendered. Such charges would be payable in cash.

Subsection (b) would authorize the Secretary in the case of mortgages held by him or made payable to him to collect a service charge from the mortgagor in an amount not exceeding the applicable mortgage insurance premium.

TITLE III—INSURANCE FOR PROPERTY IMPROVEMENTS AND MOBILE HOME LOANS

Section 301—Types of loans

Subsection (a) would authorize the Secretary to insure financial institutions against losses in making, advancing credit in connection with, or purchasing property improvement and mobile home loans.

Subsection (b) would make eligible for insurance home improvement loans for the purpose of repairing or improving existing structures or the building of new structures (including the repair or replacement of improvements damaged or destroyed by natural disaster) by the owner or a lessee under a lease expiring not less than six months after the maturity of the loan.

Subsection (c) would make eligible for insurance loans made for the purpose of financing the purchase of a mobile home to be used by the owner as his principal residence.

Section 302—Loan terms

Subsection (a) would require that a home improvement loan (1) involve an amount not in excess of $6,500, except that where the structure to be repaired includes two or more dwelling units the loan could not exceed $15,000 or an average amount of $3,500 per unit, and (2) have a maturity not exceeding seven years and thirty-two days, except where the loan involves the construction of a new structure for use in whole or in part for agricultural purposes.

Subsection (b) would limit a mobile home loan to an amount not in excess of $10,000 (or $15,000 in the case of a mobile home composed of two or more modules) and require that it have a maturity not in excess of twelve years and thirty-two days (or fifteen years and thirty-two days in the case of a mobile home composed of two or more modules).

Section 303—Refinancing

This section would authorize the Secretary to refinance and extend the maturity of any loan insured under the title, provided that the additional amount or term of the loan did not exceed the limitations prescribed in section 302.

Section 304—Prohibitions

This section would require the Secretary to prevent (1) the use of multiple loans which would result in outstanding loans, with respect to the same property, in an amount in excess of the dollar limits prescribed in section 302 for an individual loan, and (2) the insuring of home improvement loans involving new residential structures which have not been completed and occupied for at least six months. The Secretary would be authorized to waive the prohibitions in (2) above.

Section 305—Property standards

Subsection (a) would authorize the Secretary to declare products or repairs which do not improve the basic livability or utility of properties or are especially subject to selling abuses ineligible for financing under this title.

Subsection (b) would direct the Secretary to (1) prescribe minimum property standards for mobile homes and the sites on which they are to be located, and (2) obtain assurances from the borrower that the mobile home will be placed on a site meeting standards prescribed by the Secretary and any local zoning or other local requirements.

Section 306—Contract provisions

Subsection (a) would provide that the insurance obligation of the Secretary with respect to any lender not exceed either (1) 10 percent of the total amount of loans made by the lender (under this title and under section 2 of the National Housing Act after July 1, 1939), or (2) 90 percent of the loss on any individual loan.

Subsection (b) would make any payment for loss incontestable after two years in the absence of fraud or misrepresentation by the lender unless a demand for repurchase of the obligation on behalf of the United States has been made prior to the end of the two-year period.

Section 307—Waiver of requirements

This section would authorize the Secretary to waive compliance with any regulation issued pursuant to this title if the lender has acted in good faith and enforcement would impose an injustice on him, but the waiver could not involve an increase in the amount of the Secretary's obligation.

Section 308—Transfer of insurance

This section would authorize the Secretary to transfer the insurance of any loan to any approved lender which purchases such loan.

TITLE IV—HOME MORTGAGE INSURANCE

Section 401—Basic insurance program

Subsection (a) would authorize the Secretary to insure unsubsidized home mortgages (including open-end advances under the mortgage) covering a one- to four-family residence or a one-family unit in a condominium.

Subsection (b) would provide certain eligibility requirements for mortgages insured under this section:

(1) The principal obligation of the mortgage could not exceed an amount equal to the sum of 100 percent of $20,000 of the appraised value of the property, 90 percent of such value in excess of $20,000, and 80 percent in excess of $30,000; but in the case of property to be rehabilitated the above percentages could, in the discretion of the Secretary, be applied to the sum of the value of the property before rehabilitation plus the estimated cost of the rehabilitation.

(2) The mortgage must require payments which are not in excess of the mortgagor's ability to pay and within such term as the Secretary prescribed.

(3) The mortgagor would have to make a minimum downpayment in cash or its equivalent in an amount equivalent to closing costs, or such higher amount as the Secretary required.

(4) The mortgage must contain such terms with respect to insurance, taxes, repairs, etc., as the Secretary required.

Subsection (c) would authorize the Secretary to establish such requirements as he found necessary to protect the rights of owners of one-family units in a condominium.

Subsection (d) would require that the maximum principal obligation of a mortgage permitted under subsection (b) be reduced to 85 percent of that amount if the mortgage (1) involved a newly constructed dwelling not approved for insurance by the Secretary or Administrator of Veterans' Affairs prior to the beginning of construction, or (2) a mortgagor who was not the occupant of the property except where the mortgagor is in the military service and his failure to occupy the property is due to his service assignment, or the mortgagor and mortgagee agree to reduce the mortgage if the property is not sold to a purchaser who assumes the mortgage and occupies the property before the due date of the eighteenth amortization payment, or the mortgage covers experimental property and the Secretary waives the requirements of this subsection.

Subsection (e) would require that the mortgagor receive a written statement of the Secretary's appraisal of the value of the property prior to completion of the sale or mortgage transaction.

Subsection (f) would require a one-year warranty on new homes approved by the Secretary prior to construction protecting the mortgagor against substantial deviation from approved plans and specifications.

Section 402—Homeownership assistance

Subsection (a) would authorize the Secretary to contract to make periodic assistance payments on behalf of lower income homeowners to mortgagees holding mortgages insured under this section.

Subsection (b) would require that the assistance payments be made only during such time as the original mortgagor occupied the property but payments could be continued if the mortgage were assumed by an eligible homeowner if assistance payments had been made on behalf of the previous owner, or if the mortgage were assigned to the Secretary.

Subsection (c) would provide a formula for determining the amount of the assistance payment. The assistance payment on behalf of any homeowner could not exceed the lesser of (1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 percent of the mortgagor's income, or (2) the difference between the monthly payment for principal, interest, and mortgage insurance premium due under the mortgage and the monthly payment for principal and interest due under a one percent mortgage.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for the additional expense involved in handling a mortgage insured under this section.

Subsection (e) would require the Secretary to provide for recertifications of the mortgagor's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for purposes of adjusting the amount of assistance payments.

Subsection (f) would require the Secretary to assure that the sales price paid by the purchaser is not inflated or excessive.

Subsection (g)(1) would provide contract authorizations not to exceed (for contracts entered into under this section and under section 235 of the National Housing Act) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, by $150 million on July 1, 1970, by $200 million on July 1, 1971, and by such amounts as may be necessary thereafter. This provision would make clear that these dollar limitations are applicable to contracts outstanding at any one time. (The requirement in existing law that at least 10 percent of the contract funds be reserved with respect to rehabilitated housing would not be retained, in accordance with the principle of statutory flexibility, but it is intended that at least this minimum percentage would be allocated to rehabilitated housing in order to carry out the congressional intent that more emphasis be placed on rehabilitation under the homeownership assistance program).

Subsection (g)(2) would provide that 30 percent of contract funds authorized by appropriation Acts (for use under this section) could be contracted to be made with respect to existing housing, as defined by the Secretary.

Section (h) would authorize the Secretary to insure mortgages under this section (including advances where the property is constructed or rehabilitated pursuant to a self-help program) which met the requirements of section 401 of this Act except as modified. The mortgage must involve a single-family dwelling or a one-family unit in a condominium and have a principal obligation not to exceed the appraised value of the property (or if the property is to be rehabilitated the sum of the value of the property before rehabilitation plus the estimated cost of rehabilitation) plus closing costs and prepaid expenses minus at least $200. The mortgagor would therefore be required to make a downpayment of at least $200 in cash or its equivalent.

Subsection (i) would define "lower income families" to mean those families whose incomes did not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, but the Secretary could establish income ceilings higher or lower than the median if he found a variation to be necessary because of prevailing construction costs, unusually high or low family incomes, or other factors.

Subsection (j) would provide that in determining the income of any family $300 be deducted for each minor member of the family residing in the household and that the earnings of any such minor be excluded from the family's income.

Subsection (k) would direct the Secretary to transfer periodically part of the contract authority to the Secretary of Agriculture for use in rural areas and small towns.

TITLE V—PROJECT MORTGAGE INSURANCE

Section 501—Multifamily housing

Subsection (a) would provide for four categories of multifamily housing; (1) rental projects, (2) cooperative projects, (3) projects in which the individual units are to be sold on a condominium or other basis, and (4) a mobile home court. The mortgage amount with respect to new construction would be based on the "replacement cost" of the project, which would include the Secretary's estimate of the value of the land, the cost of the proposed physical improvements, utilities within the boundaries of the project, architect's fees, builder's and sponsor's profit and risk allowance, taxes and interest during construction, and other miscellaneous charges incident to construction and the initial operation or disposition of the project as the Secretary approved.

Subsections (b) and (c) would authorize the Secretary to insure mortgages financing the construction of new multifamily projects and the rehabilitation, purchase or refinancing of existing multifamily projects. It is intended that this authority with respect to existing projects which are not to be rehabilitated be exercised only to cover the various limited situations involving such properties under the following provisions of the National Housing Act: (1) Section 223(a)(7)—refinancing of insured mortgages; (2) Section 236(j)(3)—sales of assisted projects by limited distribution mortgagors to nonprofit or cooperative entities; (3) Section 221(j)—conversions of rental projects covered by below-market interest rate loans to cooperative ownership; (4) Section 213(a)(3)—sales of projects by investor-sponsors to management-type cooperatives; (5) Section 223(b)—refinancing of uninsured mortgages covering projects in urban renewal areas; (6) Sections 220(d)(3)(B)(ii) and 221(d)(3)(iii)—sales of projects rehabilitated by local renewal agencies with funds provided under the urban renewal program; (7) Section 213(i)—sales of projects to management-type cooperatives; (8) Section 235(j)(1)—purchase by nonprofit organization of existing standard single-family units as part of a package with units to be rehabilitated and spun-off to lower income purchasers; and (9) Section 223(a)(1)–(6)—disposition of various projects by governmental agencies.

Subsection (d) would provide that with respect to new construction the amount of the mortgage could not exceed 90 percent of the replacement cost (97 percent in the case of a cooperative mortgagor).

Subsection (e) would provide that in the case of rehabilitation the amount of the mortgage could not exceed 90 percent (97 percent for a cooperative) of the sum of the Secretary's estimate of the cost of rehabilitation and the value of the property before rehabilitation.

Subsection (f) would provide that in the case of the purchase or refinancing of an existing project without rehabilitation, the mortgage amount could not exceed 90 percent of the appraised value of the project (97 percent in the case of a cooperative).

Subsection (g) would further limit the mortgage amount for projects in which the units are to be sold to individual purchasers. The project mortgage could not exceed the sum of the individual mortgage amounts which could be insured for owner-occupants under title IV of that Act.

Subsection (h) would authorize the Secretary to establish the maximum term of the mortgage.

Subsection (i) would require that a project contain at least 5 dwelling units (which, with the Secretary's approval, need not be self-contained living units) or 5 spaces in a mobile home court. The project would be required to be primarily residential but could include non-dwelling facilities adequate to

serve the occupants and surrounding neighborhood.

Section 502—Multifamily housing assistance

Subsection (a) would authorize the Secretary to contract to make periodic assistance payments on behalf of project owners to mortgagees holding mortgages meeting the requirements of this section.

Subsection (b) would require that the assistance payments be made by the Secretary only with respect to projects (1) covered by mortgages insured under this section or assigned to the Secretary, or (2) financed under a State or local program if the project is approved for receiving the benefits of this section by the Secretary prior to the beginning of construction or rehabilitation.

Subsection (c) would provide that the assistance payment on behalf of a project owner could not exceed the difference between the monthly payment for principal, interest and mortgage insurance premium (or other comparable charges approved by the Secretary) on a market rate mortgage and the monthly payment for principal and interest that would be due on a mortgage at one percent.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for its additional expenses in handling mortgages insured under this section.

Subsection (e) would require the Secretary to provide for recertification of tenant incomes at intervals of two years (or shorter intervals where the Secretary deems it desirable) and would require the project owner to comply with the Secretary's requirements as to tenant eligibility and rentals.

Subsection (f)(1) would provide for the establishment of a "basic rental" for each unit in an assisted project determined on the basis of operating the project with the benefit of the assistance payments. A tenant would pay the basic rental for his unit or such greater amount, not exceeding the fair market rental for such unit (the rental without subsidy), as represents 25 per centum of his income.

Subsection (f)(2) would authorize the Secretary, with respect to up to 20 percent of the dwelling units in any project, to contract to make assistance payments to a project owner on behalf of tenants whose incomes are too low to afford the basic rentals. These payments with respect to any unit, could not exceed the lesser of the amount required to reduce the rental paid by the tenant to an amount equal to 25 percent of the tenant's income or to 30 percent of the basic rental.

Subsection (g) would require a project owner to pay to the Secretary any rentals charged in excess of the basic rental charges, to be credited to the appropriation available for assistance payments through the next fiscal year.

Subsection (h) would provide contract authorizations not to exceed (for contracts entered into by the Secretary under this section and under section 236 of the NHA) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, $150 million on July 1, 1970, $200 million on July 1, 1971, and by such sums as may be necessary thereafter.

Subsection (i) would authorize the Secretary to insure mortgages under this section which meet the requirements of section 501 except as modified. The difference from section 501 is that nonprofit, cooperative, and builder-seller mortgagors (as defined by the Secretary) would qualify for 100 percent mortgages.

Subsection (j)(1) would define "tenant" and "rental charge" as applicable to cooperatives.

Subsection (j)(2) would define "lower income tenants" to mean those tenants whose incomes do not exceed the median incomes for the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary could establish income ceilings higher or lower than the median in any area where a variation was necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

Subsection (k) would provide that $300 be deducted from family income for each minor member of the family residing in the household and that the earnings of such a minor be excluded from family income.

Subsection (l) would authorize the Secretary to enter into agreements with States to administer assistance payments contracted to be paid by the States with respect to projects approved by the Secretary prior to the beginning of construction or rehabilitation and meeting the requirements of this section. Under no circumstances could the Secretary undertake to make assistance payments with respect to such projects other than as disbursing agent for a State.

Section 503—Mortgage insurance for health facilities

Subsection (a) would define various terms used throughout the section. The terms "hospital", "nursing home", "intermediate care facility" and "group practice facility" would be defined in substantially the same manner as under the National Housing Act.

Subsection (b) would authorize the Secretary to insure mortgages which cover a new or rehabilitated project for use as, a hospital, a nursing home, an intermediate care facility, or a group practice facility, or any combination of the foregoing. For new construction the permissible mortgage amount would not be permitted to exceed 90 percent of the estimated replacement cost, including equipment. In the case of rehabilitation, the mortgage could not exceed 90 percent of the cost of rehabilitation plus the appraised value of the property before rehabilitation.

Subsections (c), (d), and (e) of this section would (1) establish the general types of hospitals, nursing homes and intermediate care facilities with respect to which mortgages could be insured, (2) authorize the Secretary, after consultation with the Secretary of Health, Education and Welfare as to medical aspects of these facilities, to prescribe such regulations as are necessary to carry out the insurance program authorized by this section, and (3) provide that hospitals insured pursuant to this section be encouraged to carry out comprehensive health programs for defined populations.

Section 504—Supplemental project loans

Subsection (a) would authorize the Secretary to insure a supplemental loan for a multifamily or health facility project mortgage insured under the National Housing Act or under this Act, or held by the Secretary. A limited number of housing cooperatives which purchased wartime housing covered by an uninsured mortgage for part of the purchase price from the Federal Government, and which qualify for supplemental loan insurance under existing law, would continue to be eligible. Supplemental loans could be made: (1) to cover the operating losses of a project which during the first two years of operation has had costs exceed income; (2) to finance repairs, improvements, and additions to projects, and major equipment for health facilities; and (3) to finance the purchase and resale of cooperative memberships provided that the downpayment of new members is at least proportionately equal to the original downpayment for such memberships.

Subsection (b) would require that a loan covering operating losses not exceed in duration the unexpired term of the original mortgage and be limited in amount to the actual losses incurred by the project, as determined by the Secretary.

Subsection (c) would establish requirements for a loan financing repairs, improvements, additions and equipment. The amount of the loan would be limited to 90 percent (97 percent in the case of a cooperative) of the estimated cost of the eligible items provided that the sum of the loan plus the outstanding balance on the original mortgage does not exceed the maximum mortgage limit prescribed by the section of this Act covering similar projects. The maximum maturity of the loan could not exceed the remaining term of the mortgage except that a supplemental loan with a maturity up to 10 years in excess of the outstanding mortgage term could be made with respect to uninsured cooperatives.

Subsection (d) would establish requirements for a loan to a cooperative to finance the purchase and resale of memberships. The amount of the loan plus the outstanding balance remaining on the mortgage could not exceed the maximum mortgage limit prescribed by the section of this Act covering similar projects. The maturity of the loan could not exceed the remaining term of the mortgage.

Subsection (e) would authorize the Secretary to establish conditions and restrictions including the type of security required on supplemental loans.

Section 505—Mortgage insurance for land development

Subsection (a) would define the terms "land development" and "improvements" in substantially the same manner as they are used in the National Housing Act.

Subsection (b) would establish certain conditions under which a land development mortgage could be insured. The mortgage could cover land to be developed and the improvements to be made, except that facilities intended for public use and in public ownership would be excluded. Any eligible party approved by the Secretary other than a public body could qualify as a mortgagor. The term of the mortgage would be determined by the Secretary.

Subsection (c) would limit the principal obligation of the mortgage to the sum of 80 percent of the estimated value of the land before the development plus 90 percent of the estimated cost of development.

Subsection (d) would require that the improvements comply with applicable State and local governmental requirements as well as minimum standards set by the Secretary and would establish certain other conditions under which a land development project could be undertaken.

Subsection (e) would authorize the Secretary to adopt requirements for land development including encouragement of broad participation by small builders and a proper balance of housing for low and moderate income families.

Subsection (f) would require that public or private water and sewage systems consistent with existing or planned area systems be provided after development of the land.

Subsection (g) would authorize the Secretary to release or subordinate part or parts of the mortgaged property from the lien of the mortgage.

Subsection (h) would authorize the Secretary to adopt requirements to assure, at reasonable intervals of time during development, that the amount of the outstanding mortgage loan did not exceed 80 percent of the before-development value of the remaining land under the lien of the mortgage plus 90 percent of the cost of the development of such land.

Section 506—Cost certification

Subsection (a) would authorize the Secretary to adopt requirements for the certification of costs incurred in the construction or rehabilitation of multifamily housing or health facilities. The amount of the mortgage or loan at the time of final endorsement could not exceed the approved percentage of the estimated value or cost of the land, property or interest prior to construction or rehabilitaion plus the Secretary's approved actual cost of such construction or rehabilitation.

Subsection (b) would require the mortgagor to certify the actual costs of construction or rehabilitation. The Secretary could, in his discretion, require other parties involved in the transaction to certify the actual costs they have incurred with respect to the project or property. The Secretary could exempt from the requirements of this section (1) a mortgage covering a multifamily project designed for occupancy by less than 12 families, or (2) a mortgage of less than $250,000.

Subsection (c) would define various terms used in this section: (1) The term "approved percentage" means the percentage of estimated value, cost or replacement cost of a project or property which the Secretary is authorized to insure under the appropriate section of the Act. (2) The term "actual cost" means the cost to the mortgagor of various improvements. Allowable expenditures could include those for labor, materials, construction contracts, engineers' and architects' fees, off-site public facilities, streets, organizational expenses, legal expenses, taxes and interest during construction, allocations of general overhead, and similar expenses allowed by the Secretary. If the mortgagor is also the builder or has an identity of interest with the builder, contractor or similarly interested party the term "actual cost" could include an allowance for profit and risk determined to be reasonable by the Secretary, except that in the case of a mortgage insured under section 502 or in the case of a project determined by the Secretary to warrant special consideration, the allowance for profit and risk would equal 10 percent of the other items entering into the term "actual cost".

TITLE VI—INSURANCE CLAIMS

Section 601—Home mortgage insurance claim settlement

This section would establish insurance claim settlement provisions governing the home mortgage programs similar to those provided in the National Housing Act.

Section 602—Forebearance of payments

This section would authorize the Secretary to permit a mortgagee to extend the time for curing a default in a home mortgage, to extend the time for commencing foreclosure, or to approve a recasting of the terms of the mortgage.

Section 603—Acquisition of home mortgages to avoid foreclosure

This section would permit the Secretary to accept an assignment of a home mortgage for the purpose of avoiding foreclosure and hardship to the homeowner. Where such assignment occurs, the mortgagee would be entitled to receive full reimbursement for the unpaid mortgage balance, any unpaid mortgage interest, and an allowance for costs incurred as a consequence of the default and assignment of the mortgage.

Section 604—Project mortgage insurance claim settlement

This section would establish mortgage insurance claim settlement provisions applicable to project mortgages similar to those provided in the National Housing Act.

Section 605—Modifications in terms of project mortgages

This section would provide that the Secretary could consent to any extension or modification of a mortgage covering multifamily housing only under and in conformity with regulations prescribed by him. Such regulations must provide that during the period of any such extension or modification the mortgagor will be required to place in trust any income from the project in excess of operating needs; except that the Secretary may consent to an extension or modification of a mortgage without regard to this requirement if he determines that it would not jeopardize the interests of the United States. Criminal penalties would be prescribed for the misuse of project income.

Section 606—Settlement of insurance claims with debentures

This section would establish the terms and conditions under which debentures are to be issued by the Secretary in the settlement of mortgage and loan insurance claims.

TITLE VII—MISCELLANEOUS

Section 701—General authorization for dealing with and disposing of property

This section would provide authority to the Secretary for dealing with and disposing of property acquired in connection with the settlement of insurance claims.

Section 702—Acquisition of title by the Secretary

This section would authorize the Secretary, in connection with a mortgage assigned to him, to acquire possession and title to the property by a voluntary conveyance in extinguishment of the mortgage debt or to institute foreclosure proceedings and prosecute such proceedings to conclusion. It also would authorize the Secretary to bid at a foreclosure sale of a mortgage held by him and to exercise all the rights of a mortgagee under such mortgage.

Section 703—Insurance for mortgages sold or executed in connection with the sale of property by the Secretary

This section would authorize the Secretary to insure mortgages sold by him or executed in connection with the sale of property by him. Such insurance is permitted to be made without being limited to the eligibility insurance premium and settlement provisions of the Act.

Section 704—Expenditures to correct or compensate for structural defects in mortgaged homes and experimental property

Subsection (a) would authorize the Secretary to correct structural defects or to pay the claim of the owner arising from such defects, or to acquire title to the property in which defects exist if the property involves a one- to four-family dwelling that has been approved for mortgage insurance prior to the beginning of construction and the owner requests assistance within 4 years after insurance of the mortgage.

Subsection (b) would authorize similar expenditures with respect to serious structural or other defects in existing single-family dwellings covered by mortgages insured under section 402 or located in an older and declining area if (1) the owner requests assistance within 1 year after the insurance of the mortgage, (2) the defect existed at the time of purchase, and (3) a proper inspection should have uncovered the defect. The Secretary would be authorized to require any seller of such housing to agree to reimburse him for payments made pursuant to this subsection.

Subsection (c) would authorize the Secretary to expend available funds to correct defects or failures (when he determines it necessary to protect the occupants) with respect to experimental property covered by an insured mortgage.

Subsection (d) would empower the Secretary to issue regulations prescribing conditions under which he would make payments under subsections (a), (b), and (c).

Section 705—Penalties

This section would authorize the Secretary to refuse the benefits of participation in any of the mortgage insurance programs prescribed in the Act to anyone who (1) knowingly violates a provision of the Act or of the law governing the Veterans Home Loan Guaranty Program, or (2) who violates a penal statute in connection with property assisted under such provisions, or (3) materially fails to properly carry out a contractual obligation with respect to the completion of construction of work financed with assistance under the Act or under the VA provisions.

OTHER PROVISIONS OF TITLE I

Section 102—Transition between National Housing Act and revised National Housing Act

This section would provide that the Revised National Housing Act be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development prescribed and would require the Secretary to establish procedures for the orderly transfer of mortgage insurance operations from the authority of the National Housing Act to the authority of the Revised National Housing Act in order to assure continuity of efficient program activity and to provide adequate opportunity for necessary administrative and legislative revisions.

Section 103—Experimental dual interest rate system

This section would authorize the Secretary to insure mortgages under such sections as he deemed appropriate of the Revised National Housing Act at whatever interest rate was negotiated by the mortgagor and mortgagee, provided no discounts were collected. This authority would expire on July 1, 1973, and would provide an alternative to the interest rate administratively established by the Secretary.

TITLE II—PUBLIC HOUSING ASSISTANCE PROGRAM

Section 201—Revision to United States Housing Act of 1937

This section would revise the United States Housing Act of 1937, the program of assistance to local public housing agencies in the provision of housing for low-income families. The revised Act would: (1) modify and improve the public housing subsidy structure, (2) authorize a new homeownership program for low-income families served by the program, (3) make necessary modifications to financing and other authorities, and (4) eliminate obsolete provisions.

Section 1—Short title

This section provides that the revised Act may be cited as the United States Housing Act of 1937.

Section 2—Declaration of policy

This section would state that it is the policy of the United States to assist the States and their political subdivisions to remedy unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income. It would also vest in local housing agencies the maximum amount of responsibility in the administration of their housing programs. It would also state that it is the sense of Congress that no tenant should be barred from serving on the board of a public housing agency. This section is substantially the same as the present declaration of policy except for the deletion of obsolete or unnecessary language. In this section and elsewhere, the term "low-income housing" is used in lieu of "low-rent housing" to reflect the provision of homeownership opportunities for low-income families served by the program.

Section 3—Definitions

Section 3(1) would define "low-income housing" to mean decent, safe, and sanitary dwellings within the financial reach of families of low income. Income limits and rents would be fixed by the public housing agency pursuant to State law, except as otherwise provided in the case of leased housing in private accommodations and in the case of public housing agencies which contract to receive operating subsidies under section 9 of the revised Act. The rent fixed by a public housing agency could not exceed one-fourth of the low-income family's income. Income would be defined for this purpose so as to exclude nonrecurring income and income of full-time students and to deduct $300 for each dependent and for each secondary wage earner, 5 percent of gross family income or

10 percent in the case of the elderly, and extraordinary medical expenses. This section is substantially the same as the present definition, including the 1969 and 1970 amendments with respect to maximum rentals in public housing.

Section 3(2) would define the term "low-income families" to mean families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of housing for their use. It would define "families" so as to include a single person in the case of elderly families and displaced families. It would modify the present definition of "elderly family" so as to permit a single person who is 50 years of age or older to reside in public housing. Under present law a single person would have to be 62 years of age or older. As under present law, a single person who is disabled or handicapped would be eligible for occupancy without regard to the age limit.

Section 3(3) would define the terms "development" and "development cost" as under present law, except for minor changes to facilitate project financing and the deletion of an unnecessary provision concerning the cost of shared facilities.

Section 3(4) would substitute "operation" for the present term "administration" in order to conform to current usage in the public housing program. It would otherwise restate the present definition, including the provision which makes it clear that the cost of tenant programs and services are includable in operation of a project and eligible for subsidy assistance.

Section 3(5) would define "acquisition cost" to mean the amount prudently required to be expended by a public housing agency in acquiring a low-income housing project.

Section 3(6) would define "public housing agency" to mean any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing. This would amend the present provision so as to include public agencies which are authorized to assist in the development or operation of such housing.

Section 3(7) would define "State" to include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

Section 3(8) would define "Secretary" to mean the Secretary of Housing and Urban Development.

Section 3(9) would define "low-income housing project" or "project" to mean any project developed, acquired, or assisted under the Act and to mean the improvement of such housing. This is a new definition which would make it clear that the modernization of an existing project may constitute a separate project for purposes of assistance under the Act.

Section 4—Loans for low-income housing projects

Subsection (a) would authorize the Secretary to make loans to public housing agencies to help finance or refinance the development, acquisition, or operation of low-income housing projects by such agencies. Such loans would provide for an interest rate specified by the Secretary which is not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of one percent. The present requirement that such loans bear interest at a rate not less than the going Federal rate (and the definition of "going Federal rate") is deleted in order to afford greater flexibility.

Subsection (b) would authorize the Secretary to issue and have outstanding at any one time notes and other obligations for purchase by the Secretary of the Treasury in an amount which could not, unless authorized by the President, exceed $1.5 billion.

Section 5—Annual contributions for low-income housing projects

Subsection (a) would authorize the Secretary to make annual contributions to assist in achieving and maintaining the low-income character of their projects and to embody provisions for such contributions in a contract guaranteeing their payment. It would provide that the annual contribution payable under this section may not exceed the debt service payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low-income project involved. The present requirement that annual contributions be fixed in uniform amounts and paid in such amounts over a fixed period of years would be deleted in order to afford greater flexibility in the private financing of public housing projects. The maximum limit based on debt service requirements would replace the present provision which limits annual contributions to an amount equal to the capital cost of the project multiplied by a percentage equal to the going Federal rate plus 2 percentage points. This limit now applies to the aggregate annual amount which can be provided for both debt service and operating subsidy requirements. Under the revised Act there would be a new subsidy structure which would provide for a separation between the authority to make annual contributions based on debt service requirements and the authority to make operating subsidy payments. This subsection would delete the present authorization to pay an additional annual subsidy of up to $120 per dwelling unit occupied by an elderly or handicapped family, a displaced family, a very large family, or a family of unusually low income as the purpose of these subsidies would be included under the broad operating subsidy authorization contained in section 9 of the revised Act.

Subsection (b) would authorize the Secretary to prescribe regulations fixing the maximum contributions to be provided under different circumstances, giving consideration to cost, location, size, rent-paying ability of prospective tenants or other factors bearing upon the need to achieve and maintain low rentals.

Subsection (c) would authorize the Secretary to enter into contracts for annual contributions aggregating not more than $1,199,000,000 per year, which would be increased by $225 million on July 1, 1971, and by $150 million on July 1, 1972. The additional $150 million for fiscal year 1973 would be an increase to the present contract authorization. This subsection would also provide that of the aggregate amount authorized for annual contributions, an amount not to exceed $100 million per year may be used for the modernization of low-income housing projects. All payments of annual contributions shall be made out of any funds available for purposes of the Act, except that funds borrowed from the Treasury for the purpose of making loans may not be used for payments of annual contributions. This subsection does not retain the present provision which requires that 30 percent of the contracts for annual contributions entered into pursuant to authority granted under the 1970 Act or a subsequent enactment shall be for units leased in private accommodations. It does, however, require the Secretary to assure that public housing agencies comply with certain requirements concerning the provision of low-income housing in private accommodations.

Subsection (d) would provide that any contract for loans or annual contributions may cover one or more low-income housing projects and, in the event that a contract covers two or more projects, such projects may for any purposes of the Act be treated collectively as one project.

Subsection (e) would provide that the Secretary may not enter into a contract with a public housing agency for preliminary loans for surveys and planning in respect to a project unless the governing body involved has approved the application of the public housing agency and unless the public housing agency has demonstrated that there is a need for the low-income housing which is not being met by private enterprise. This subsection would also provide that the Secretary may not enter into a contract for loans (other than preliminary loans) or for annual contributions unless the governing body of the locality has entered into an agreement with the public housing agency providing for the local cooperation required by the Secretary pursuant to the Act.

Subsection (f) would authorize the Secretary to consent to the modification, with respect to rate of interest, time of payment of any installment of principal and interest, security, amount of annual contribution or any other term of any contract or agreement to which the Secretary is a party, subject to specific limitations contained in the Act. It would also authorize the Secretary to amend contributions contracts when it would be in the financial interest of the Government, or would be necessary to maintain the low-income character of the project involved. The Secretary's authority to amend contributions contracts to establish the going Federal rate as of the time of the contract amendment would be deleted. Under the revised Act, annual contributions would no longer be based on the going Federal rate.

Section 6—Contract provisions and requirements

Subsection (a) would authorize the Secretary to include in any contract or any other agreement or instrument made pursuant to the Act such covenants, conditions, or provisions as he may deem necessary to insure the low-income character of the project involved, including a condition requiring an open space or playground in connection with a housing project. This subsection would also provide that, except in the case of housing predominantly for the elderly, any such contract shall require that high-rise elevator projects shall not be provided for families with children unless the Secretary determines that there is no practical alternative.

Subsection (b) would provide that the development cost of a low-income housing project (excluding the cost of non-dwelling facilities and the cost of relocation payments and assistance) on which the computation of any annual contributions may be based shall not exceed by more than 10 percent the appropriate prototype cost for the area, except where the Secretary determines that this limitation should not be applied to the project because of special considerations with respect to the cost of land or site improvements. Such estimates of prototype costs shall be determined pursuant to section 3 of the Revised National Housing Act.

Subsection (c) would require that every contract for annual contributions include provisions (1) for the Secretary to require the public housing agency to review and revise its maximum income limits if changed conditions in the locality make such revisions necessary; (2) requiring a public housing agency to determine and certify to the Secretary that occupants of projects were admitted in accordance with approved income limits; and (3) requiring prompt notification of applicants determined to be ineligible for admission of the basis for the determination and an opportunity for an informal hearing. This subsection would delete the present provision concerning the establishment of maxi-

mum income limits for continued occupancy in low-income housing.

Subsection (d) would provide that annual contributions may not be made available for a public housing project unless the project is exempt from all real and personal property taxes imposed by the State or its political subdivisions. This subsection would also require public housing agencies to make certain payments in lieu of taxes.

Subsection (e) would require that every contract for annual contributions include a provision that whenever in any year the receipts of a public housing agency in connection with a low-income housing project exceed its expenditures, an amount equal to the excess must be applied to purposes, which, in the determination of the Secretary, will reduce the amount of subsequent annual contributions.

Subsection (f) authorizes the Secretary to provide in any annual contributions contract that upon substantial default by the public housing agency with respect to the covenants and conditions to which the agency is subject, as defined in the contract, the Secretary shall require the agency to convey title or possession of the project to the Secretary. The Secretary would be required to reconvey or redeliver the project to the public housing agency when the Secretary was satisfied that all defaults with respect to the project had been cured. This subsection also provides that with respect to contracts for annual contributions containing the provisions set forth above, the Secretary's obligation to pay annual contributions to cover debt service on the local agency's obligations will continue notwithstanding any other provision of the Act.

Section 7—Congregate housing

This section would require the Secretary to encourage public housing agencies, in providing housing predominantly for displaced, elderly, or handicapped families, to develop housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing.

Section 8—Low-income housing in private accommodations

Subsection (a) would provide that each public housing agency shall, to the maximum extent consistent with the objectives of the Act, provide housing in the form of low-income housing in private accommodations in accordance with this section, where such housing can be provided at a cost not greater than housing in projects assisted under other provisions of the Act. This subsection would provide that the provisions of this section shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to the locality. The subsection would also define the term "low-income housing in private accommodations" to mean dwelling units leased from a private owner which provide decent, safe, and sanitary dwelling accommodations effectively supplementing other low-income housing assisted under the Act.

Subsection (b) would require each public housing agency from time to time to make known to the public in the community the anticipated need for units to be used as low-income housing in private accommodations, inviting the owners of such dwelling units to make them available for the purposes of this section. It would also provide that not more than 10 percent of the units in any single structure may be leased except to the extent that the public housing agency determines that such limit should not be applied. The public housing agency would be authorized to approve units for use as low-income housing in private accommodations after it has inspected the units and if it finds that the units are suitable for use as low-income housing and the rentals to be charged for such units are within the financial range of families of low income.

Subsection (c) would authorize a public housing agency to enter into contracts with the owners of approved dwelling units, to the extent of contracts for annual contributions entered into by the Secretary with such agency. This subsection would require each contract with an owner to provide that the selection of tenants shall be the function of the owner of the unit; the rental received by the owner shall be negotiated and agreed to by the agency and the owner and the rental paid by the tenant shall be determined in accordance with standards applicable to units in low-income housing projects; and the public housing agency shall have the sole right to give a notice to vacate to a tenant. Each contract between a public housing agency and an owner entered into under this section would be for a term of not less than twelve months nor more than 120 months, and would be renewable by the agency and owner at the expiration of the term. No renewal of the contract term could result in a total term of more than 240 months, or 180 months in the case of an existing structure.

Subsection (d) would provide that the period over which annual contributions will be made to a public housing agency for a project under this section and the aggregate amount of payments shall be determined on the basis of the number of units in the community which are in use or can reasonably be expected to be placed in use as low-income housing in private accommodations.

Subsection (e) would provide that provisions concerning State and local tax exemption of projects and local cooperation, otherwise applicable to low-income housing, are not applicable to low-income housing in private accommodations.

Subsection (f) would authorize a public housing agency to purchase structures containing dwelling units leased under this section for the purpose of reselling the structure to the tenant or tenants of the structure. The present provision of this section concerning the terms and conditions for resale would be amended to provide that such resale may be made under the terms and conditions provided for under the new homeownership provisions of the Act.

Section 9—Annual contributions for operation of low-income housing projects

Subsection (a) would provide a separate authorization for the Secretary to make annual contributions to public housing agencies for the operation of low-income housing projects (including low-income housing in private accommodations). The contribution payable annually under this section could not exceed amounts which the Secretary determines are required (1) to assure the low-income character of the projects involved and (2) to achieve adequate operating services. The Secretary would be authorized to embody the provisions for annual contributions for operating subsidy in a contract guaranteeing their payment.

Subsection (b) would provide that families occupying dwelling units in low-income housing owned or leased by a public housing agency which receives assistance under this section shall be required to pay a rent of not less than one-fifth of the family's income, but not to exceed a fair market rental charge based on the full cost of the housing without subsidy assistance. This rental, however, could not exceed the maximum rental requirement in section 3(1), which provides that a family's rental may not exceed one-fourth of family income and includes a special definition of income for maximum rental purposes.

Subsection (c) would establish criteria for the determination of a family's income for purposes of the rent requirements of this section and the homeownership income contribution requirement in section 10 of the revised Act. In determining family income, an amount would be deducted equal to $300 for each minor member of the family residing in the household, and the earnings of any minor person would not be included in the income of his family.

Subsection (d) would authorize not to exceed $200 million for contracts for annual contributions under this section.

Section 10—Homeownership for low-income families

This section would authorize a new public homeownership program for low-income families.

Subsection (a) would permit low-income families and public housing tenants, or a cooperative or nonprofit association formed by or for the benefit of such families or tenants, to purchase from a public housing agency, newly developed or acquired housing, as well as existing projects now operated as rental housing. Individual homes and dwelling units or entire projects could be purchased.

Subsection (b) would provide for conveyance of the property to the low-income family as soon as it undertakes the obligation to purchase the property by executing a mortgage to the public housing agency. The mortgage would be in a principal amount of not more than the sale price of the property plus closing costs and prepaid expenses; would bear interest at the maximum rate then applicable to mortgages insured under section 402 of the Revised National Housing Act, or the rate on the public housing agency's principal debt on the project, whichever is greater; would provide for a maturity satisfactory to the Secretary, but not for a period exceeding forty years; and would be secured by the property which is purchased. Under the mortgage the purchaser would be required to pay one-fifth of income to "monthly homeownership expense" but in no case could the purchaser's income contribution be less than monthly homeownership expense, excluding payments for principal and interest. The income contribution required of a purchaser which is a qualified entity would be determined by using an aggregate amount based on the contribution that would be required of each family who occupies a dwelling unit in the purchased property. The mortgage would also contain provisions requiring the purchaser to make monthly payments for any services furnished by the public housing agency to the purchaser, and would include other terms and conditions which the Secretary determines are required to carry out the purposes of this section.

Subsection (c) would define the term "monthly homeownership expense" to mean monthly amounts for principal and interest under the amortization provisions of the mortgage or other obligation, amounts for insurance and taxes, and an amount attributable to the cost of utilities as determined by the Secretary on the basis of estimated costs for utilities in the area. The term "sale price" would mean (1) in the case of housing newly developed, acquired, or leased for subsequent resale, the portion of the unpaid balance on the public housing agency's principal debt on the project at the time of sale which is allocable to the dwelling unit or units involved, (2) in the case of rental housing, the appraised value of the property at the time of sale, and (3) in cases where participants in mutual-help projects or homebuyers in homeownership opportunity projects (such as Turnkey III) voluntarily elect to purchase their low-income housing units under the terms of the program established under section 10, the purchase price provided for under their lease with option to purchase type of contracts with the public housing agencies involved.

Subsection (d) would provide that the sale of a project would not affect the Secretary's commitment to pay annual contributions with respect to the project, but contributions could not exceed the maximum contributions authorized under section 5(a).

Subsection (e) would provide that, subject to the approval of the Secretary, any contract previously executed by a public housing agency for the sale or lease of low-income housing to low-income families or public housing tenants may be amended to include any of the terms and conditions provided in section 10.

Section 11—General provisions

Subsection (a) would require the Secretary to prepare annual budget programs as provided for wholly owned Government Corporations by the Government Corporation Control Act and to maintain an integral set of accounts to be audited annually by the General Accounting Office.

Subsection (b) would provide that all receipts and assets of the Secretary under the Act be available until expended.

Subsection (c) would authorize the Federal Reserve Banks to act as depositories, custodians, and fiscal agents for the Secretary.

Section 12—Financing low-income housing projects

Subsection (a) would provide that where the Secretary has guaranteed obligations of a public housing agency by pledging loans, annual contributions or both with respect to such obligations, the full faith and credit of the United States would back this guarantee, which would be incontestable in the hands of a bearer.

Subsection (b) would provide that public housing agency obligations issued in connection with low-income housing projects and the income from such projects shall be exempt from Federal taxes. It would modify the present provision so as to make it clear that this exemption applies whether the obligations are paid by the public housing agency or by the Secretary.

Section 13—Labor standards

This section would require that contracts entered into pursuant to this Act include a provision that (1) all architects, technicians, engineers and draftsmen employed in the development of a low-income housing project, and (2) laborers and mechanics employed in the operation of projects be paid not less than the wages prevailing in the locality, as determined by the Secretary. It would also require that contracts include a provision that laborers and mechanics employed in the development of a low-income housing project be paid not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor, pursuant to the Davis-Bacon Act.

Section 202—Applicability of rental requirement

This section would provide for the deferral of rent increases which may be required of families now living in projects assisted under section 9 of the United States Housing Act of 1937, as amended by section 201 of this Act. The rental increase would become effective in two increments—(1) an increase equal to one half the amount of additional rent at the time the public housing agency makes the first review of the family's income (other than an interim review) which occurs at least one year after the effective date of a contract for annual contributions entered into pursuant to section 9, and (2) the family's rent would be increased to the full amount of the rental charge under section 9 when the public housing agency makes its next review of the family's income. Section 6(c)(2) of the revised Act requires public housing agencies to review family income at intervals of two years.

Section 203—Exemption of certain projects from rental formula

This section would authorize the Secretary of Housing and Urban Development, in lieu of the rental or income contribution provisions of the United States Housing Act of 1937, as amended by section 201 of this Act, to approve (1) the use of special schedules of required payments for participants in mutual help housing projects who contribute labor, land or materials to the development of such projects, or (2) the continued use of special schedules of required payments as approved by the Secretary for homebuyers in occupancy in homeownership opportunity projects under lease-purchase type contracts on the effective date of title II of the Housing Consolidation and Simplification Act of 1971.

Section 204—Repeal of specification requirements in construction contracts

This section would repeal section 815 of the Housing Act of 1954, which requires that every contract for a loan, grant, or contribution under the United States Housing Act of 1937 or title I of the Housing Act of 1949 contain a provision requiring the submission of specifications with respect to such construction prior to the award of the construction contract, and the submission of data with respect to the acquisition of land prior to the authorization to acquire the land.

Section 205—Retroactive repeal of section 10(j)

This section would make the provisions of section 206(c) of the Housing Act of 1961, which repealed section 10(j) of the United States Housing Act of 1937, applicable retroactively. It would authorize the Secretary to agree with a public housing agency to amend outstanding contracts for annual contributions which, in accordance with section 10(j) when it was in effect, required that a proportionate part of the net proceeds of the operation or sale of a project be returned to the Federal Government after the public agency's obligations with respect to the project have been paid.

Section 206—Amendment to National Bank Act

This section would amend section 5136 of the Revised Statutes (12 U.S.C. 24), dealing with investment powers of national banks, to conform those provisions to changes made by section 201 of this Act, which would authorize more flexible financing terms with respect to the obligations of public housing agencies. National banks would be authorized to invest in obligations of public housing agencies secured by a combination pledge of both annual contributions under an annual contributions contract between such public housing agency and the Secretary and a loan under an agreement between such agency and the Secretary. To permit investment in such obligations, the amendment would also delete the present provision of the National Bank Act which limits investment in obligations secured by a pledge of a loan to short-term obligations which do not exceed eighteen months in duration.

Section 207—Amendment to Lanham Act

This section would amend section 606 of the Lanham Act so as to permit the payment of debt service annual contributions with respect to permanent war housing projects which have been transferred to and are now operated by local housing agencies.

Section 208—Effective date of title II

This section would provide that title II of the Housing Consolidation and Simplification Act of 1971 would be effective at such date as prescribed by the Secretary of Housing and Urban Development, but not later than six months after enactment thereof.

TITLE III—MISCELLANEOUS

Section 301—Elimination of "Base" requirement in model cities programs

This section would amend sections 105(c) and 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 so as to delete the provision which limits the model cities supplemental grant to not more than 80 percent of the local share required for projects assisted by Federal grant-in-aid programs undertaken in connection with the model cities program.

Section 302—Labor standards exception

This section would amend section 1 of the Davis-Bacon Act to provide that the labor standards requirements of the Act do not apply to a contract for the repair of a one- to four-family residence acquired by the Secretary of HUD under a contract of mortgage insurance if the aggregate amount of the repair contract does not exceed $5,000.

Section 303—Removal of sublimitation on loans to hospitals under the college housing program

This section would eliminate the dollar amount sublimitation on the aggregate amount of loans which the Secretary is authorized to make under the College Housing Program to hospitals operating nursing schools or approved internship programs.

Section 304—New Community Development Corporation

This section would amend title VII of the Housing and Urban Development Act of 1970 so as to change the name of the Community Development Corporation to the "New Community Development Corporation."

Section 305—Authorization for college housing debt service grants

This section would amend section 401(f)(2) of the Housing Act of 1950 to increase by such sums as may be necessary the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

Section 306—Interstate Land Sales Full Disclosure Act

This section would amend the Interstate Land Sales Full Disclosure Act so as to authorize the Secretary to exempt from any provision of the Act any person who holds title to land as a fiduciary if the Secretary finds that enforcement of the Act is not necessary in the public interest or for the protection of purchasers.

Section 307—Flood insurance premium equalization payments

This section would amend the National Flood Insurance Act of 1968 by deleting section 1334(b) which provides for Federal premium equalization payments based on the relationship between chargeable premiums and estimated actuarial premiums. It would permit use of actual loss experience under the emergency program in determining HUD's cost sharing relationship with the insurance industry.

Section 308—Surplus property

This section would amend section 414 of the Housing and Urban Development Act of 1969 dealing with surplus property. Section 414 now permits surplus real property to be transferred by the Administrator of General Services, in his discretion, to the Secretary of HUD for sale or lease by him at its fair value for use in the provision of housing to be occupied by families or individuals of low or moderate income. Property to be used for related public, commercial and industrial facilities may also be transferred. Prior to any sale or lease to a purchaser other than a public body, the Secretary must notify the governing body of the locality where the property is located, and no sale or lease may be made if, within 90 days, the local governing body notifies the Secretary of its objection.

Section 414, as it would be amended by this section, provides that surplus real property may, in the discretion of the Administrator of General Services. be made available at the request of the Secretary of Housing and

Urban Development for disposition in accordance with the plan approved by him for the provision of housing and related facilities or for land development which is in furtherance of a new community or a major development or redevelopment program having community-wide impact. Property to be used for the provision of housing and related facilities would be assigned to the Secretary for sale or lease by him, whereas other property would be disposed of by Administrator of General Services in accordance with the plan and with applicable law governing the disposition of surplus real property. In the case of real property sold or leased by the Secretary for housing for other than low or moderate income occupants, the disposal would be made on the basis of the property's full market value, whereas property to be used in the provision of housing for low or moderate income occupants could, as under present law, be disposed of at its fair value for the proposed use (and subject to the requirements of present law with respect to approval by the local governing body).

Where property is sold at less than market value, the Secretary would be required to obtain such undertakings or impose such restrictions for such period of time as he may consider appropriate to assure that it will be uesd for the purposes and in the manner contemplated by the approved plan. For example, the Secretary may obtain contractual undertakings with respect to rentals or sales prices and may require covenants running with the land to assure continued residential use or continued site plan restrictions. Also, the Secretary could, where certain material changes in use would result in increased value, provide for appropriate recapture of the increase in value of land sold at a reduced price.

Mr. TOWER. Mr. President, today I am pleased to join with Senator SPARKMAN in introducing the administration's Housing Consolidation and Simplification Act of 1971.

Interpretation of the housing statutes during recent years has proven to be a monumental task not only for the most sophisticated and experienced builders, lenders, and sponsors, but also for those in Government service charged with administering the myriad of programs. HUD Secretary Romney, testifying earlier today before the Subcommittee on Housing and Urban Development, Space, and Science of the Senate Appropriations Committee, stated flatly that the multiplicity of housing programs are "almost impossible of sound administration." The pressing necessity for consolidation is apparent.

A new revised housing act, intended to supercede the national housing act, is included within title I of the bill. This new act is intended to: First, consolidate the numerous authorities scattered throughout the National Housing Act into a minimum number of broad, flexible programs; second, eliminate obsolete or duplicatory authorities; and third, improve existing operations and subsidy programs.

Mr. President, pending before this Congress are numerous important items of legislation which purport to reorganize governmental departments or codify existing statutes. I trust that this bill will not lose its identity by being considered as another one of several reorganization plans, for that is not its purpose. Its importance demands immediate attention and consideration, for it is my firm conviction that, by eliminating a substantial portion of the redtape occasioned by the existing maze of regulations and processing procedures within HUD, there will result an increased capacity within our housing programs to encourage the production of a greater volume of housing units for low-, moderate-, and middle-income families. In addition, investment by the private sector in low-cost housing should increase concomitantly with the elimination of duplicative bureaucratic requirements and the establishment of uniform criteria for the subsidized housing programs.

Title II of the bill is captioned "Public Housing Assistance Program." This section would revise the U.S. Housing Act of 1937, the program of assistance to local public housing agencies in the provision of housing for low-income families. The revised act would attempt to: First, modify and improve the public housing subsidy structure; second, authorize a new homeownership program for low-income families served by the program; third, make necessary modifications to financing and other authorities; and fourth, eliminate obsolete provisions.

Title II, as well as title I and the remainder of this bill, contains innovative and far-reaching provisions which will require careful examination prior to Senate action being taken. As regards public housing, however, the importance of continued autonomy as guaranteed to the local housing authorities by statute should be underscored. I trust that during subcommittee consideration of this bill, any questions relative to the extent of that autonomy will be resolved in the best interest of both those who inhabit public housing and those who have assumed the responsibility of managing the public housing facilities scattered throughout this country.

Mr. President, I cannot overstate the importance of legislation being enacted during this session of the Congress which will consolidate the many housing programs administered by the Federal Government. I realize full well that the provisions of this bill which the distinguished chairman of the Senate Banking, Housing and Urban Affairs Committee, and I introduce today will be subject to extensive examination and discussion by the membership of the Housing and Urban Affairs Subcommittee in the near future. We on the subcommittee will benefit from the views of those who appear to testify before us during the open hearings which will be conducted on this legislation. I trust that many of those who appear will share my conviction relative to an immediate consolidation and streamlining of current housing programs in order to insure the future vitality of housing within this Nation.

By Mr. SCHWEIKER:

S. 2050. A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency. Referred to the Joint Committee on Atomic Energy.

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

The legislation which I introduce today would permit individual States to set their own standards for the regulation of radioactive discharges to the environment from nuclear powerplants, as long as the State's standards are more strict than the Federal standards.

The Atomic Energy Act of 1954 currently provides that the Atomic Energy Commission can enter into agreements with State Governors providing for the discontinuance of the regulatory authority of the Commission and the assumption of such authority by the States, with regard to certain types of nuclear materials. The Commission is required to enter into such an agreement with any State if the State has a program for the control of radiation hazards adequate to protect the public health and safety of its citizens and if the Commission finds that the State's program is compatible with the program of the Atomic Energy Commission. In essence, the language in the law which currently requires that the State program be "compatible with" the Commission's program results in a situation where the State regulations are equivalent to the Federal regulations.

My legislation would permit the Atomic Energy Commission to enter into an agreement with a State which would allow the State to regulate radioactive discharges to the environment by licensees of the AEC so long as the State program is no less restrictive than the Federal program. The Atomic Energy Commission would be required to enter into the agreement with the State if the State's standards are tougher than the Federal standards and, of course, if the Commission finds that the State program is adequate to protect the public health and safety of the citizens of the State. In addition, my bill would continue to permit coordination of State and Federal programs for the protection of the public against radiation hazards.

Second, this bill would also authorize the Administrator of the Environmental Protection Agency to make grants to individual States to pay a Federal share of up to one-half of the costs of State programs to set up monitoring systems to evaluate radiation emissions. I believe that the States have a responsibility to determine the amount of radioactive material which is emitted from nuclear powerplants.

EPA would be permitted to make grants not exceeding 50 percent of the total cost of setting up and maintaining state monitoring programs.

It is clear that the States, under the 10th amendment to the Constitution, have the responsibility to protect the health and safety of their citizens. It seems to me that it is entirely appropriate to permit individual States to make their own judgments as to the safety of nuclear powerplants and the effect which radioactive emissions will have on the health and safety of the citizens of

a particular State. The State of Minnesota is currently contending in the Federal courts that it has the responsibility and the authority to regulate radioactive releases by nuclear powerplants. Minnesota maintained in the Federal district court that Federal legislation had not preempted the authority of individual States to set standards which are more strict than the Federal standards.

In a decision handed down late last year, the Federal district court held that Congress has clearly preempted the regulatory authority in this area and that the Atomic Energy Commission has exclusive authority to regulate radioactive releases by nuclear powerplants. The case has been appealed, but I believe that it is relatively unlikely that the lower court decision will be reversed. My reading of the applicable legislation is that Congress clearly did intend to preempt the field, and that is precisely why I am introducing this legislation.

A resolution introduced by the Honorable James B. Kelly passed the Pennsylvania House of Representatives today. This bill calls on Congress to enact legislation permitting the States to set tougher standards than those allowed by the AEC. The State legislation had strong bipartisan support and is a good indication of the feeling of the States about this proposal. I am pleased that the Pennsylvania House of Representatives has taken a significant step forward in passing the Kelly resolution and I am happy to respond with my bill.

Most of the power which is produced by nuclear powerplants is used in the particular State where the nuclear power is located. In fact one of the arguments used by the utilities for locating nuclear powerplants near major metropolitan areas is that it is too expensive to transport electricity long distances to make it economical to locate nuclear powerplants in relatively unpopulated areas. Thus, the States have a vital interest in the safety of these plants and the States should be in a position to impose stricter standards as long as minimum Federal standards are met. Atomic Energy Commission standards have general application, but special or unique circumstances within a particular State need recognition and the individual States are in a better position than the Federal Government to make such an evaluation.

I am also concerned about the often criticized lack of responsiveness of Federal authorities to citizens' concerns. Many citizen groups in the Commonwealth of Pennsylvania have contacted me to express their serious concern about nuclear plants in my State. Federal authorities are not as responsive as they should be to these concerns, and I believe that State regulatory authorities, being closer to the citizens, will be in a better position to evaluate and respond to citizen comments about nuclear powerplants. In addition, this legislation would follow the principles laid down by the Nixon administration which indicate the President's desire to return more governing authority to the individual States.

Implicit in this legislation is the authority for individual States to set standards which are so strict as to forbid any radioactive discharges to the environment whatsoever. At the present time there is great controversy over the biologic and genetic effects of low-level dosages of radiation. There is substantial disagreement as to the impact which such radiation emissions have on human and plant life. Much more study and debate is necessary, because I do not believe that satisfactory answers have yet been provided. It is interesting to note in this regard, however, that so-called zero-release reactors can be built. In fact, a zero-release reactor has been operating in Antarctica since 1962. This reactor, the PM–3A, is a small one, with an output of 1.5 megawatts. International treaties prohibiting the release of radiation into the Antarctic environment made it imperative that a zero-release reactor be designed for this area, and it has been operating successfully for 9 years.

As of December 31, 1970, there were 109 nuclear powerplants either operable, being built, or planned in this country. These plants would produce a total of approximatley 87 million kilowatts. By 1990, nuclear power is expected to account for about 40 percent of the generating capacity and about 55 percent of the thermal electric energy requirements of the Nation. This is an increase of more than 80 times the amount of electric power produced by nuclear plants in 1970. About 500 reactors are expected to be operable by 1990.

The Commonwealth of Pennsylvania has 11 nuclear plants either operable or planned. Among these are the small pioneer plant at Shippingport, which produces 90,000 kilowatts of power, and the huge plants planned for Peach Bottom and Limerick, both of which will have twin reactors each producing 1,065,000 kilowatts of power in the mid-1970's.

In view of the tremendous impact which the large number of plants may have on the environment, I believe it is essential that the legislation which I introduce today be enacted. Congress provided a clear precedent for this kind of legislation in section 109 of the Clean Air Act which passed last year. Section 109 provides that—

> Nothing in this title shall prevent a State, political subdivision, intermunicipality or interstate agency from adopting standards and plans to implement an air quality program which will achieve a higher level of ambient air quality than approved by the Secretary.

An exemption for individual States to set more restrictive environmental standards is even more important in the nuclear area than it is with air pollution.

With regard to the second half of my bill, I would like to point out that the Commonwealth of Pennsylvania and the AEC, on November 5, 1970, signed a contract for a cooperative program of environmental radiation monitoring of nuclear powerplants in Pennsylvania. This is a pioneering agreement, the first of its kind. The purpose of the monitoring is to provide the AEC with timely independent information and data for: First, evaluating the normal background levels of radiation which exist naturally in Pennsylvania at those facilities which are under construction; second, determining the adequacy of controls being exercised over radioactive effluents and sources of radiation at operating facilities and concentrations of radioactive materials in the offsite environment resulting from operation of the facilities; and third, determining the potential radiation exposure to the public attributable to facility operations.

I am delighted that the Commonwealth of Pennsylvania and the Atomic Energy Commission have joined hands in setting up this kind of a program, and I believe that other States should also be in a position to set up similar programs with Federal financial assistance.

Mr. President, I believe it is essential that Congress act quickly on this legislation, particularly in view of the great number of nuclear plants which are being planned and in view of the many questions with regard to the safety of these plants which currently remain unanswered. I ask unanimous consent that two articles from the Washington Post describing recent concerns over the safety of nuclear powerplants be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the texts of the Pennsylvania resolution, and my bill, be printed in the RECORD.

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

S. 2050

A bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection 274b of the Atomic Energy Act of 1954 is amended by inserting "(1)", "(2)", and "(3)", as "(A)", "(B)", and ("C)", respectively, and adding after clause (C) the following new subsection:

"(2) The Commission may enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission, and the assumption thereof by the State, in the regulation of radioactive discharges to the environment by licensees of the U.S. Atomic Energy Commission within the State."

(b) Subsection 274(c) of such Act is amended by striking out clauses "(1)" and "(3)" and redesignating clauses "(2)" and "(4)" as "(1)" and "(2)" respectively.

(c) Subsection 274(d)(2) of such Act is amended by striking out "is compatible with the" and inserting in lieu thereof "is no less restrictive than."

(d) Subsection 274(g) of such Act is amended by striking out "and compatible."

SEC. 2. (a) The Administrator of the Environmental Protection Agency (hereinafter called the Administrator) is authorized to make grants to States to pay the Federal share of the costs of State programs to—

(1) evaluate normal background levels of radiation at nuclear power plant sites under construction;

(2) determine the adequacy of controls over radioactive effluents and sources of radiation at nuclear power plant facilities and concentrations of radioactive materials in the environment resulting from the operation of such facilities; and

(3) determine potential radiation exposure to the public.

(b) Grants under this section to any State shall be made pursuant to criteria established by the Administrator, and no such grant shall

exceed 50 per centum of the total cost of the State program for the fiscal year with respect to which the grant is made.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

(d) There are hereby authorized to be appropriated for the purpose of making grants under this section $——— for the fiscal year ending June 30, 1972, $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

PENNSYLVANIA RESOLUTION

During the past few years more and more electric companies have announced that they plan to erect atomic power plants within the Commonwealth in order to meet the ever-increasing demand for electric power.

Many of our citizens feel that the increased use of atomic energy in the production of electricity will result in higher concentrations of radiation materials in the environment.

This potential radiation exposure to the public is a matter of great concern to all the people of Pennsylvania, yet there is little that can be done about it on the State level because of the provisions of the Atomic Energy Act.

The Federal courts have held that Congress has exercised its constitutionally granted authority to preempt the field of regulation of radioactive discharges from nuclear power plants. Because of these rulings no state may impose limitations on the amount of radioactive discharge from these plants.

The General Assembly feels that the states should be given the right to determine what the standards should be for radioactive discharge within its borders; therefore be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize Congress to enact legislation which would authorize the Atomic Energy Commission to enter into agreements with the states wherein the states would be given the power to regulate radioactive discharges to the environment by licensees of the United States Atomic Energy Commission within the State so long as the State regulation is not less restrictive than the one adopted by the Atomic Energy Commission; and be it further

Resolved, That the General Assembly memorialize Congress to include in said Federal legislation the authorization to make grants to the states to pay the Federal share of the costs of establishing programs aimed toward the control of atomic radiation from the nuclear power plants; and be it further

Resolved, That copies of this resolution be forwarded to Senators Hugh Scott and Richard S. Schweiker and the congressional delegation from the Commonwealth.

[From the Washington Post, May 28, 1971]

AEC WEIGHING A-PLANT CURB IN SAFETY TESTS

(By Thomas O'Toole)

The Atomic Energy Commission is considering an order that would curtail the electrical output of 22 nuclear power plants in 12 states because of test failures of an emergency cooling system for atomic reactors.

If the order comes, it is understood it will not be made for at least two weeks and would not be an order for the plants to close down. Instead, the order would require the plants to reduce their power production by 20 per cent, a move that would help to lower the temperature of the nuclear fuel and thereby reduce the chances of the fuel melting through its concrete housing if the reactor ever lost its coolant.

"It's true such an order is under discussion, but I want to emphasize that there is no plan to issue such an order right now," said one source inside the AEC. "It's only one of several possible things we might do if we find we have a design problem in our emergency core cooling system."

The chance that the AEC will find design defects in its emergency cooling system is believed to be slim. If it discovers defective designs, the AEC is convinced it can overcome the defect without seriously disrupting the nuclear power program in the United States.

Nonetheless, the AEC has already told five utilities they can expect delays in getting licenses to build and operate their atomic plants while the question of emergency cooling is re-examined. If the AEC also curtails power output in the 22 atomic plants now operating, it will bring on at least a minor disruption in the power program.

"We've been looking into the question of emergency core cooling for two months and we have very few answers so far," said one member of a senior task force appointed by AEC Chairman Glenn T. Seaborg to study the core-cooling issue.

The review of emergency cooling was triggered by failures of a scaled-down version of the cooling system in tests at the National Reactor Testing Station near Arco, Idaho. The tests involved a small mockup of a reactor pressure vessel containing electrically heated substitutes for nuclear fuel elements.

In six tests, this cooling water that bathed the heated elements was allowed to escape, as it would in a "loss of coolant" accident that might result from a ruptured pipe. Emergency or backup coolant was then pumped into the reactor vessel to keep the nuclear core cool while procedures were begun to shut the core down.

Test engineers discovered that high steam pressures kept almost all of the emergency cooling water out of the pressure vessel. One description of the test suggested that the pressurized steam blew the emergency coolant out through an outlet before the water even reached the hot core.

A second problem occurred when the tests showed that the temperatures of some of the fuel elements in reactor cores might go higher than anticipated during a loss of coolant. This raised concern because the higher a fuel element's temperature goes, the more likely it is to break through its housing and spill radioactive fission products into the pressure vessel.

Hotter fuel rods would also accelerate a chemical reaction between the zirconium rods and the cooling water, releasing hydrogen from the water and generating heat that would put an even greater demand on the emergency cooling system.

The AEC considers the tests inadequate and inconclusive, and has asked Congress' Joint Committee for Atomic Energy for $2 million in supplemental funds to scale up the tests and make them tests of full engineering models of cooling systems.

The request for supplemental funds is the first public sign that the AEC is concerned by the emergency coolant tests.

[From the Washington Post, May 26, 1971]

A-PLANTS FACE DELAYS AFTER FAILURE IN TESTS

(By Thomas O'Toole)

At least five and as many as 56 atomic power plants being built in the United States face construction and operation delays as the result of tests showing possibly defective designs in their nuclear-fueled reactors.

The five plants alone represent an investment of more than $1 billion and an electric power output of more than four million kilowatts, enough to light up a city the size of Chicago. Long delays in these plants could trigger power crises in Florida, New York and Michigan, where they are being built.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built; these account for more than 42 million kilowatts of planned power and an investment of over $10 billion in more than 20 states. Lengthy delays in their construction could trigger a nationwide power shortage.

The delays were caused by six straight failures of laboratory-sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures. Each time, the emergency procedure for cooling down the hot nuclear cores backfired in tests, causing the simulated reactors to close themselves down.

"These tests were not fair models of real reactors," one Atomic Energy Commission official said. "Nevertheless, we have to be concerned by the failures and the outside possibility that we might have a fundamental problem in design."

The chances of basic design problems are slim, AEC officials said. But if the emergency coolant designs don't work it would affect the nuclear plants being built and the 16 plants already in operation.

If the designs prove defective, plants operating today might have to be closed while the designs were being corrected.

"We have told five utilities they can expect licensing delays on five nuclear power plants," an official of the AEC's regulatory staff said yesterday.

"These five were chosen because they were all at a juncture where some action had to be taken. They had to be told they could not meet their deadlines."

The five utilities are Consolidated Edison Co. and Long Island Lighting Co. in New York, Florida Power & Light Co., and Detroit Edison Co. and Consumers Power Co. in Michigan. The Con Ed, Florida P&L and Consumers Power plants are ready to begin producing electricity; the other two are about to begin construction.

The length of the operation and construction delays is anybody's guess. One AEC official said the five utilities can expect delays of at least one month and probably three months.

The tests that turned up the loss-of-coolant failures were what engineers call "blowdown" tests. They were conducted on semi-scale reactor mockups at the National Reactor Testing Station in Idaho Falls, Idaho.

In the tests, engineers pretended that a water-cooled reactor under pressure had suddenly lost its cooling water at the same time that it suffered a "blowdown," which is a rupture in the piping that carries the coolant through the reactor.

The tests showed that when emergency water was flooded in through the piping to cool down the core, it did not get to the core because pressurized steam built up and wouldn't let it in.

"The tests seemed to indicate," one source said, "that there is a possibility the steam pressure within the vessel could prevent the core cooling water from entering the vessel. It appeared as if the core cooling water was being forced out of a break in the recirculation loop."

Engineers noted that the test results don't prove a design defect, since the tests were carried out on a model vastly different from a full-scale reactor. Only one prime coolant loop is used in the model, whereas four are used on real reactors.

Nonetheless, the test results were viewed as serious in the most conservative AEC circles.

"If you get a loss of coolant and then a loss of emergency coolant in a real accident," one official said, "your reactor core would overheat and probably melt under temperatures in excess of 5,000 degrees.

"The core would probably crumble," he went on, "and although you've got 10 or 12 feet of reinforced concrete under the core it might melt through all that. There would

be steam explosions and there is a possibility of the reactor bursting. Nobody knows for sure what would happen."

By Mr. THURMOND:

S. 2051. A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes. Referred to the Committee on Veterans' Affairs.

COST OF LIVING INCREASES IN DEPENDENCY AND INDEMNITY COMPENSATIONS

Mr. THURMOND. Mr. President, today I am introducing a bill for myself and Mr. HARTKE to provide for automatic cost-of-living increases in dependency and indemnity compensations.

At the present rate that inflation is eroding existing monetary levels, the provisions that Congress has provided for the wife, parents and children of service veterans are insufficient. It is my opinion that Congress should not allow economic circumstances to take away benefits that it has previously found to be necessary. This bill will help remedy the plight of the dependents of our veterans.

Throughout American history, patriotic citizens have risen to our country's defense in times of need. In response to this loyalty, the Nation has always shown concern over the welfare of these veterans and their dependents. When a man is killed or disabled in the service of his country, his family suffers not only the loss of a loved one, but also they lose the family provider. It is only just that the United States help alleviate these losses by aiding those who are dependent upon a veteran.

This bill provides that the Administrator of Veterans' Affairs shall periodically review the Consumer Price Index to determine whether the price index has risen over the previous level. If he determines that it has risen 3 percent or more, then the amount of each dependent's benefits shall be increased.

The United States owes a great debt to its veterans and their dependents. This bill will protect benefits that have already been legislated for veterans and will allow cost-of-living increases to offset inflation.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 2051

A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 13 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 405. Cost-of-living increases in dependency and indemnity compensation

"(a) As soon as possible after the beginning of each calendar month, the Administrator shall detremine the extent by which the price index in the preceding calendar month was higher than the price index in the applicable base period (as those terms are defined in subsection (e)). If he determines that the price index had risen by a percentage (of its level in the base period) equal to 3 per centum or more, the amount of each benefit otherwise payable under this chapter shall be increased by the same percentage plus 1 per centum (adjusted to the nearest one-tenth of 1 per centum), effective with respect to benefits for months after the month in which the determination is made.

"(b) In the case of any individual who first becomes entitled to a benefit in or after the month in which an increase becomes effective under subsection (a), the amount of the benefit payable to or with respect to him on the basis of such entitlement shall be determined by applying such increase (or, if more than one increase has become effective under subsection (a), by applying all such increases successively) to the amount of the benefit which would be payable under the provisions of this chapter.

"(c) Any increase under subsection (a) shall apply with respect to all benefits payable under this chapter during the period in which such increase is effective regardless of the provisions under which such benefits are payable or the manner in which the amounts payable are determined, but shall be applied with respect to the benefit payable to or with respect to any particular individual only after all of the other provisions of this chapter which relate to eligibility for and the amount of such benefit, and all prior increases made in such benefit under this section, have been applied.

"(d) If the amount of the increase in any benefit under subsection (a) is not a multiple of $0.10 it shall be raised to the next higher multiple of $0.10 in the case of a multiple of $0.05 or adjusted to the nearest multiple of $0.10 in any other case.

"(e) For purposes of this section—

"(1) the term 'price index' means the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics; and

"(2) the term 'base period' means—

"(A) the calendar month commencing January 1, 1970, with respect to the first increase under subsection (a), and

"(B) the calendar month immediately preceding the month in which the determination constituting the basis of the most recent increase under subsection (a) was made, with respect to any increase under subsection (a) after the first such increase."

(b) The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by adding at the end thereof the following:

"405. Cost-of-living increases in dependency and indemnity compensation."

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to increases in benefits under chapter 13 of title 38, United States Code, for months in and after the second month beginning after the date of enactment of this Act on the basis of determinations made (under section 405 of such title, as added by the first section of this Act) in and after the first calendar month beginning after the date of the enactment of this Act.

SEC. 3. Any individual entitled to dependency and indemnity compensation under title 38, United States Code, for the month of December 1969, who did not receive compensation for that month at a rate 24.1 per centum higher than the rate received by her for the month of November 1969, shall be entitled to compensation for months beginning after the month in which this Act is enacted at such higher rate, and shall be entitled, for December 1969, and months thereafter occurring but before the month beginning after the month of such enactment to an amount equal to the difference between the amount of compensation received by her for such months and the amount of compensation which she would have received for such months had the compensation rate for each such month been 24.1 per centum higher than the monthly rate received by her for November 1969.

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

S. 2052. A bill to amend title 38 of the United States Code in order to establish a National cemetery system within the Veterans' Administration, and for other purposes. Referred to the Committee on Veterans' Affairs.

NATIONAL CEMETERIES ACT OF 1971

Mr. THURMOND. Mr. President, today I am introducing a bill for myself and Mr. HARTKE, which would establish a National cemetery system within the Veterans' Administration.

Currently the Federal cemetery function is managed by four Federal agencies: The Department of the Army operates the National cemetery system; the American Battle Monuments Commission operates the overseas cemeteries; the Department of the Interior, through the National Park Service, operates cemeteries in conjunction with military and battlefield parks; and the Veterans' Administration operates various cemeteries.

The bill I am introducing would transfer to the Veterans' Administration those cemeteries currently operated by the Department of the Army—except Arlington National Cemetery and certain post cemeteries. Also subject to transfer would be other service cemeteries except those located at the academies. While experience over many years has shown that the Department of the Army can administer the National cemetery system in an efficient manner, the figures made available reveal that more than 90 percent of interments in national cemeteries are veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans benefits than to the functions of a service department.

There are two Federal cemetery systems which would not be transferred. Those are the cemeteries of the Department of the Interior and those under the jurisdiction of the American Battle Monuments Commission. These cemeteries are generally closed to future burials and are in the nature of historical parks or shrines.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, along with a section-by-section analysis of the bill.

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

S. 2052

A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Cemeteries Act of 1971".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24.—NATIONAL CEMETERIES AND MEMORIALS

"Sec.
"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.
"1008. Penalty for defacing cemeteries.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director.

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1971;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument (which is designated by the Administrator as a national cemetery) transferred to the Veterans' Administration by the National Cemeteries Act of 1971, or later acquired or developed.

"§ 1001. Advisory committee on cemeteries and memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites and the erection of appropriate memorials. The Committee may make such reports and recommendations as it deems desirable to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"(a) Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child or any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"(b) Eligibility criteria for interment in national cemeteries shall be applied uniformly with respect to all such cemeteries in the National Cemetery System.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers may be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator may provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbariums.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator may by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe and without regard to the laws concerning advertising for competitive bids.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government-owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Nothwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, all, or such portion as he may deem desirable, of the jurisdiction acquired by the United States over the lands involved, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"(h) The Administrator shall provide for the care, maintenance, and operation of any cemetery or burial plot transferred to the Veterans' Administration by the National Cemeteries Act of 1971 but which is not a part of the National Cemetery System, and may prescribe conditions for interment therein.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government.

"(b) The Administrator may also transfer any inactive cemetery or burial plot, or portion thereof, to a State, or political subdivision thereof, which agrees to maintain such cemetery in an appropriate manner, with the understanding that control thereof shall be returned to the Veterans' Administration if the Administrator deems such action to be appropriate.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary.

"§ 1008. Penalty for defacing cemeteries

"(a) Any person who willfully—

"(1) destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or

"(2) destroys, cuts, breaks, injures, or removes any tree, shrub, or plant, or

"(3) disturbs the peace

within the limits of any cemetery under the jurisdiction of the Veterans' Administration

shall be deemed guilty of a misdemeanor punishable by a fine of not less than $25, and not more than $100, or by imprisonment for not less than fifteen days, and not more than sixty days.

"(b) For the purpose of maintaining law and order and protecting persons and property at cemeteries under the jurisdiction of the Veterans' Administration, the superintendent or other individual in charge of any such cemetery, or such person or persons as he shall designate, is authorized to arrest forthwith any person engaged in committing any misdemeanor prohibited by this section, or any crime or offense against the United States committed on the cemetery grounds, and to bring such person before any United States magistrate or judge of any district court of the United States within any State or district where such cemetery is situated, for the purpose of holding such person to answer for such misdemeanor, crime, or other offense and then and there shall make complaint in due form."

(b) The table of chapters of part II, and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits---------- 901"

the following:

"24. National cemeteries and memorials ---------- 1000".

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Director, National Cemetery System, Veterans' Administration."

SEC. 3. The Administrator shall conduct a comprehensive study of, and submit his recommendations to the Congress concerning:

(1) the criteria which should govern the development and operation of the National Cemetery System;

(2) the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to servicemen and veterans; and

(3) the steps to be taken to conform the existing System to the recommended criteria.

SEC. 4. (a) Chapter 23 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended by inserting immediately after

"905. Persons eligible under prior law."

the following:

"906. Headstones and markers."

SEC. 5. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home and the Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such Department with respect to functions transferred under such subsection (a), or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such Department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 6. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) (A) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(B) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30,

1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(C) The first proviso to the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(D) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(E) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department of the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(F) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(G) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(H) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(I) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(J) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(K) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(L) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(M) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes", approved June 11, 1938 (52 Stat. 668).

(N) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(O) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(P) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(Q) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(R) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(S) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(T) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(U) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(V) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(W) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(X) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(Y) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(Z) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(AA) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(BB) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290). other purposes", approved November 8, 1967 (81 Stat. 429).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 4(a) of this Act do not apply.

SEC. 7. Section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 8. (a) The first section and sections 2 and 7 of this Act shall take effect on the date of enactment of this Act.

(b) Sections 4, 5, and 6 of this Act shall take effect July 1, 1972, or on such earlier date as the President may prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS

(A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes)

Section 1

This section provides that this Act may be cited as the "National Cemeteries Act of 1971".

Section 2

Subsection (a) amends part II of title 38, United States Code, to add a new chapter 24. The contents of the new chapter are largely patterned after chapter 7 of title 24, United States Code, and chapter 8 of title 36, United States Code. The language of the new chapter has been modernized and simplified to have it conform with the present language of title 38. A more detailed analysis of the new chapter 24 follows:

CHAPTER 24.—NATIONAL CEMETERIES AND MEMORIALS

Sec.
1000. Cemetery functions.
1001. Advisory committee on cemeteries and memorials.
1002. Persons eligible for interment in national cemeteries.
1003. Memorial areas.
1004. Administration.
1005. Disposition of inactive cemeteries.
1006. Acquisition of lands.
1007. Authority to accept and maintain suitable memorials.
1008. Penalty for defacing cemeteries.

§ 1000. Cemetery functions

A National Cemetery System would be established within the Veterans Administration for interment of deceased servicemen and veterans. The new System would be headed by a Director who would be responsible to the Administrator for operation of those cemeteries encompassed within the new System as well as any other placed under the jurisdiction of the Veterans Administration. The new System would consist of national cemeteries transferred from the Department of the Army to the Veterans Administration; cemeteries under the jurisdiction of the Veterans Administration at the time this bill is enacted; and any other cemetery, memorial or monument transferred by this bill or later acquired or developed.

§ 1001. Advisory committee on cemeteries and memorials.

This section would establish an Advisory Committee on Cemeteries and Memorials, whose members would be appointed by the Administrator. The Administrator would advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites and the erection of appropriate memorials. The Committee could make such reports and recommendations to the Administrator and to Congress as it deems desirable.

§ 1002. Persons eligible for interment in national cemeteries

This section designates those persons who, subject to regulations the Administrator shall prescribe and the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in national cemeteries. These include certain servicemen, veterans, reservists, National Guardsmen, Reserve Officers' Training Corps members, United States citizens who served honorably with armed forces allied with the United States in wars engaged in by this country, certain dependents of eligible persons in the aforegoing categories, and other persons or classes of persons as may be designated by the Administrator. The eligibility criteria for interment in national cemeteries would be required to be applied uniformly with respect to all cemeteries in the new System.

The Administrator would be directed to set aside, when available, suitable areas in national cemeteries to honor the memory of those servicemen missing in action, or whose remains have not been identified, those buried at sea and those whose remains have been determined to be nonrecoverable. He would be authorized to prescribe regulations governing the erection of appropriate memorials or markers to honor such individuals or such groups of individuals.

§ 1004. Administration

The Administrator would be authorized to make all rules and regulations necessary to carry out the provisions of chapter 24 of title 38; to designate these cemeteries considered to be National Cemeteries; and to provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbariums. Graves in national cemeteries would be required to be marked by appropriate markers and with certain specified information placed thereon. Registers of burials would be kept in each cemetery and also at the main office of the Veterans Administration.

In carrying out his responsibilities under this new chapter of title 38, the Administrator would be authorized to contract, without regard to the laws concerning advertising for competitive bids, for the care and maintenance of these cemeteries.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title and interest of the United States to any Government-owned or Government-controlled approach road providing the State or political subdivision states in writing, prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance, the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision.

When the Administrator deemed it to be desirable, he could relinquish to a State in which any cemetery, monument or memorial under his jurisdiction is located, all or part of the jurisdiction the United States has over such lands, reserving such concurrent or partial jurisdiction as he deemed necessary.

The relinquishment would be accomplished by filing with the Governor of the State involved a notice of such relinquishment of jurisdiction and would take effect upon acceptance by the State.

The Administrator would be directed to care for, maintain and operate any cemetery or burial plot transferred by the bill which would not be a part of the National Cemetery System and would be authorized to prescribe the conditions for interment therein.

§ 1005. Disposition of inactive cemeteries

The Administrator would be authorized to transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. He also would be permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agreed to maintain such cemetery in an appropriate manner. The transfer would be subject to an understanding that the Administrator might reacquire the property if he deemed such action to be appropriate.

Where a cemetery not within the National System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the System and for the removal of any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

§ 1006. Acquisition of lands

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from States or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise, as he deemed in the best interest of the United States.

§ 1007. Authority to accept and maintain suitable memorials

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals, for the purpose of beautifying or benefiting national cemeteries. He also would be authorized to make land available for this purpose and to furnish such care and maintenance as he deemed necessary.

§ 1008. Penalty for defacing cemeteries

Penalties would be prescribed for defacing any cemetery under the jurisdiction of the Veterans Administration. The person in charge of such a cemetery, or his designee, would be authorized to arrest persons defacing cemeteries or committing other crimes against the United States on such premises and to bring them before the proper Federal judicial officials. (Public Law 90–578 abolishes the office of United States commissioner and establishes the office of United States magistrate.)

Subsection (b) of section 2 of the bill amends the table of chapters at the beginning of part II of title 38, United States Code, to add the citation "24. National cemeteries and memorials" to reflect the new chapter.

Subsection (c) of section 2 of the bill amends section 5316 of title 5, United States Code, to include the Director, National Cemetery System, Veterans Administration, as Paragraph (131) of level V of the Executive Schedule Pay Rates.

Section 3

This section directs the Administrator to conduct a comprehensive study of, and submission of his recommendations to the Congress concerning the criteria which should govern the development and operation of the National Cemetery System; the relationship between that system to other Federal burial benefits provided servicemen and veterans; and the steps to be taken to conform the existing System to the recommended criteria.

Section 4

Section 4(a) amends chapter 23 of title 38, United States Code, to add a new section 906 on headstones and markers. This transfers the existing authority of the Secretary of the Army under chapter 7 of title 24, United States Code, to provide headstones and markers to the Administrator of Veterans Affairs. The language has been modernized and simplified to make it conform with the present language of title 38.

Subsection (a) of this new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in a national cemetery or post cemetery; (2) any individual eligible for burial in a national cemetery, but not buried there (except for graves of United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans, and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

Subsection (b) of this new section authorizes the Administrator to furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

Subsection (b) of section 3 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to the new section 906.

Section 5

Section 5(a) provides for the transfer from the Secretary of the Army to the Administrator of Veterans Affairs jurisdiction over and responsibility for all national cemeteries. Excepted from this transfer are the cemetery at the United States Soldiers' Home and Arlington National Cemetery. This subsection also provides for the transfer from the Secretaries of the Army, Navy and Air Force to the Administrator of Veterans Affairs, jurisdiction over and responsibility for any cemetery, memorial or monument coming within their respective jurisdiction, which the President determines would be appropriate.

Excepted from this transfer are the cemeteries located at the United States Military Academy at West Point, the United States Naval Academy at Annapolis, and the United States Air Force Academy at Colorado Springs.

Subsection (b) directs the transfer of so much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds available to the Secretaries of the Army, Navy and Air Force, in connection with functions transferred by this bill, as determined by the Director of

the Office of Management and Budget, to the Administrator of Veterans Affairs.

Subsection (c) is a savings clause whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals had not been made.

Subsection (d) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy and Air Force will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

Subsection (e) is a further savings clause under which (1) no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Departments of the Army, Navy or Air Force with respect to functions transferred by this bill shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officer of the Veterans Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of the enactment of this bill with respect to any function transferred shall be continued by the Administrator.

Section 6

Section 6(a) provides for the repeal of statutes giving the Secretary of the Army jurisdiction over and responsibility for national cemeteries. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

Subsection (b) provides that nothing in the repeal section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of the Interior with respect to those cemeteries, memorials, or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretaries of the Army, Navy or Air Force with respect to those cemeteries, memorials or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

Section 7

Section 7 amends section 3505(a) of title 38, United States Code, to provide that where an individual is convicted of certain crimes which are subversive in nature, he shall forfeit his right to burial in a national cemetery.

Section 8

Section 8(a) provides that section 1, relating to the title of the Act; section 2, creating the new Cemetery System and providing for its administration; and section 7, relating to forfeiture of right to burial, are to take effect on the date of the bill's enactment.

Subsection (b) provides that section 4, concerning headstones and markers; section 5, transferring the various cemeteries to the new System; and section 6, repealing present authority of the Secretary of the Army over the transferred areas, are to take effect on July 1, 1972, or on such earlier date as the President may prescribe and publish in the Federal Register.

By Mr. HRUSKA:

S. 2053. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL LABOR RELATIONS ACT JUDICIAL PROCEDURES AMENDMENTS OF 1971

Mr. HRUSKA. Mr. President, I send to the desk a bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes and ask that it be appropriately referred.

Mr. President, America is much aware, and deeply concerned, about the relationships betwen management and labor. These are relationships of great complexity. And the practice of labor-management law is one of the most highly specialized fields in the legal profession.

Knowing this, Mr. President, I want to say to my colleagues on both sides of the aisle who sit on the Committee on Labor and Public Welfare, that I am indeed mindful of the difficult decisions they must make and the conflicting considerations they must balance, as they ponder amendments to our labor-management relations laws. In my nearly 20 years in Congress, I have not had the privilege of sharing in committee deliberations of labor law questions, through service either on the Committee on Education and Labor in the House or the Committee on Labor and Public Welfare in the Senate.

However, I do respect the complexity and difficulty of questions that confront our colleagues who serve on those committees—and I would like to share with them some of the concerns which beset me in the light of hearings in which I was privileged to participate as a member of the Committee on the Judiciary over the past several years.

I refer to the hearings held by the Subcommittee on Separation of Powers chaired by the distinguished senior Senator from North Carolina.

That subcommittee held extensive hearings, beginning in 1968, into the question of whether the National Labor Relations Board exceeded its statutory authority in the discharge of functions assigned to it under the National Labor Relations Act. The subcommittee heard many witnesses on the subject. There were spokesmen for the NLRB itself, spokesmen for organized labor, spokesmen for employers, and spokesmen from the academic community.

I will not attempt here, Mr. President, to restate the findings and conclusions of the subcommittee since the hearings and reports are available to every Senator. In general, however, I want to state that the subcommittee majority did find that the National Labor Relations Board had all too often encroached upon the prerogatives on Congress.

In the light of those hearings by the Subcommittee on Separation of Powers, Mr. President, and of related considerations I offer for appropriate reference a bill encompassing five separate amendments to the National Labor Relations Act. I assume, Mr. President, that because of the statute to which they are directed, these amendments will be referred to the Committee on Labor and Public Welfare. However, each one of them has a special "procedural" or, if you will, a "judiciary" characteristic. Each commends itself, I believe, to the special attention of the lawyer Members of the Senate.

The amendments would, first, restrain the National Labor Relations Board from imposing what are considered to be punitive remedies not authorized by law; second, clarify the matter of strikers' reinstatement rights where they have been guilty of flagrant misconduct; third, treat with the choice of judicial remedies by parties to labor disputes; fourth, eliminate the bizarre judge-shopping practice where unions and employers are vying with one another to have their cases reviewed in an appellate court each thinks might be favorable to him; and fifth, to restate some rational standards for Court review of unfair labor practice cases.

PUNITIVE ORDERS

The first amendment in this bill, Mr. President, would amend section 10(c) of the Labor-Management Relations Act to put a limitation upon punitive orders issued by the National Labor Relations Board. Section 10(c) of the act empowers the NLRB to take such affirmative action "as will effectuate the policies of this Act." From the early days of the Wagner Act, and continuing until very recently, the Board has required that an employer found guilty of unfair labor practices post a notice in the plant or department involved, stating in substance that the NLRB has found that the conduct complained of constitutes an unfair labor practice and that he will not repeat the unlawful acts. In a number of recent cases, however, the Board has expanded on this concept by requiring, in addition to the posted notices, a sort of public confession of guilt by the employer, to be made to all employees—whether located at the plant where the alleged unfair practice was committed or located elsewhere. As will be seen from a review of the cases in this area, the courts generally do not enforce these orders in the form the NLRB first issues them. See *NLRB* v. *Laney and Duke Co.*, 369 F. 2d 859; *J. B. Stevens and Co.* v. *NLRB*, 380 F. 2d 202; *NLRB* v. *Thompson-Ramo-Woolridge, Inc.*, 305 F. 2d 807.

On reflection, Mr. President, it seems clear that the National Labor Relations Board has exceeded its authority in attempting to devise such novel remedies as the imposition of a public confession requirement on someone found to have committed an unfair labor practice. Indeed, such a requirement is repugnant to the basic concepts of our legal system. We can review the whole history of Anglo-Saxon jurisprudence in a fruitless search for precedents sufficient to support this extraordinary undertaking attempted by the Board. Even in the field of criminal law, history is replete with instances of the convicted killer going to the gallows, protesting his innocence, never under any requirement that he admit or profess his guilt.

The amendment I propose, Mr. President, would limit the Board to the issuance of the kinds of orders which clearly relate to the purposes of the statute—reinstatement of employees, the requirement to bargain upon request, and the

posting of notices stating that there will be no repetition of the particular unfair labor practices that were committed.

STANDARDS FOR REINSTATEMENT OF STRIKERS

The second amendment in this bill, Mr. President, would prevent the NLRB from ordering the reinstatement of strikers who engage in flagrant misconduct. As long ago as 1939, Mr. President, the Supreme Court in the *Fansteel* case (306 U.S. 240) held that strikers who engaged in violent or coercive misconduct during a strike are not entitled to reinstatement with pay, even though their employer may have committed unfair labor practices in connection with the strike. The principle of the Fansteel case prevailed for more than 30 years until the NLRB and the courts began to modify it in the early 1960's. See *Kohler*, 300 F. 2d 699, 345 F. 2d 748. Here it was decided that the Board should weigh the character of the unfair labor practice against the employee misconduct, and determine on the basis of this comparison whether employees who had engaged in admittedly coercive misconduct should be reinstated with back pay. Since then the Board has undertaken to order reinstatement for strikers who have engaged in a wide range of abusive and violent misconduct during strikes. *See Montgomery Ward and Co.*, 155 NLRB 999; *W. J. Ruscoe Co.*, 166 NLRB 75; *Beaver Bros. Baking Co.*, 171 NLRB 98; and *Trailmobile*, 168 NLRB 31.

While the courts have generally shown no disposition to uphold the NLRB's approval of striker misconduct in cases like these, nevertheless, NLRB holdings in these cases—and particularly in the light of the Kohler case—point to the establishment of a very bad precedent unless Congress legislates some effective and rational rules of the road.

This amendment will do that, Mr. President. It makes clear that violence or threats of violence, including the inflicting of physical harm or damage to property, can neither be condoned nor rewarded by a counterclaim that the other party to the case may have committed an unfair labor practice himself.

ELECTION OF REMEDIES

The next amendment in this bill, Mr. President, deals with the election of remedies. Summing up the situation, there is great confusion and instability today because a party to a dispute may take the same case to the courts, or to the National Labor Relations Board, as well as to arbitration. Now, most of us would agree there is no problem in this—described just that simply. An aggrieved party should certainly take his complaint to a judicial forum that will remedy the condition he complains about. However, in the case of labor disputes, one party can take his complaint—say, to the NLRB—and if he is not satisfied with the results there, he may next go to court, or if he does not like the way the court treats him he may decide to go to an arbitrator. In short, while he tries his luck, first in one forum and then in another, the other party has no idea where he stands or when the process ends. This amendment aims at correcting that condition by permitting a complaining party to seek his own forum for relief, but requiring that he stick to it once he chooses it—unless his complaint is dismissed on purely jurisdictional grounds. A short review is probably in order here, Mr. President, to see how we got into this strange predicament.

The Supreme Court has interpreted section 301 of the Taft-Hartley Law to give the courts jurisdiction of claims involving alleged contract violations. At the same time, these very claims may also involve unfair labor practice charges that fall within the jurisdiction of the National Labor Relations Board. See *Humphrey* v. *Moore*, 375 U.S. 335; *Carey* v. *Westinghouse*, 375 U.S. 261. Additionally, the Supreme Court has said the Labor Board has jurisdiction to interpret collective bargaining agreements while ruling on unfair labor practice charges. See *NLRB* v. *Acme Industrial Co.*, 385 U.S. 432. Finally, under the *Warrior & Gulf* decision (363 U.S. 574) this same type of contract violation claim can be brought before an arbitrator for decision. A prize example of the confusion that needs redress, Mr. President, is the case of *Local 743, IAM* v. *United Aircraft Corp.* (337 F. 2d 5). There the union agreed to arbitrate the case of 36 strikers who were denied reinstatement because of their alleged misconduct during the strike. The agreement to arbitrate provided for a final determination by the arbitrator "without recourse whatsoever to any appeal or review under any State or Federal laws."

Nevertheless, when the union lost the arbitration it filed an unfair labor practice charge with the NLRB involving the same 36 strikers. The General Counsel issued a complaint and when the employer sought to enjoin the proceedings the court of appeals denied him injunctive relief. It held that the Board had jurisdiction despite the prior arbitration agreement and award.

Mr. President, when we see a pattern like this developing, we should find our corrective in a resort to some of the great and proven principles of our legal system. To illustrate, there is a maxim in the law that states in substance that there must come a time when a lawsuit is over, when a case is decided, when the parties are no longer harassed by duplicate litigation of the same points. That is what this amendment accomplishes. It provides that once a party has elected to take his case to arbitration, or to the courts, or to the National Labor Relations Board, he may not thereafter seek a remedy in a different forum—whether he is dissatisfied with the result of the forum he chose or whether he is not. This proposal requires only an election among remedies that are available. And that choice of remedies becomes binding only if the forum before which the moving party proceeds entertains the case on its merits. It does not apply if the action is dismissed on jurisdictional grounds. And obviously it does not intrude in any way on rights of the parties to seek any judicial review they may have under existing law.

The remaining two amendments, Mr. President, are not readily documented by case citations, but they do call for a legislation in the interest of orderly judicial procedure.

FORUM SHOPPING

Section 10(e) of the Labor-Management Relations Act relates to petitions for enforcement of NLRB orders. It gives the Board the right to file these petitions in the circuit where the unfair labor practice occurred, or where the respondent lives, or where he transacts his business. The Board invariably petitions for enforcement of its orders in the circuit where the unfair labor practice occurred, and this is as it should be. However, section 10(f) gives aggrieved parties filing petitions for review the same three options, plus the additional right to file in the District of Columbia Circuit Court of Appeals.

This has led to a most unseemly "race to the courthouse" with many union lawyers urgently seeking to have a case reviewed in the District of Columbia Circuit Court of Appeals—on the apparent assumption that court might be more favorably disposed to their cause than another circuit. At the same time management attorneys have sought to avoid the District of Columbia circuit—presumably, they tell us, for the very reason union attorneys seek it out. An example of this totally unseemly condition, Mr. President, involves a petition for review of an NLRB order in the *Kohler* case (47 LRRM 2662). The Seventh Circuit Court of Appeals was forced to relinquish jurisdiction of this Wisconsin case because the petition had been filed with the seventh circuit at 10:10 a.m., central time, and the union in the case had filed with the District of Columbia Circuit Court of Appeals an hour earlier. The District of Columbia Circuit Court denied a motion to transfer the case back to the seventh circuit, where the subject matter of the controversy had occurred. My amendment, Mr. President, will put a stop to this practice of shopping for what a party may think is a favorable forum. The amendment removes the various venue options and gives exclusive jurisdiction over petitions for review to the circuit in which the unfair labor practice occurred. It also eliminates the right to review in the District of Columbia circuit unless the unfair labor practice occurred in that judicial district.

STANDARDS FOR REVIEW

Finally, Mr. President, the matter of standards for court review has been a subject of great contention for more than 30 years. The 1935 Wagner Act provided that on review by courts of appeals the findings of fact by the National Labor Relations Board would be conclusive "if supported by evidence." When Congress amended the Wagner Act by passing the Taft-Hartley amendments in 1947 it addressed itself to these review standards. It provided that NLRB findings of fact would be conclusive "if supported by substantial evidence on the record considered as a whole."

Obviously, the Congress intended by this amendment to give the courts a far more significant power of review than had been theirs under the narrower review provisions of the Wagner Act.

Beginning with the 1951 case of *Uni-*

versal Camera v. *NLRB*, 340 U.S. 474, the courts have tended to swing back to that very Wagner Act standard Congress set aside with its 1947 amendments. In the review process, the courts have said they must give consideration to the special qualifications of the Labor Board. See *Pacific Intermountain Express*, 228 F. 2d 170. They have also said the Board's interpretations of the act and its application of the act in doubtful situations are entitled to special respect and will not be disturbed even though the preponderance of evidence does not support them. See *NLRB* v. *Denver Building Trades*, 341 U.S. 665; and *NLRB* v. *Interboro Contractors*, 388 F. 2d 495. They have also said they will not draw different inferences than the Board did even if it seems more reasonable and plausible to do so. See *NLRB* v. *H&H Plastics*, 389 F. 2d 678. In *NLRB* v. *Seine*, 374 F. 2d 974, the court flatly stated it was not its job on review to decide whether the conclusions reached by the NLRB were the correct conclusions.

Mr. President, it seems clear to me that Congress from the beginning has intended that justice and fairness prevail in these cases. It is obvious from an examination of the cases that the courts need a clearer signal than the signal given them by the Congress in the 1947 amendments. Those amendments said it was not sufficient merely to have the findings "supported by evidence" as the Wagner Act provided. Congress directed that the standard thenceforth be "substantial evidence on the record considered as a whole." Yet, we find that even this language has failed to move the standards of court review in any material fashion from those standards that prevailed under the Wagner Act. For all practical purposes, it seems that "substantial evidence on the record considered as a whole" amounts to very little more than its predecessor language, "evidence." Therefore, Mr. President, my amendment provides that on review by courts of appeals the findings of the National Labor Relations Board with respect to questions of fact shall be conclusive if they are supported by "the preponderance of evidence."

SUMMARY

Mr. President, passage of the amendments encompassed in this bill will assure those levels of fairness, order, decorum and reasonableness which are the hallmarks of a balanced judicial process. Mr. President, I ask unanimous consent that the text of the bill be printed at the conclusion of these remarks.

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

S. 2053

A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Labor Relations Act Judicial Procedures Amendments of 1971".

ELECTION OF REMEDIES

SEC. 2. Section 10(a) of the National Labor Relations Act (29 U.S.C. 160(a)) is amended by striking out the period at the end and inserting in lieu thereof a colon and the following: "*Provided further*, That if an employer, or a labor organization on its own behalf or on behalf of employees, or employees on their own behalf or on behalf of other employees, submit to arbitration or agree to submit to arbitration a dispute, or institute in any State or Federal court or agency an action, suit, or proceeding, or file a charge with the Board, then such party or any person on whose behalf such action has been undertaken, shall not have any right to institute or maintain a proceeding in a different forum involving the same incident or subject matter, unless a prior proceeding with respect thereto is dismissed or relief therein is denied for lack of jurisdiction: *Provided further*, That nothing herein shall deprive any party to a proceeding before an arbitrator, the Board, or the courts, from exercising any right of judicial review or appeal that he may possess under existing law."

PUNITIVE ORDERS

SEC. 3. The third sentence of section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by—

(1) striking out the word "including" and inserting in lieu thereof the words "limited to"; and

(2) striking out the word "as" after the comma that follows the words "back pay" and inserting in lieu thereof the following: "bargaining collectively upon request with respect to the unit as to which the refusal or failure to bargain occurred, and posting notices stating that respondent will not engage again in the particular unfair labor practice which the Board has found such respondent committed, if such affirmative action".

REINSTATEMENT STANDARDS IN FLAGRANT MISCONDUCT CASES

SEC. 4. Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting before the last sentence thereof the following: "Acts of violence or threats thereof (including harm or damage to person or property) or other conduct constituting cause within the meaning of this section shall not be condoned or excused by reason of any unfair labor practices of any other party."

COURT REVIEW STANDARDS

SEC. 5. Section 10(e) of the National Labor Relations Act (29 U.S.C. 160(e)) is amended by—

(1) striking out "substantial evidence on the record considered as a whole" where these words appear in the fourth and sixth sentences and inserting in lieu thereof in each of such sentences "the preponderance of the evidence".

ELIMINATE FORUM SHOPPING

SEC. 6. Section 10(f) of the National Labor Relations Act (29 U.S.C. 160(f)) is amended to read as follows:

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board; the finding of the Board with respect to questions of fact if supported by the preponderance of evidence shall in like manner be conclusive."

ADDITIONAL COSPONSORS OF BILLS

S. 1828

At the request of Mr. DOMINICK, the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

S. 1970

At the request of Mr. PROXMIRE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1970, the Full Employment Amendments of 1971.

SENATE RESOLUTION 134—SUBMISSION OF A RESOLUTION RELATING TO THE IMPOUNDMENT OF FUNDS FOR ENVIRONMENTAL PROTECTION

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, the administration is withholding approximately $400 million in funds Congress appropriated for programs and projects that enhance our environment and conserve our Nation's resources. These are funds that Congress explicitly directed should be expended during fiscal 1971.

The resolution I introduce today would direct the President to release these badly needed funds. I ask unanimous consent, Mr. President, that the text of the resolution be printed at this point in the RECORD.

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

S. RES. 134

Whereas, the Congress has provided funds and directed that they be spent this fiscal year on programs and projects that enhance our environment and conserve our nation's resources, and

Whereas, these funds would create badly needed jobs, and

Whereas, the Administration has impounded: $1,280,000 in salaries and expenses for various soil and water projects; $45,500,000 in agricultural Stabilization and Conservation Service; $56,000,000 in rural water and waste disposal grants; $200,000,000 in basic water and sewer facilities grants; $19,000,000 in the reclamation loan program; $33,000,000 in other current Interior Department programs; $56,000,000 in other permanent Interior Department programs; now, therefore, be it

Resolved, That it is the sense of the Senate that in this time of economic recession and massive unemployment, that the total of $410,780,000 be released as soon as possible so that additional increased employment opportunities may be provided for the over 5 million Americans out of work.

Mr. HUMPHREY. Mr. President, I understand that it is necessary on occasion to withhold certain funds. Such impoundment would seem to be proper when the President, as Commander in Chief, retains funds appropriated for military purposes. The nature of military affairs is such that the President and his advisers should have this flexibility.

It is also proper to withhold funds in apportioning an appropriation over a full fiscal year or for the term of the appropriation. The Anti-Deficiency Acts of 1905 and 1906 direct the President to do this to avoid requests for supplemental appropriations for a program or project authorized and funded by the Congress. Such measured expenditure of funds is an economic move and is in accordance with law, even when it perdures through more than one fiscal year.

However, the withholding situation I am discussing today does not come under either of these categories. The impoundment of this $400 million neither relates to national security nor is it required to prevent overruns or requests for supplemental appropriations.

The expenditure of appropriated funds that Congress directs shall be spent in the general welfare of the Nation, must be expended by a President, unless there exists an emergency situation and there is at least the tacit approval of Congress. Certainly, it cannot be said that this Congress has given any approval to the impounding of these funds. Indeed, the distinguished chairman of the Senate Appropriations Committee, and President pro tempore of the Senate (Mr. ELLENDER), has mentioned imposing certain spending sanctions on the administration—sanctions on programs that have full administration support.

Mr. President, I do not wish to belabor the constitutional aspects of this issue. I would only mention that the Founding Fathers certainly had no intention of granting such sweeping legislative powers to the President. And selective impoundment is most certainly a legislative tool. It determines, in effect, program and spending policies and priorities.

In his book, the Federalists, the constitutional scholar, Leonard D. White, states that the Founding Fathers strove diligently to insure—

> That public funds would be legally expended, to prevent either misapplication or embezzlement, and to guarantee that the immediate representatives of the people would bear the responsibility for determining how much money should be provided, the sources from which it should be derived, and the purposes to which it should be applied.

This is the Constitutional framework of my strong objections to the impoundment of these vitally needed funds. But the fact that the President is on shaky legal ground in this matter, important as that fact is, affects our daily lives less directly than the environmental and economic effect of the impoundment.

We need the projects for which these funds were appropriated, and we need them now. There is a growing backlog of needed construction for soil and water projects, sewer and waste disposal facilities, and conservation and reclamation projects.

At the same time, we have over 5 million Americans out of work. There are hundreds of thousands more unemployed who are no longer counted because they have given up looking or have exhausted their unemployment compensation insurance.

We must make sure these Americans have the opportunity for meaningful and rewarding employment. Construction of these projects would mean vitally needed jobs.

The administration speaks of the introduction of a "full employment budget" in fiscal 1972. I approve of this form of deficit spending. The economy needs it and needs it badly. However, what is magic about July 1, 1971? The economy and the American worker are hurting right now. There is no economic or moral justification for not injecting this $400 million into the economic bloodstream immediately. I do not think the American people or the Congress should countenance fund withholding policies that continue an "unemployment budget" for the remainder of fiscal 1971.

Mr. President, I restrict myself in the resolution I introduce today solely to funds currently withheld from environmental and conservation programs. They are only a part of more than $12 billion in total appropriated funds that have been impounded by the administration.

I hope that the Appropriations Committee and the full Senate will take speedy action on this resolution.

SENATE RESOLUTION 135—SUBMISSION OF A RESOLUTION RELATING TO RELEASE OF FUNDS FOR MEDICAL TRAINING

(Referred to the Committee on Labor and Public Welfare.)

Mr. HUMPHREY. Mr. President, I offer today a sense-of-the-Senate resolution calling for the release of some $2,322,000 appropriated by the Congress for the training of doctors and other medical professionals in the treatment of neurological diseases and stroke.

It was the intent of Congress that these funds be expended in fiscal 1971, but they have been impounded by the administration.

My resolution also calls for an increase in the fiscal 1972 authorization for these training purposes to $14,300,000.

The training programs coordinated and funded by the National Institute of Neurological Diseases and Stroke have come a long way in the treatment of these diseases. Research has made it possible to provide hope and treatment to many. However, it is not enough to continue looking for better means of treatment. We must also provide our medical professionals with the know-how to apply up-to-date treatment.

It is these funds that the administration is withholding. Many of the training programs supported by the Institute have been severely curtailed, and while the number of doctors and medical schools continues to grow, there is an actual decrease in funds planned for fiscal 1972. I do not see how impounding $2,322,000 for fiscal 1971, and cutting back over $3,000,000 for fiscal 1972 training funds will help us meet the medical challenges represented by these diseases. It cannot be done without more and more trained personnel.

Mr. President, Dr. Paul C. Bucy, Chairman of the National Committee for Research in Neurological Disorders, has written a most revealing and indeed, shocking, letter to me. It outlines the magnitude of this training gap and how it will continue to grow as we slip further behind.

Mr. President, I ask unanimous consent that the letter of Dr. Bucy be printed at this point in the RECORD.

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

NATIONAL COMMITTEE FOR RESEARCH IN NEUROLOGICAL DISORDERS,
Chicago, Ill., April 14, 1971.

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: Mrs. Marjorie Guthrie, Executive Secretary of the Committee to Combat Huntington's Disease, has written me recently indicating your interest in obtaining adequate appropriations for the National Institute of Neurological Diseases and Stroke. She has informed me that you propose to present a resolution to Congress and to write a letter to the President in regard to this. As Chairman of the National Committee for Research in Neurological Disorders let me assure you that the National Institute of Neurological Diseases and Stroke is in a serious condition financially. Whereas other Institutes such as the Cancer and the Heart Institutes have received increased funding NINDS has not. Furthermore, in his proposed budget for FY 72 the President has increased funding for the other Institutes but a decrease in the support for NINDS. For those individuals suffering from neurological diseases, this is a serious matter. The Institute in the less than 20 years that it was been in existence has accomplished a great deal, and to find itself handicapped at this time indicates a failure to recognize its accomplishments and its future needs.

NINDS is concerned both with research and training. Financial support for both is lacking, but the situation so far as training is concerned is the most serious. The Administration has failed to realize that the training conducted with support from NINDS is not only for research but is also to prepare teachers and to prepare experts in the field who can utilize the results of research for the relief of disease and can teach medical students and other members of the medical profession regarding the results of this research and how to utilize them.

The Congress appropriated for fiscal year 1971 $105,807,000 for NINDS. For several months a large segment of this appropriation was withheld from the Institute. In a letter from Dr. Roger O. Egeberg, Assistant Secretary of HEW received April 1, it was indicated that part of the funds withheld had been released but this did not include any funds for training, and furthermore, Dr. Egeberg indicated, as Secretary Richardson had done earlier, it was not their intent to support training. The amount released is still $2,322,000 less than the amount appropriated. It is important that these funds be released for training as soon as possible in order that they may be utilized before the conclusion of fiscal year 1971.

The President's budget proposes to reduce the funds for training for fiscal year 1972. This will be disastrous for the programs of NINDS. The actual funds available for training in 1970 were $14,204,000. It was estimated that the funds for 1971 would be $14,300,000. The President has recommended $11,456,000 for 1972, or a reduction in training funds of approximately $3,000,000. The number of medical students in this country has been increased by almost 50%. There are 21 new medical schools being organized or planned. If we are to provide teachers for these added medical students and medical

schools it is essential that these training programs be supported. The restriction of funds now and over the past few years has resulted in all training programs now being supported by NINDS suffering a reduction in funds of 15%. Obviously, considering the rising costs which everyone has experienced the past several years, this reduction is even greater. Furthermore, NINDS has estimated that for FY 1972, 62 training programs formerly in operation will have been discontinued. Over the past two years no new training programs have been supported. NINDS informs me that there are approximately 80 new programs which are approved and worthy of support for which there are insufficient funds to provide the needed support.

NINDS further informs me that in FY 1971 46% of the fellowships which were approved could not be supported and that in FY 1972 this will probably be increased to 52%. It should also be noted that in FY 1971 there will be $10,000,000 of approved training programs that they will be unable to support.

Those of us who are members of medical school faculties, as I am, and who find ourselves with the responsibility for teaching medical students and members of the medical profession and for creating more doctors are puzzled as to how this is to be done if we are not provided with the means for doing so. The creation of more doctors, the treatment of patients with neurological disease, and the continuation of research directed toward the understanding and treatment of neurological disease is a concern of the entire country, not of one section, not of one city. It is, therefore, the concern of the Federal Government.

Your help in correcting this situation will be greatly appreciated. If I can supply you with any further information please feel free to call upon me.

Sincerely yours,

PAUL C. BUCY, M.D.

Mr. HUMPHREY. Mr. President, we cannot allow this training gap to continue. I urge the Senate and House committees to communicate with the administration on this vital matter. I also urge the committees to increase to $14,300,000 the fiscal 1972 funds authorized for training of doctors and other medical professionals in the proper treatment of neurological diseases and stroke.

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

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

S. RES. 135

Whereas, the Administration has continued to withhold $2,322,000 appropriated by the Congress for the training of doctors and other medical professionals in skills vitally needed in the treatment of neurological diseases and stroke; and

Whereas, the Administration has proposed to the Congress an authorization for Fiscal 1972 a total of only $11,456,000, for all training within the National Institute of Neurological Diseases and Stroke, and for its extramural training programs; and

Whereas, the number of medical students in the country has increased over the past years by about 50%, and the Administration is reducing projected training funds by $3,000,000; and

Whereas, inflation continues to erode the purchasing power of the dollar in research and training as in other areas of scientific endeavor; and

Whereas, the Administration has continually committed itself to quality medical care for Americans; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Administration immediately release the impounded fiscal 1971 funds of $2,322,000 for training in treatment of neurological diseases and stroke, and that the Congress move, through the appropriate Committees, to increase the fiscal 1972 authorization for these training purposes to $14,300,000.

GATEWAY NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 158

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. WILLIAMS. Mr. President, I am submitting today a perfecting amendment to S. 1852, the bill to establish a Gateway National Recreation Area. This amendment, which I am hopeful will be taken under advisement by the Senate Interior Committee, proposes only two minor changes in the wording of the legislation. It is concerned mainly with expediting the establishment and development of the area, and would not affect the ultimate composition of the area as envisioned by either the administration bill or S. 1193, the legislation introduced by the four Senators from New Jersey and New York.

This amendment would change the existing language relating to the establishment of the recreation area. Instead of an indefinite date for the inauguration of the area, its establishment would take place no later than 6 months following the date of the enactment of the authorizing legislation. There is a natural bureaucratic tendency for delay which would only be reinforced by the failure to stipulate a deadline. The 6-month period would constitute a reasonable period of time within which to establish the area, particularly since planning for the recreation area has already been underway since 1967.

The development of the area is another aspect of Gateway which should proceed as quickly as possible. The Department of the Interior has already assured me that a top priority should be assigned to developing those lands which are most readily available. We need to insure both that recreation facilities for the benefit of city dwellers as well as any work deemed necessary to halt erosion damage, be begun as quickly as possible. If all development is held up for the entire area pending land acquisitions, for example, the benefits of the Gateway area would be needlessly denied to millions of New Jersey and New York residents. Development of the entire area should not be held up while long negotiations and, on occasion, extended litigation takes place.

Sandy Hook, for example, is already considered surplus property by the Government. It is readily available, and only a minimum amount of development is necessary to convert it into a park.

Since we are talking about a plan that will serve the needs of millions of persons in the most densely populated area of our Nation, the need for urgency in getting parts of this national recreation area established as soon as possible becomes obvious.

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 159

Mr. SAXBE (for himself and Mr. CHURCH) submitted an amendment intended to be proposed by them, jointly, to S. 1657, a bill to consolidate and revise the Foreign Assistance Act of 1961, as amended, and other legislation relating to international security assistance, and for other purposes, which was ordered to be printed and referred to the Committee on Foreign Relations.

AID TO PAKISTAN SUSPENDED

Mr. CHURCH. Mr. President, my distinguished colleague from Ohio (Mr. SAXBE) and myself submit today an amendment to the International Security bill, S. 1657, which would suspend U.S. military and economic aid to Pakistan until food and medical relief, supervised by an international agency such as the United Nations, is instituted on a regular basis throughout East Bengal and the majority of Pakistanti refugees now in India are repatriated.

The people of East Pakistan, larger in number than the whole population of West Pakistan, have been hard-hit by two calamities in less than a year—the cyclone-tidal wave disaster and a savage civil war in which an estimated half million have been killed, and millions more driven from their homes. Food, medical supplies, clothing, and other essentials are desperately needed. A full-scale international relief operation is mandatory.

There are now close to 5 million Bengali refugees in neighboring India, with approximately 40,000 more arriving each day. The economic and social disruption resulting from such a massive influx of people imposes an unbearable burden upon India itself. More dangerous to the outside world, however, is the serious threat the refugees pose to peace between India and Pakistan.

The creation of another refugee problem along the Indian border, like that which plagues the Middle East, would be alarming in its implications for the future.

Under these circumstances, the United States must apply such leverage as it can to alleviate this human tragedy through the implementation of essential international relief and the speedy repatriation of refugees. Such is the purpose of our amendment.

ANNOUNCEMENT OF HEARINGS OF THE SUBCOMMITTEE ON BUSINESS, COMMERCE, AND JUDICIARY OF THE SENATE DISTRICT COMMITTEE

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Business, Commerce, and Judiciary of the Senate District Committee, I announce oversight hearings to be held on Wednesday, June 16, 1971, and Thursday, June 17, 1971, at 10 a.m., in room 6226 regarding the District of Columbia Court Reform and Criminal Procedure Act of 1970 and its impact on the correctional system of the District of Columbia.

Any interested person who wants to file a statement or 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

PEACE CORPS PRAISED AND WELCOMED IN COSTA RICA

Mr. CHURCH. Mr. President, a bitter footnote in the history of our relationship with Latin America was recently recorded when the Peace Corps was asked to leave Bolivia following a barrage of Marxist accusations against the volunteers. Thanks to Costa Rican President Jose Figueres, however, the story has a satisfactory ending.

A front-page article in a leading Costa Rican newspaper, La Nacional, reported the expulsion and then said:

Upon learning of this situation, President Figueres decided to make an immediate offer that Costa Rica will receive, with much pleasure, those one hundred youths so that they may render their services here in our country.

It is a very correct solution, in our judgment, because our experience in our country is that the Peace Corps, in every case, has done very meritorious work that has won the sympathy and respect of the Costa Rican people.

Following this account, an opposition newspaper agreed to the wisdom of the President's act.

This same story, along with an appraisal of the Peace Corps' continuing success worldwide, is reported by Scripps Howard columnist Virginia Prewett in the Washington Daily News. It concludes with a sentiment that echoes my own. The Peace Corps' "excellent record of acceptance," she writes, "should be a source of national pride for us."

I ask unanimous consent that this national column be printed in the RECORD.

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

[From the Washington Daily News, May 26, 1971]

COSTA RICA OFFERS TO TAKE OUSTED PEACE CORPS UNIT

(By Virginia Prewett)

President Jose Figueres of Costa Rica is making a heartening gesture of friendship toward the idealists of this country who are willing to put book-breaking effort into helping underdeveloped lands.

He has offered to take in Costa Rica de Peace Corps people who have just been asked to leave Bolivia.

President Figueres, a liberal activist with a long record of fighting the totalitarians, has offered to send an airplane of the Costa Rican-owned LACSA line to Bolivia to fetch any of the Peace Corpsmen there who wish to work in Costa Rica or who may be assigned there.

The total group Bolivia has asked to leave numbers 107. Some are at the end of their terms and perhaps half that number would be available for Costa Rica. That country already has 93 Peace Corps personnel at work over the country.

Bolivia's unstable military government asked the corpsmen to leave last weekend as the result of a smear campaign and heavy pressure by Marxist and Maoist groups in its national university and some labor unions.

It is understandable why anti-U.S. extremists make the Peace Corps people a target. As they work with the most humble, least advantaged people overseas, at only token pay, they are a living contradiction of the Black Legend of greed and exploitation that our enemies level against us. The Peace Corps is a living monument to this nation's best self and the extremists work to destroy it without any consideration of how this will penalize the poor and hungry overseas.

In spite of the anti-Americanism being raucously and subtle preached in the underdeveloped world, the Peace Corps is more than holding its own both in recruiting here in the United States and in overseas people served. It is now in 58 nations, near the peak level. After a four-year slump, applications to join soared during the current fiscal year to 21,600, also near the peak level. This year older people and working people as well as young college graduates are applying.

In the current Peace Corps fiscal year, two countries besides Bolivia have asked Corpsmen to leave. Ceylon, which asked them out once before and then asked them back, has asked them out once more. Panama also terminated its agreement to take them. But the Corpsmen had been training Panamanians as replacements for five years. Also, Panama wanted to join a similar program now sponsored by the UN. The Peace Corps does not consider it was kicked out of Panama.

During the same period, Mauritius, Mali, Malta and the Kinshasa part of the Congo invited the Peace Corps in. And now, in a special gesture of solidarity and appreciation, so has Costa Rica.

This excellent record of acceptance must confound the fervid anti-Yankees. It should be a source of national pride for us.

DIAMOND ANNIVERSARY OF THE NAVAL SHIP RESEARCH AND DEVELOPMENT CENTER AT CARDEROCK, MD.

Mr. MATHIAS. Mr. President, on June 10, 1896, Congress authorized the establishment of the experimental model basin at the Washington Navy Yard. The "model tank for experiments" was to be the first facility in this country built specifically to test ship models.

After $100,000 had been appropriated by Congress, a brilliant naval constructor named David Watson Taylor designed and supervised the construction at the navy yard, then for 15 years continued to guide the basin before going on to other naval duties. During those 15 years, more than 1,000 ship designs were tested, and ship planning became such an exact science that serious errors were almost eliminated.

The experimental model basin was the forerunner of the David Taylor Model Basin, now headquarters for the Naval Ship Research and Development Center, which will always include ship testing in the minds of naval architects.

The experimental model basin was housed in a long brick building in the southeast corner of the navy yard. It was equipped with a carriage which towed the models and carried photographic equipment so that engineers could study how eddy and wave-making resistance were generated.

The basin was 14 feet deep, 42 feet wide, and 470 feet long. It was filled with a million gallons of water, taken from city water mains. The water was treated with alum to coagulate any mud. Then it was passed through a simple filter.

A notable achievement in early model basin work was the invention of the bulbous bow, which was adopted by nations all over the world, and still is in use today in a modified form.

When aviation was born, its naval applications caught the imagination of Captain Taylor. He designed his own wind tunnel in 1912, although authorization for the facility did not come until the following year .

In December 1914, the fan was turned over for the first time in EMB's wind tunnel. It was the largest installation of its kind in the world, and at 54 miles an hour, the fastest. The aerodynamics laboratory produced results of great volume and importance. Among the important designs was the NC–4, the first plane to cross the Atlantic Ocean.

From 1913 through 1939, 300 aircraft designs underwent analysis at the aerodynamics laboratory. Of these, 115 became experimental, and all but five of those became operational. One of those studied in 1926 emerged eventually as the first dive bomber.

When the experimental model basin was built, it was the largest and finest installation of its kinds in the world. But bigger ships required bigger models, and greater speeds demanded faster carriage runs. The facilities grew obsolete and the need for a new model basin imperative.

For years, the Navy searched for an appropriate site. At the same time, it tried to convince an economy minded Congress that a new model basin was urgently needed. Designs for the proposed facility were drawn by Cmdr. Harold Saunders, who had worked closely with Taylor, and shared his dedication. When Saunders went to sea, architectural plans were turned over to Commander Morell—CEC—at the Bureau of Yards and Docks.

Early in 1936, Representative Vinson of Georgia introduced H.R. 10135 authorizing $3.5 million "for construction of a model basin on 55 acres, more or less, in the vicinity of Cabin John, Md."

The House Committee on Naval Affairs offered to change the wording of the clause specifying location to "a site at a cost not to exceed $100,000 in the vicinity of Washington, D.C." Vinson concurred, aware that the Cabin John site might not be approved, and the bill passed the House without debate.

The Senate was not as easily convinced. When the bill first came up for debate on March 27, 1936, Senator Borah demanded to know for what the basin was to be used. "What is it, a bathing basin?" he asked.

The bill was tabled, but on April 24 it reappeared. This time, its defenders, Senators Walsh and Tydings, were ready for the opposition. These two gentlemen were eloquent in their pleas for the new basin.

Senator Walsh closed his case with the statement that—

It is said that the basin at the Washington Navy Yard was paid for in a few years by reason of the advantages and benefits which came from the scientific experiments that were made there. We are now building many Navy craft and attempting to encourage private shipbuilders. Unless we have a

basin of this character and kind there can be no assurance that we will have the benefit of the latest and most scientific construction.

The bill passed the Senate without opposition and became law on May 6, 1936.

The search for a site intensified. The prerequisites as listed by Commander Saunders were these: a firm foundation of bedrock; sufficient room for several basins as well as room for expansion; a relatively pure water supply; a location above the highest flood stage of the Potomac. In addition, the site should be within easy traveling distance of the Washington Navy Yard, but free of noise and vibration. The plant should not be in a position to pollute the Potomac and the land should be fairly level.

More than 20 acres were examined and rejected until the perfect site was found in Carderock, Md., not far from the original Cabin John site.

Commander Saunders was named liaison officer for the Bureau of Construction and Repair to supervise construction and development of the new model basin. In June 1939, 1 month ahead of schedule, it was completed.

Shortly after the groundbreaking ceremony, the Secretary of the Navy issued an order naming the facility the David Taylor Model Basin. Dedication ceremonies were held November 4, 1939, attended by Admiral Taylor, by then confined to a wheelchair. He died the following July.

During World War II, the new basin was inundated by work. In addition to testing and designing aircraft, surface ships and submarines, DTMB personnel worked on torpedoes, streamlined housings, sound projectors, and hydrophone struts. They obtained quick practical answers to specific problems encountered in the fleet. There was little time for extensive research into the future.

Although wind tunnels were not included in the first authorization of the David Taylor Model Basin, the addition of such new facilities soon became imperative. On March 17, 1941, Congress realized the urgency and appropriated $500,000 to build a new wind tunnel complex at Carderock. The aerodynamics laboratory moved from the Navy Yard on New Year's Day of 1944. And by 1950, with the addition of more tunnels, it had the finest facilities in the world.

There were four laboratories in 1950: hydromechanics, structures, aerodynamics, and applied physics. In 1952, the applied mathematics laboratory was established to conduct research in mathematics and the application of high-speed computer techniques for management data analysis.

The new laboratory almost immediately proved its worth by completing a congressional study of a veteran's survivors' bill in 4 weeks at a cost of $15,000. By conventional methods, such calculations would have taken months and cost some $200,000.

One of the most impressive projects during this period was the design of the revolutionary research submarine *Albacore*. *Albacore* was the first submarine to be constructed as a true underwater ship rather than a submersible surface craft. The hydromechanics laboratory was largely responsible for this breakthrough.

Engineers at DTMB redesigned the stern of the carrier *Forrestal* and reduced her power requirements. In cooperation with other establishments in Europe, they also undertook a comparative cavitation project on propellers. From these experiments, the laboratory developed the theory of supercavitation, which brought reevaluation of high-speed ships. The research resulted in quieter propellers.

The Korean war brought countless requests for advice on hull form and propeller design. Technicians did research on landing craft for underwater demolition teams and found ways to lift small minesweepers into mother ships.

Structures, meanwhile, was preoccupied with failures—failures of stiffened cylinders, aircraft carrier decks, and ship steels. Solutions to these problems made a lasting contribution to the effectiveness of the Navy's ships.

The fifties were exciting years at the model basin, due in part to the advent of the computer, which seemed invented precisely for this type of research.

Extensive research continued on submarines and the features developed for *Albacore* were adopted for *Skipjack* which became one of the world's fastest submarines. Sound isolating techniques also were developed, curtailing the greatest drawback of submarines—noise.

DTMB technicians worked on surface effect vehicles—and developed the "skimmer," an air cushion vehicle that could travel over land or sea. To accommodate all this activity, new equipment and buildings were added, and by 1960, the David Taylor Model Basin extended far beyond the borders of its Carderock plant.

It held administrative control over a field station in Bayview, Idaho—a deep water facility used for submarine tests—and an important branch of the Underwater Explosions Research Division at the Norfolk Naval Shipyard. It also acquired a mobile noise measuring barge which served as a floating acoustics laboratory.

In 1961, the basin assumed administrative control of the experimental hydromechanics research facilities at Langley Field, Va.

One of the model basin's most impressive buildings was completed in 1961—the massive maneuvering and seakeeping facilities, which covers more than 5 acres. In 1962, these facilities were dedicated to Harold E. Saunders, the man who initially envisioned them and whose ideas had much to do with their final construction.

The largest single R. & D. project undertaken at Carderock in the early sixties was the hydrofoil program. Now, two large hydrofoils are being put through trials at Bremerton, Wash., where the success of their missions has resulted in new plans for hydrofoils in the future.

In 1966, when the Navy was reorganized, consolidation was planned for several Navy laboratories. Since the Marine Engineering Laboratory at Annapolis also worked on problems concerned with ship systems and often shared projects with DTMB, this consolidation was a natural one. On March 31, 1967, the two merged to form the Naval Ship Research and Development Center with a mission "to perform research, development, test and evaluation in naval architecture, marine engineering, ship concepts and related fields of science and engineering."

On November 1, 1967, the former U.S. Navy Mine Defense Laboratory at Panama City, Fla., became the third component in the first "center of excellence." Headquarters were at Carderock.

David Taylor's name was not to be forgotten, however. Another ceremony was held to name the main structure the David Taylor Model Basin, and a plaque was dedicated in his name.

Now, 75 years after the first model basin was established, the Naval Ship Research and Development Center works to support today's fleet as well as serving the Navy's requirements for future generations of ships and aircraft.

The center is celebrating the 75th anniversary of the founding of EMB on June 10, 11, and 12. Its commanding officer is Capt. Randolph W. King, U.S. Navy.

SENATOR MUSKIE'S APPROACH TO THE DRUG PROBLEM

Mr. SPONG. Mr. President, on Monday, June 7, the distinguished junior Senator from Maine, Senator MUSKIE, spoke about the city killer—heroin. He vividly explained that the heroin problem has become an epidemic that threatens the health and the safety, and perhaps even the existence of our cities. He called for a total Federal commitment to combat the drug problem on both a criminal and medical level.

In his address, Senator MUSKIE spoke of the legislation that he has introduced to help combat the drug problem: A bill to centralize, in the Executive Office of the President, all drug programs, and a bill to attack the international trade in drugs with a wide range of measures, including increased law enforcement and crop substitution.

I ask unanimous consent that the speech be printed in the RECORD so that all Senators may have the benefit of Senator MUSKIE's approach to the drug problem.

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

THE CITY KILLER

We meet today as partners in the enterprise of American government.

From city hall and the county building to the state house and the Capitol, each of us and all of us face a common challenge—to make our society work for people.

That is our business—and it is also the business of America. It is our biggest business and our most essential one.

But in 1971, the business of government is in trouble—and so are the customers we call citizens.

After two and a half years of Federal economic failure, millions of workers are without work and prices are climbing out of sight. You can see the signs of economic decline everywhere in America—in the price of beef at the corner grocery store, in a nine-year high unemployment rate of over 6%

for the Nation and 40% for young blacks, in the men and women looking for jobs that are not there on the main streets of your town and mine. Each month, we hear confident predictions which contradict the cold statistics. But the people behind the statistics cannot feed their families with predictions.

And predictions cannot ease the crisis in our cities, our suburbs, and our States. You are living with the crisis everyday. Everyday, you are trying to squeeze resources and services out of an archaic tax structure and an ailing economy. But there is almost nothing left to squeeze. In New York City and New York State, in Detroit and Philadelphia, officials are talking or making mass layoffs of public employees. People are being told to pay more and settle for less. At the same time, the country continues to pour its sons and its treasure into a war no general can win and no reason can make right. Our leaders have not still accepted a simple, vital truth: saving cities in America is more important than destroying villages in Vietnam.

No wonder the discontent of the young and the disadvantaged in the '60s has become the doubt of the vast majority in the '70s.

No wonder so many now believe so little in the integrity, the sense, and the capacity of government in America.

The loss of faith was first felt at the Federal level. But in recent years, the credibility gap has swallowed up our States, our localities, and even our private institutions. Over a year ago, a national magazine summed it up in the despairing question: "Why doesn't anything work anymore?"

No one who wants to serve the public in fact as well as in name can permit that question to remain unanswered. There is no purpose to power in a free society except to respond to the wishes and grievances of people. That is now and it always has been our first duty as partners in government.

And the American Federation of state, county, and municipal employees has led the way. Across the whole spectrum of critical issues, your voice has been heard and your views have been heeded. And in 1971, you are again in the frontlines of the fight for progress.

You have spoken up for peace—for the diversion of our resources from the tasks of death abroad to the tasks of life at home.

You have stood against regressive local tax structures and for tax reform at every level of government.

You have demanded a massive program of public service jobs and the release of the domestic funds now impounded by the Nixon administration.

Your union and your leadership have lived up to Adlai Stevenson's 1952 advice. You have talked sense to the American people—about the desperate need for more state and local revenues, about the urgent need for welfare reform, about the official inaction and insensitivity your President has called "madness." You have talked about all that—and you have also done something about it. You have formed a coalition of public employee organizations to push and prod government in a new direction. And you are working for a labor relations act which will protect your right to bargain for the right policies for our cities and our states.

I agree with you that there is much to do.

I agree with Jerry Wurf that ". . . the life of some cities and our Federal system is at stake."

But I did not come here today simply to agree. Instead, I want to ask you to focus your attention on another critical urban problem. I want to ask you and your union to add another priority to your agenda. I want to ask you to contribute your power and your influence to the struggle against our deadliest urban danger.

I am talking about the evil white powder Stewart Alsop calls the "City Killer"—the power that produces half of our urban crime and most of the fear which stalks our city streets.

I am talking about the epidemic of heroin—the sickness of an addiction which has already infected almost a quarter of a million people in every part of our land.

I am talking about $500 million worth of private property stolen each year in Washington, D.C. alone—thefts whose only purpose is to feed an expensive, murderous, implacable habit.

I am talking about more billions stolen in our other major cities to pay for the dreams and the death in a hypodermic needle.

I am talking about the corrosion of public institutions as well as private lives—about the recent discovery by members of your union that the drug traffic was flourishing in a Maryland State hospital.

And I am talking about countless condemned Americans:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mother's habit.

About the thousands of veterans exposed to heroin in Vietnam who are now carrying a horrible curse home to their families and our cities.

About the other despondent and disillusioned people whose health and will and hope have been shattered almost beyond repair.

And their disease could shatter our cities. What good will more resources do for our States and our localities—if they are consumed by the cost of police and courts to combat spreading addiction and spreading crime? And what will we gain from clean streets or rehabilitated housing or better schools—if people are still afraid to live in cities? All the urban tax reform your union can generate would mean nothing if the threat of drugs drives more and more of the middle class to the suburbs.

So any strategy to save our cities must provide an all out attack on the city killer of heroin. The attack will require a complete commitment of Federal funds and Federal power.

But the plain truth is that the heroin epidemic has been treated like most of the urban crisis. It has been noticed and studied and even denounced. But Washington still refuses to put its priorities where its rhetoric is. Washington talks a good game but everywhere the cities are losing.

You can see why in the sad statistics of the current, half-hearted Federal effort.

In 1971, the Federal Government will spend only $62 million enforcing our drug laws. That's less than the price of shutting down the SST.

In 1971, the Federal Government will spend only $7 million on drug education, $20 million on drug research, and $43 million on treatment and rehabilitation. That equals the cost of the Vietnam war for one day in 1968.

Last year, the National Institute of Mental Health treated only 1,1[illegible] patients—at the incredible cost of $10,000 each.

Last year, the Community Health Centers Act reached just a few more than 3,000 addicts.

And, while 25% of all addicts are veterans, the Veterans' Administration maintains exactly five drug treatment units with an average of fifteen beds each.

In short, the Federal Government is helping just 2% of the addicts in America. Any system with a record like that is nothing less than an absolute and total failure.

Obviously, we can and must do more by spending more on law enforcement, research, and treatment. But that is not the whole answer or even most of the answer. As long as drugs flow freely into our country—as long as narcotics is a third or fourth priority, heroin will hook people faster than we can educate them, faster than we can catch them, and faster than we can cure them. We will not even begin to defeat addiction until we care as much about his fix as the junkie does.

We must care at home and abroad. We must care in our cities and in the United Nations. The Federal Government must launch a war on heroin as broad as the world that produces it and as defined as the addict who craves it.

That is why I am sponsoring new narcotics legislation in this session of the Senate. The legislation calls for two major reforms. I believe both of them are essential.

We must set up a central Federal agency with overall responsibility for fighting drug abuse.

This agency must have as much money as it needs. It must be directly responsible to the President. And it must devise and implement a coherent national effort to pull all our present programs together and push them to their maximum limits. A single office of drug abuse offers far more hope than a half-hearted Federal effort, fragmented among six cabinet agencies—each of them hobbled by inadequate power and insufficient skills—all of them partly responsible for a problem none of them can resolve.

But domestic control alone will never be enough. We must go beyond the cities where the epidemic strikes to the foreign roots of the crisis—the opium poppy from which heroin is made.

And that is the second imperative. Through our economic aid program, we must work with every nation in the world to control opium production everywhere in the world. The poppy is the only flower that kills—and our aid must be to kill it off.

Together with the Government of Turkey, we are operating a small program to cut the number of Turkish provinces growing opium from twenty-one in 1967 to four by the end of 1971. This administration has done that much—and I am pleased that it has. But it is far from even a half-way measure. Our five million dollars in compensation for Turkish farmers will barely dent the world-wide heroin harvest.

Already, those who profit from the slavery of addiction are moving east from Turkey, once the source of almost 80% of America's heroin. It is no consolation that the heroin which hooks a child in Boston now comes from a different country. We have seen all this before. And we will see it again—as long as our foreign anti-opium programs merely chase the poppy across the globe.

In 1955, the abolition of opium production in Iran simply shifted opium plantations to Afghanistan, Pakistan, and Indo-China. Burma alone now grows over 30% of the world's supply. And our allies Thailand and Laos account for another 20% of the drug that is among our worst enemies.

We must use our foreign aid and our foreign influence to stop this incredible traffic in human torment. We must found and finance an international program of agricultural education, rural development, and crop substitution. We must make it profitable not to grow the poppies which are used to make illegal heroin.

Destroying heroin at its source will be difficult. It will take a long time and it will cost money. But this country spends $75 billion on defense and war. Surely, we can afford a fraction as much to protect our children, our cities, and our safety.

There are no easy answers to heroin—and there is no single answer. Methadone maintenance, ambulatory treatment, and antagonist drugs hold out both promises and problems. But of this I am certain—we must try as much as we can and spend as much as we can afford. And we must look beyond conventional solutions.

Ultimately, our only real chance for a stronger attack on heroin is probably a

stronger United Nations. Poppy producing countries could more readily enter a U.N. heroin agreement than yield to the pressure of the United States. And the United Nations could condition continued membership on the willingness to accept regular international monitoring of poppy production. India is one of the world's largest producers—but its control system has reduced the illegal output of heroin to virtually nothing. A United Nations narcotics force with real power could do as much in every part of the globe—and that would make a real difference in every American city.

The poppy fields of Asia seem very far away. But they are as near as the pusher in downtown Washington or the next robbery in Arlington. Their impact on the future and the fate of our cities is equalled only by the impact of the present fiscal crisis. And the battle against heroin is as crucial as the battle for local financial survival.

No one has a greater stake in the outcome than this union.

You are fighting to keep our cities alive—and their life may quite literally depend on whether we can control the drug that has been labelled the city killer.

In the days and months ahead, you will be waging some vital campaigns for urban survival. And I have enlisted for the duration.

I think we will prevail.

I think we will make government in America once again work for people.

And our success will be due in large measure to your union.

I am proud to talk with you and proud to stand with you. And I will always be proud to call myself your partner in the enterprise of government.

IN PRAISE OF THE JUNE 9, 1971, TESTIMONY OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE ELLIOT RICHARDSON BEFORE THE SUBCOMMITTEE ON EDUCATION OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. PROUTY. Mr. President, as the ranking Republican on the Education Subcommittee of the Labor and Public Welfare Committee, I have followed with interest the various analyses of the financial difficulties plaguing our institutions of higher education. I have also studied diligently alternative proposals for alleviating these chronic difficulties.

In my studies I have yet to find an analysis which compares in perception or eloquence to yesterday's testimony by the Secretary of Health, Education, and Welfare, Elliot Richardson, before the Education Subcommittee.

In his testimony Secretary Richardson announced that the administration is now developing a cost-of-education allowance proposal for institutional aid to institutions of higher education. I welcome this announcement, as should all of us who are determined to continue to advance the quality and equality of educational opportunity.

The significance of Secretary Richardson's testimony transcends the announcement of a new administration initiative. Its greater significance is derived from the logic, balance, and eloquence of the Secretary's presentation.

Secretary Richardson outlined for the subcommittee the broad philosophical issues we face in considering the future of American education. He suggested the debate on these issues has just begun.

I suggest that with Secretary Richardson's testimony yesterday the debate gained in momentum and eloquence.

I am sure that Senators will agree with my observations and I ask unanimous consent that the full text of Secretary Richardson's testimony be printed at this point in the RECORD.

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

STATEMENT BY HON. ELLIOT L. RICHARDSON

Mr. Chairman and Members of the Committee: I am pleased to be here today to present the Administration's views on the various proposals before the Congress for new forms of assistance to institutions of higher education. I refer in particular to the provision in your bill (S. 659), Senator Pell, providing cost-of-instruction grants to institutions for federally-aided students. But my remarks also bear upon other institutional aid proposals such as Senator Mondale's bill and the bills submitted by Mrs. Green, Mr. Quie, and Mr. Perkins in the House.

All of these bills have been introduced largely in response to deepening concern about the financial health of our colleges and universities. Particularly in the past few months since the Administration's higher education program was submitted to Congress there has been considerable publicity about a financial crisis in higher education. The Carnegie Commission has released a study entitled "The New Depression in Higher Education." And the educational associations have communicated their concern to you, and to us, that a new economic situation now effects higher education which demands an immediate and vigorous Federal response.

We believe that in light of these concerns the matter of increased institutional support for higher education does deserve renewed consideration. There are three interrelated issues which I wish to discuss this morning: (1) what are the dimensions of the current financial difficulties? (2) To what extent are the current legislative proposals responsive to these difficulties? (3) What new steps should be taken?

DIMENSIONS OF THE CURRENT DIFFICULTIES

The Department has had several studies underway for some time which provide valuable information for analyzing this issue. A study of 50 four-year public and private colleges has substantially improved our ability to evaluate trends in class size, faculty wages, instructional costs, and significant indices of institutional health. An intensive study of the resource allocation processes of a small number of institutions has provided valuable insights into how different kinds of institutions have responded to recent economic conditions and how they would be likely to respond in the future to various new modes of support. In addition, we have analyzed and profited from studies of higher education finance prepared for the Carnegie Commission and the Association of American Colleges. And we have consulted the work of many individuals.

Yet despite all these studies, it is not possible for us or anyone else to arrive at a clear-cut set of conclusions about the financial health or additional needs of institutions of higher education. We are dealing with a constantly moving target as to which aggregate data are nearly always out of date. More importantly, there are many different indices for determining whether or not higher education institutions are in trouble. Some people base judgments on the fact that some institutions have severe and/or frequent operating deficits; other individuals are concerned with rising tuition charges; still others with a longer-term condition under which institutional costs seem to be rising at a faster rate than revenues.

Such judgments, moreover, are complicated by the fact that there are no clear performance objectives for higher education institutions. We therefore have no clear standard for saying when an institution is unable to perform its vital mission. It will not do to look to the aspirations of the institutions themselves, because by that standard, all institutions with high aspirations are in financial trouble all the time.

Bearing all this in mind, there are, however, some things that can clearly be said and to which most all observers would agree. First, the differences in need among institutions and to some extent categories of institutions are considerable. Private institutions have turned more and more to tuition increases to obtain added revenues, running a much greater risk than public institutions of pricing themselves out of the market. Yet among private institutions there are also great differences which are compounded by the fact that advantages are unevenly distributed: those institutions which have one advantage (such as the ability to raise tuition without losing students) tend also to have others (such as endowments to fall back on). Similar disparities exist within other categories: the Black colleges for example, both public and private, are in worse straits than most other colleges.

We know, too, that different categories of institutions are experiencing distress for different reasons. Community colleges have large capital needs because they are rapidly expanding. Many private institutions are in financial difficulty because they cannot attract students to fill their available spaces. State-supported institutions have been hurt by less generous appropriations from state legislatures. Large research-oriented universities are almost alone in feeling the impact of a declining rate of growth in Federal research funding and shifts in research dollars to newly favored fields.

Third, we know that some causes of the current financial difficulties are temporary while others are chronic. Many of the problems of public institutions, for example, can be attributed to the increased competition for tax resources which occurs during a recession and to other temporary factors such as political reaction to student behavior. On the other hand, private institutions are all affected by the chronic problem that they must compete with subsidized public institutions which more and more resemble them in educational offerings and "quality."

Thus, while most institutions either have or feel they have financial problems, we conclude that what higher education faces at present is not a general "crisis" but a "crunch"—a crunch which affects institutions differently, and has been brought on by the convergence of a number of different economic and political forces. We recognize at the same time that this crunch has created a general sense of crisis on the part of leaders in higher education. And we recognize that some aspects of the present crunch reflect continuing and serious problems which must be addressed in the near future. How, then, should the Federal government respond to this situation?

GENERAL INSTITUTIONAL AID

One mode of response which has been proposed by higher education organizations and is reflected in several bills in Congress is new and unprecedented legislation for general institutional aid. By this I refer to funds which (1) are intended to support the general operating budgets of institutions rather than to accomplish a specific Federal purpose, and (2) are distributed to all or nearly all post-secondary institutions by a formula based on some measurable institutional characteristic such as student enrollment, degrees awarded, or instructional costs.

General formula aid has been suggested as an answer to the "crisis" which many feel higher education is in. Yet it is hard to imagine a mode of financing less suited to alleviating an immediate, short-term crisis than general formula aid. It is much too

blunt an instrument for dealing with acute problems of particular institutions, for it would provide support to all institutions regardless of their needs without substantially affecting those which are in the greatest difficulty.

In fact, general formula assistance is addressed to no *particular* problem but to the perceived need for a *general strengthening* of all post-secondary institutions. We believe that general formula aid must therefore be assessed for what it really is—a whole new approach to financing higher education involving a major reallocation of responsibilities for support of institutions with major educational and economic consequences for the institutions themselves.

Three major sets of questions must be answered before this Administration would be prepared either to propose or to accept legislation containing a new program of general institutional aid. The first concerns the Federal role. Throughout over one hundred years of providing support for higher education, the Federal government has always distributed its funds on the basis of the services or functions which higher education institutions perform for our society. The states, in contrast, have provided basic and general support to public institutions. Before Federalizing this responsibility, we must ask what level of government should support what sectors of higher education for what purposes?

A series of questions follow from this one. Do the community and junior colleges, state colleges, and universities perform services which benefit the whole Nation equally? Or should states and localities support some of these institutions and the Federal government others? Should the Federal government support all curricula at all levels or concentrate on curricula which meet high priority national needs; e.g., for skilled manpower in health and scientific research? Is there as strong a national interest in assisting all American citizens of all income levels as there is in equalizing educational opportunities for particular groups?

These are questions which must be answered through the democratic process of discussion and debate. Not only educational institutions but state officials, members of boards of trustees, and many others must be engaged in this debate. A debate has begun, but we have not had a national discussion on this issue on anything like the level or scale of public discussion that has centered on welfare reform, health policy, or strengthening state services through revenue sharing.

If we assume for the sake of discussion that providing general support is an appropriate Federal role, a second set of hard questions must be asked about the consequences of any general formula. For example:

What would be the impact on other forms of Federal assistance to higher education? General formula aid might compete for the funds now provided for aiding students and for support of existing categorical programs. What proportion should go to each? Should general formula aid replace some existing categorical programs?

What would be the impact on state and private support for higher education? General institutional aid might encourage some states and some private givers to reduce their support for higher education. Hence formulas must be designed with this problem in mind.

What would be the impact on the differential costs of public and private institutions? Unless general formula aid were disproportionately channeled toward private institutions or states were induced by a general formula to support private institutions, general aid might have no impact or an adverse impact on the chronic problem of price competition between public and private institutions.

What would be the impact on the independence and flexibility of institutions? Higher education institutions coming under a general formula could well be exchanging a short-run dollar windfall for some serious long-run problems.

A final set of questions must be asked about the relative merits of the particular formulas which have been proposed. Each formula contains not only a method of distributing funds among states and institutions. It also contains built-in inducements for each institution to act in certain ways which might enhance or compromise its capacity for independent and flexible action and its capacity for change. Do we want to encourage *all* institutions to expand enrollments by a formula base on capitation payments, or *all* institutions to stress credentials and select students most able to acquire them by a formula based on degrees awarded? If capitation payments are based on institutional size, what incentives and constraints are being created for certain organizational forms and not others? If payments vary according to levels of education, what assumptions are being made about the length of time students are required to spend in order to earn a degree?

In summary, we are convinced, both by what is known *and* by what is unknown about the results of general formula aid, that it would not be in the best interests of higher education to pass such legislation without a great deal more study and debate.

FOUR GUIDELINES FOR THE IMMEDIATE FUTURE

Our analysis of the nature of the difficulties faced by institutions and the problems besetting general formula aid approaches do, however, help us see and understand how we *can* and *should* help higher education in the immediate future. The foregoing presentation, it seems to me, suggests four guidelines by which we can judge new forms of institutional aid.

First, additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. New institutional aid should—at least for the time being—carry through on commitments the Nation has already undertaken, such as equalizing opportunity, stimulating reform and innovation, sponsoring research, and encouraging specific programs which are in the national interest.

Second, additional aid should, to the extent possible, benefit those institutions and categories of institutions which are experiencing the greatest distress.

Third, additional aid should not inadvertently, and perhaps irreversibly, produce major and premature reallocations of responsibility among the supporters of higher education—the Federal government, other levels of government, and private donors.

Fourth, additional aid should not impose upon institutions a uniform Federal bias as to how higher education should be provided—as, for example, through a formula which assumes a certain length of time required for a degree, the validity of degrees, and so on.

In short, Mr. Chairman, we believe that your efforts and ours should be devoted to determining how we can meet the major needs of institutions in the light of our major Federal priorities, and do so in a way that will avoid the many dangers we see in some of the blanket approaches now before Congress. *It follows from this that no single new program will provide the optimum solution. There are many arrows in the Federal quiver and each can carry a specific Federal interest to a specific target of national and institutional needs.*

Over the past month we have reviewed existing Federal authorities for higher education to see if there might be some vehicles, already in place, which might be used. We encourage you to do so also. We encourage you to consider the impact of our proposals for student aid which will free up institutional resources now devoted to this purpose. We hope, too, that you will consider our proposed National Foundation for Higher Education which will, we believe, substantially help institutions to become more productive centers of teaching and learning.

We have also reviewed new forms of institutional aid. This search has led us—as it has led many others—to conclude that a new program of cost-of-education allowances is the most appropriate new initiative, beyond the legislation we have already submitted, which the Federal government could now take. We have a particular proposal to present to you. But since you, Senator PELL, as well as Senator MONDALE, and Chairman PERKINS, of the House Education and Labor Committee have all introduced different versions of the cost-of-education allowance concept, I would like to discuss the central issues involved in designing a cost-of-education program which will fulfill the guidelines I mentioned previously.

THE COST-OF-EDUCATION APPROACH

Our first guideline was that additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. Cost-of-education allowances can build upon and extend the Federal commitment to equalizing opportunity for college attendance. It can do so by providing institutions with (a) an incentive to enroll the students who bring with them a cost-of-education allowance and (b) extra resources so that meaningful educational programs can be developed which will serve particular needs of these students.

Whether a given cost-of-education allowance formula *will* serve the Federal objective of equalizing opportunity depends, however, on a number of important features. It depends most of all on the extent to which the student aid program upon which the cost-of-education allowance is based is itself well targeted on the neediest students.

It also depends on how powerful the incentive is to compete for the students. If for instance, the student aid was provided directly to the students, such as the monthly payments to veterans receiving the GI bill subsidies, and the cost-of-education allowances also were given to the students to be turned over by them to institutions of their choice, we would have a true market system. But if the student aid and cost-of-education allowances are allotted to the institutions for distribution, as in the present Office of Education campus-based programs, the incentives are weaker and depend upon how precise and uniform are the Federal criteria for determining eligibility which the financial aid officers must follow.

Finally, it depends, of course, on whether the institutions use the extra resources to improve educational programs for the particular students in question, for the general student body, or for other needs such as faculty salaries which would be only indirectly related to the educational process.

Some have objected to a cost-of-education allowance on the grounds that there is no evidence that institutions *do* make larger educational outlays for low-income students; and that economically disadvantaged students are not necessarily educationally-disadvantaged, and hence require no special treatment. Our response to this, which we would like to have on record, is that low-income students are *more frequently* less prepared for a traditional academic education than other students. Further, we believe that the institutions which are undertaking a major commitment to serve these students *should* have the additional resources necessary to redesign programs suited to the interests of the ever-widening spectrum of

students entering colleges and universities. These need not be remedial programs at all, but rather programs more challenging than the ones now in existence.

Our second guideline was that additional aid should, to the extent possible, benefit those institutions which are experiencing the greatest financial distress. In terms of this guideline, a cost-of-education allowance based upon our proposed EOG, Work-Study, and NDSL programs would do a better job of distributing funds to the neediest institutions than for example, the general formula aid bill (H.R. 7248) introduced in the House by Mrs. Green. However, none of the cost-of-education proposals before the Congress precisely target on the neediest institutions. All must be justified primarily in terms of equalizing opportunity.

Whether or not a cost-of-education proposal will meet the third guideline—the avoidance of major reallocations among programs or supporters of higher education—will be affected both by the level of funds contemplated for the proposal and the conditions under which it is granted. For example, S. 659 proposes a "cost-of-instruction" allowance under which the sum of $1200 would be paid to institutions for each recipient of a basic EOG grant *after* a deduction is made for the amount of tuition charged the student.

At an institution now charging less than $1,200—a typical public institution—tuition charges to students could be reduced and the Federal government would make good the loss in tuition revenue in the case of every student eligible for a basic EOG. The other supporters of the institution—typically state and local government—would have to make up the tuition loss only in the case of students not eligible for basic EOGs. If, for example, the institution charged $300 for tuition and more than a quarter of its students were eligible for basic EOGs, the state or local government would find that it had shifted part of its financial burden as well as those of students to the Federal government.

Variants of this situation are common among public institutions but exceedingly rare among private ones. As a result, many public institutions would be encouraged to reduce tuition. Private institutions on the other hand would be neither encouraged nor enabled to take similar steps. The result could well be a wider gap between the charges of public and private institutions. This would be an added competitive disadvantage for the private institutions.

I understand, Mr. Chairman, that an amendment to S. 659 is under consideration which would provide a flat $1,000 per Federally-aided student to colleges and universities without a deduction for tuition. This proposal would not provide an incentive for reduction of tuition charges at public institutions, and would deal even handedly with public and private institutions. The amount of the payment is so large, however, that considerable substitution of Federal for State and private funds would result. Moreover, there would still be a strong tendency for institutions to recruit students barely meeting the eligibility requirements for student aid in preference to those from families paying only a few dollars more in income taxes.

Another example is provided by Senator Mondale's bill (S. 1161) for a cost-of-education allowance. Under the student aid proposal on which his cost-of-education allowance is based, no student would have to pay a large share of any tuition increase unless the institution he attended already charged more than $2,500. Institutions with low charges, especially public ones, could thus shift the burden of their general support to the Federal government *via* increased charges. The cost-of-education allowance in S. 1161 would then operate to give them a positive incentive to make such a shift. It would provide a bonus for transfering burdens to the Federal government.

Our fourth guideline was that additional aid should not undermine the independence and flexibility of the institutions themselves. We recognize that *any* formula grant program carries this threat, but we believe that a cost-of-education allowance is the type of formula least likely to do so. Cost of education allowances provide one known incentive to institutions—an incentive to attract those students who will bring more funds to the campus. It avoids placing the heavy Federal hand on courses, credits, degrees, instructional costs, or other variables basic to the educational process.

THE ADMINISTRATION'S PROPOSAL

To summarize, Mr. Chairman: The problems of general formula aid I have discussed, the criteria for a more promising approach I have mentioned, and the particular hazards of some cost-of-education allowance proposals just examined all suggest to us that a cost-of-education allowance should have the following three features:

(1) It should be based on a student aid program that equalizes opportunity. Only then will it give an incentive to colleges and universities to expand equal opportunity, and that must be its main justification.

(2) It should match the dollars of Federal student aid going to the institution, not the number of students aided. Otherwise, it will create incentives to spread aid thinly over the maximum number of students in order to obtain more cost-of-education allowances.

(3) Both the level of funding for the program and the structure of the student aid program on which it is based should enable us to avoid creating artificial inducements for state and local governments to shift major financial burdens to the Federal government.

We are now developing a cost-of-education allowance proposal having these features and based on our student aid proposals now before you. We will be prepared to send you shortly the detailed language and estimates for such a program.

It is especially important to recognize that no cost-of-education proposal can do everything. No one proposal can simultaneously promote equal opportunities *and* target funds precisely to those institutions which need them most *and* achieve other worthwhile Federal objectives. Efforts to do so would produce a proposal with as many problems as general formula aid. This is an area, Mr. Chairman, where whatever we do, we should do it straightforwardly.

HAPPY 50TH BIRTHDAY TO GAO

Mr. PROXMIRE. Mr. President, today marks a happy event in the life of an important agency of Congress, the General Accounting Office. It is celebrating the 50th anniversary of its establishment.

Fifty years ago the 67th Congress enacted the Budget and Accounting Act of 1921 which the President approved on June 10, 1921. That act established the General Accounting Office and the Office of the Comptroller General in the legislative branch of the Government and made them independent of the executive departments and agencies. The General Accounting Office is a nonpolitical agency whose primary function is to assist the Congress in carrying out its oversight responsibilities. It does this by examining into the manner in which Government departments and agencies, using public funds, discharge their financial, legal, and management responsibilities; reporting its findings on matters in need of attention; and recommending ways in which the programs of departments and agencies can be carried out more effectively, efficiently, and economically.

Over the 50 years of its existence, as Government operations became more complex, we passed legislation which considerably broadened the responsibility and authority of the General Accounting Office. We passed the Government Corporation Control Act of 1945, the Accounting and Auditing Act of 1950, and more recently, the Legislative Reorganization Act of 1970. These are but a few of the more important acts.

In terms of the competence and the diversified education, training, and experience of its present professional staff, and its present internal organization, it is a far cry from the organization it was at inception. It has undergone an evolutionary process which has met the additional responsibilities we have assigned to it and has kept pace with the growing complexity of the operations of our Government and our growing need for objective assistance in the oversight of those operations.

Its present professional staff of some 2,900 is not limited tc accountants, auditors, and lawyers. The staff includes specialists in such diversified fields as business administration, industrial management, engineering, statistics, economics, system analysis, automatic data processing, mathematics, and public administration. The professional staff operates on a worldwide basis—wherever Government departments and agencies are using public funds. It operates out of the Washington headquarters office, 15 regional offices, and 28 suboffices throughout the continental United States, and five offices overseas.

The independence and objectivity of the General Accounting Office are equally as valuable and important to us as its competence. Perhaps the greatest tribute that can be paid to independence and objectivity is to receive criticism from both sides. The Comptroller General and the General Accounting Office have had their share of criticism from both sides. They have been charged with being too harsh by Government departments and agencies, Government contractors, and industry associations. They have also been charged with being too lenient by Members of the Congress—myself included on occasion, the press, and many of our constituents. Its true character, obviously, lies in between—where it belongs.

The most recent responsibility we have added to the General Accounting Office is in the provisions of the Legislative Reorganization Act of 1970. These provisions require the Comptroller General to analyze the results of Government programs and activities, including the making of cost-benefit studies, and to assist committees of the Congress in analyzing cost-benefit studies furnished them by any Federal agency. These provisions attest to our confidence in the Comptroller General and his staff of the General Accounting Office to con-

duct these analyses and cost-benefit studies with competence, independence, and objectivity.

We, the 92d Congress, are fortunate that the 67th Congress foresaw our need 50 years ago and established the General Accounting Office which has developed into the good, strong, and indispensable arm of the Congress that it is today. It is, therefore, with pride in this agency—our agency—that I extend to the Comptroller General and to his staff of the General Accounting Office my warmest regards on this occasion and my hopes for many more years of continuing effective operation. I am sure my colleagues join me in this expression.

URBAN ETHNIC AFFAIRS WORKSHOP RESOLUTION IN SUPPORT OF ETHNIC STUDIES CENTERS BILL

Mr. SCHWEIKER. Mr. President, this week, Monday through Friday, a most interesting conference is being conducted in Washington, the "Workshop on Ethnic and Working Class Priorities—New Directions for Urban America," sponsored by the Center for Urban Ethnic Affairs.

The director of this center, Monsignor Geno Baroni, was one of the early leaders in civil rights efforts, and has been a leading social and intellectual force in recent days behind a growing realization in our country that by emphasizing the positive aspects and benefits of ethnic awareness and ethnic identity among the many ethnic groups that make up our great country, we can help foster greater understanding among all persons.

This week-long workshop has brought together community leaders, educators, clergy, labor leaders, and local government officials from cities and urban areas around the country, and includes small discussion groups, conferences, and workshops on a large variety of important urban issues. For instance some of the topics under discussion include the following: "The New American Dream," "Issues and Priorities of Urban Ethnic America," "New Dimensions of Ethnic and Cultural Awareness in Urban Life," "New Directions Beyond Polarization," "Ethnic Factors in the Urban Ferment," and others.

I was privileged to be invited to join the participants of the workshops at a luncheon Wednesday, held in the Senate caucus room, as sponsor of S. 23, the "Ethnic Heritage Studies Centers Act of 1971," I feel strongly that we must begin to take positive action now to help encourage and develop this new awareness of positive ethnic understanding by all persons, and I appreciated the many suggestions and recommendations about my bill, and the concept of regional ethnic centers, which participants at the luncheon made. Representative ROMAN PUCINSKI, who first introduced this kind of legislation, is working on a similar bill in the House, and I am confident that the full Congress can take action this year in this area.

Mr. President, yesterday the workshop participants unanimously adopted a resolution in support of the legislative efforts I, and Representative PUCINSKI, are making in our respective bodies of Congress, and I ask that the text of this resolution be printed at this point in the RECORD.

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

RESOLUTION OF THE CONFERENCE ON NEW DIRECTIONS FOR URBAN AMERICA, JUNE 9, 1971

Whereas the participants of the conference on new directions for urban America concerned with ethnic and working class priorities, having discussed and analyzed all the various aspects of the two bills relating to the establishment and support of ethnic heritage studies, S. 23, introduced by Senator Richard S. Schweiker of Pennsylvania, and H.R. 7988, introduced by representative Roman Pucinski of Illinois, have resolved:

(1) to register our approval and strong support of the basic concept of federal support for ethnic heritage studies which will provide assistance designed to afford opportunities to learn about the nature of each person's own cultural heritage and to study the contributions of the cultural heritage of the ethnic groups of this nation.

(2) as representatives of various urban ethnic groups we resolve that upon return to our communities we shall actively work for the popular support of the above bills.

IS SOME TROOP REDUCTION IN EUROPE PREMATURE?

Mr. SYMINGTON. Mr. President, when the distinguished majority leader brought to the floor recently an amendment to reduce somewhat our troop strength in Europe, there was a great outcry. Many stated that these troops should be reduced but to do so now was untimely and premature.

In many quarters the impression was given that it was all done in sudden fashion and that there should be more time to give it more consideration.

Some 8 years ago when I brought up this subject, I was told that unquestionably it should be done soon, but to do so then was untimely and premature.

In an article in the Kansas City Star of October 4, 1963, under the byline of John R. Cauley, the first paragraph read:

Senator Stuart Symington (D-Mo.) said today that "major reductions" can and should be made in the military forces the United States maintains in Europe and other parts of the world because of the drain on our Treasury and the realities of the atomic space age.

As inflation continues and the value of our dollar continues to deteriorate, it is certain that this matter will come up again. No doubt, however, when it comes up next year, and the year after, and the year after that, people will say the idea is good in theory but to do it then, so suddenly, would be untimely and premature.

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

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

ASKS A TROOP CUT OVERSEAS

(By John R. Cauley)

WASHINGTON.—Senator Symington (D-Mo.) said today that "major reductions" can and should be made in the military forces the United States maintains in Europe and other parts of the world because of the drain on our Treasury and the realities of the atomic space age.

The Missouri senator, the first secretary of the Air Force and a high ranking member of the Senate armed services committee, asserted that "it is my conviction that this country has not adequate resources to continue to bank freedom in Europe and the Far East to the extent it has done in recent years.

"We need at least to see the end of this road."

650,000 IN TWO THEATERS

American military forces in Europe total about 400,000 and in the Far East about 250,000.

Instead of having full combat divisions stationed in West Germany, as is now the case, Symington believes that one division flying the American flag, would be adequate because of the growing military strength of France and that country's growing friendship with the Federal Republic.

Symington pointed out that far-reaching changes in the last 10 years in the concept of what is necessary for the defense of the United States and the free world have not been recognized in the location of our forces.

"Both France and West Germany are undergoing an unprecedented period of prosperity, and the development in the last decade of the very long range bomber, the intercontinental ballistic missile and the Polaris submarine have combined to eliminate most of the necessity for a great many of the foreign bases previously considered essential," Symington said.

FAIL TO SEE DANGER

After declaring that the foreign military expenses are the largest single contributor to our balance of payments deficit, Symington said that "there would appear little recognition in Europe of the growing danger of this burden to the United States economy. Perhaps this is the chief reason these now most prosperous European countries continue to refuse to bear their fair share of the defense burden."

Symington said that the administration party justified recently continuation of three United States air bases in Spain on the ground of economic aid.

"It is clear that from the standpoint of military requirements these Spanish bases now have little use," Symington said. "And if more economic aid is justified for Spain, surely this is the wrong way to give it."

Symington suggested that the United States consider the British military concept of a central reserve, located in England, with capacity to be promptly airborne.

Later this month the United States will fly an entire division to Europe with the idea of determining whether such a project could be feasible strategically and perhaps reduce the need for large forces there once this flexibility was achieved.

THE 50TH ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. MATHIAS. Mr. President, I am pleased to join with my colleagues today in paying tribute to the General Accounting Office on the occasion of its 50th anniversary, reflecting a half century of performance and accomplishments which have earned it a reputation as an outstanding professional organization.

The Congress, recognizing the need for independent assessment and oversight of the complex affairs of the executive branch, established the GAO in the legislative branch of the Federal Government in 1921. As the affairs of Govern-

ment have multiplied in complexity and size, the responsibilities and authority originally vested in the GAO have been expanded by the Congress. The early GAO image of green-visored accountants has long since disappeared. Its staff of dedicated men and women is comprised of professional accountants, lawyers, and graduates of such other disciplines as economics, engineering, marketing, and finance.

The Office, under the able leadership of Comptroller General Elmer B. Staats, has stressed effectiveness in the use of the taxpayer's dollar in the many massive Federal programs. As demands are made on our limited national resources, their responsive allocation and effective use become of paramount importance.

During fiscal year 1970, the Comptroller General reported that $250 million in collections and other measurable savings were attributed to the work of the GAO. In addition, significant financial benefits have been realized which are not easily quantified in financial terms. As a result of problems and deficiencies that were identified by GAO, actions have been taken by the Congress and the executive departments and agencies to correct deficiencies, eliminate waste, and provide for better management systems.

In this day and age when so many diverse matters are being considered by the Congress, it is highly important that objective information is available to the Congress so that full and fair consideration can be given to proposals and to the need for reforms in government. The Congress, in attempting to obtain information and data on which to make legislative decisions, is confronted with either the lack of information or an array of information which needs to be verified and sorted out. The GAO as a nonpolitical, nonpartisan organization of the legislative branch is uniquely qualified to provide this service.

During this past year GAO submitted 524 reports to the Congress as a whole, its committees, and its Members. GAO also assisted the Congress in drafting legislation, supplying information, and assigning staff to work with committees. It responded to 438 requests by committee chairmen for independent advice and information on proposed legislation. Of the approximately 3,000 professional staff members of GAO, almost one-fifth were devoted to supporting the needs of the Congress in meeting its responsibilities of legislative oversight.

Of the 524 reports issued last year, 321 reports were issued in response to requests of committee chairmen or individual Members for audits and investigations covering activities of the various departments and agencies. This valuable service enables Members of the Congress to more effectively discharge their responsibilities.

GAO has issued useful and informative reports covering a broad spectrum of Government activities. Included in these reports were such Federal activities and programs as water pollution control, social welfare, space, agriculture, and many others. Also, GAO has provided Congress with reports on many international activities such as U.S. participation in the United Nations system of organizations, foreign assistance programs, and U.S. balance of payments. In the military area it has reported on the massive procurement activity of the Department of Defense and research and development of major weapons systems.

Passage of the Legislative Reorganization Act of 1970 was a major step toward providing better information on which to base legislative decisions. This act provided needed reforms in the legislative process and called upon the departments and agencies in the executive branch, in cooperation with the Comptroller General as the agent of Congress, to develop, establish, and maintain for all Federal agencies a standardized information and data processing system for budgetary and fiscal data. It is anticipated that the system can make incalculable contributions toward enhancing the ability of the Congress to analyze the fiscal operations of the Government, but care needs to be exercised that such data banks do not encroach on individual privacy.

As these programs have increased in size and complexity, the GAO has risen to the challenge in the surveillance and monitoring of Federal programs and of providing even greater assistance to the Congress. Moreover, the business community and individuals can look to the GAO for even-handed treatment in complaints or grievances against the Federal Government.

The record over the past five decades has been one which the men and women of the General Accounting Office can be justifiably proud and a period in which a great degree of satisfaction can be taken in having provided a valuable service to the Congress, the taxpayer, and the people of the country. I congratulate the GAO on its golden anniversary.

DOES THE UNITED STATES SUPPORT HUMAN RIGHTS FOR ALL MEN?

Mr. PROXMIRE. Mr. President, is the United States committed to human rights? Does the Senate believe in life, liberty, and the pursuit of happiness for all men? Certainly we do not support forced labor or inferior political rights for women or genocide? The laws of this Nation and its 50 States have long outlawed such acts. But does the morality of this Nation end at its borders? Does the Senate support guarantees of human rights for Americans but not for all men?

The human rights conventions provide the United States with an opportunity to reaffirm its support of human rights. They will allow this Nation to reaffirm its ideals and values for all mankind.

Mr. President, I call upon the Senate to ratify the human rights conventions. I call upon the Senate to reaffirm for the world the beliefs upon which this country was founded.

THE LOCKHEED 1011

Mr. TALMADGE. Mr. President, I have addressed the Senate and pointed out that for almost 2 years tremendous public attention has been given the C–5 military cargo plane, and that opponents of Lockheed and the C–5 program either have neatly sidestepped, or ignored, or distorted the principal issues involved.

This week, Fortune magazine released a story in its June, 1971 issue entitled "The Salvage of the Lockheed 1011." Along with the article a Fortune editorial endorsed the pending proposal for a Government guaranteed bank loan to Lockheed.

This article and editorial represent the situation the Lockheed Corp. finds itself in, and puts the matter in a proper prospective.

I commend the Fortune article and the editorial to the attention of the Senate, and ask unanimous consent that they be printed in the RECORD.

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

GIVE LOCKHEED A SECOND CHANCE

The Administration's proposal to rescue Lockheed's 1011 TriStar airliner with a government-guaranteed bank loan confronts Congress with an unhappy choice between certainty and uncertainty. The certainty is that if the loan guarantee is voted down, Lockheed will go bankrupt. With the guarantee, Lockheed would have a fighting chance to survive, but might still fail. Under the circumstances, there is a lot to be said for choosing uncertainty.

The guarantee would cover a $250-million loan to be put up by twenty-four banks, which have already loaned the company $400 million. The government-backed portion of the total loan would be the first to be repaid, and if Lockheed should still go bankrupt, the government would have first claim on the company's total assets of $1.3 billion.

The fact that the taxpayers' potential liability is limited does not in itself justify a government bailout for a private company. Nor is it enough to say that government-guaranteed loans have become a familiar aspect of our economic life, through the activities of agencies like the Export-Import Bank and the Federal Housing Administration. The case for the Lockheed guarantee rests on the fact that it is an exceptional measure to deal with an unusual emergency that befell a corporation especially vulnerable to circumstances beyond its control. There may be an element of bad management in Lockheed's predicament, but there is much more to the situation than can be explained away by accusations that the company was ineptly run.

The article on page 66 details the interlocking disasters that overtook Lockheed. Much that may have helped produce these disasters is not yet known. It is already amply clear, however, that the government itself bears some responsibility for the company's present plight. During the early 1960's, for high-minded reasons, the Pentagon adopted a new form of defense contracting that proved to be unworkable. It called for firm commitments years in advance to produce weaponry that had yet to be invented. In trying to anticipate the unforeseeable, the Pentagon wrote contracts so intricate that they lent themselves to misunderstanding and legal disputes. Lockheed was unlucky—or perhaps unwise—enough to win several of those contracts, and is now paying for its success.

Lockheed itself may have been partly to blame for the battering it took in the C–5A contract; the evidence is highly ambiguous. But the misfortune that threatened the life of its prime commercial product, the TriStar

seems clearly to have been beyond the company's power to foresee or avert. After the collapse of Rolls-Royce, Lockheed's management performed a heroic job in bringing together banks, airlines—and the British Government—to save the plane. Only one link remains to be put in place—the loan guarantee. In the circumstances, we believe Congress should approve it.

THE COST OF FAILURE

The case is strengthened by a consideration of what it might cost if Lockheed were to give up the TriStar for want of financing. More than 30,000 jobs would be put in immediate jeopardy. In addition to the human anguish of the jobless, there would be real cost to the taxpayers—in terms of income taxes no longer collected, as well as in payments for unemployment compensation, retraining programs, and other government efforts to minimize the impact on individuals and the economy.

A Lockheed bankruptcy would exact its own high price. In a letter to Congressman William S. Moorhead of Pennsylvania, to which Lockheed is giving wide distribution, the Comptroller General of the U.S. has pointed out that the cost to the government of the C–5A program could "increase substantially" if Lockheed went bankrupt. This is so because subcontractors on the C–5A might be able to renegotiate prices they agreed to six years ago, before the onset of inflation. Lockheed's other uncompleted government contracts, which total about $1.9 billion, might also have to be reopened. Essential projects doubtless would be continued, one way or another, but the disruption would be bound to be costly.

In the congressional debate, proposals will surely be made that the loan guarantee be tied to a requirement that Lockheed abandon Rolls-Royce and put U.S.-made engines in the TriStar. Fred Borch, chairman of General Electric, has already made this point, with the obvious aim of getting Lockheed to use the G.E. engine that is going into the McDonnell Douglas DC–10.

The airlines and Lockheed have twice studied the available engines, however, and twice they have chosen Rolls-Royce's RB.211. Their decision may prove wrong or shortsighted, but it should be left to them, not Congress, to decide—especially since a change of engines would increase costs and delay deliveries to such an extent that it is probably no longer a practical alternative. It is also worth noting that use of the Rolls engine might enhance chances of selling the TriStar to foreign airlines, thereby benefiting the U.S. balance of payments.

A SORRY SEQUENCE

The Lockheed guarantee should not be regarded as a precedent for further government rescue missions, but it can serve as a useful warning. Unless the system of defense procurement undergoes fundamental change, other defense companies could well fall into difficulties like Lockheed's. In the future, military projects will become fewer but bigger and riskier. The idea that competitive bidding assures the best product at the lowest price is proving to be a delusion. What it actually has done is impel companies to make unrealistically low cost estimates in order to grab off contracts, setting off a sorry sequence of cost overruns, congressional inquiries, and financial trouble for the contractors themselves.

Secretary of Defense Melvin Laird's "fly before you buy" policy represents a big improvement in procurement procedures, but it is only a first step. Congress ought to convert its indignation over past deficiencies in the system into pressure for constructive reform that will assure the nation the best defense for the least money. But meanwhile Congress should give Lockheed one more chance to survive.

WHAT'S RIDING ON THE TRISTAR

LOCKHEED'S MAJOR L–1011 SUBCONTRACTORS AND VALUE OF CONTRACT

[In millions of dollars]

Rolls-Royce, Derby, England, RB.211 engines	900.0
Avco, Nashville, Tenn., wings	575.0
Menasco, Burbank, Calif., Fort Worth, Tex., landing gear	95.2
Collins Radio,* Cedar Rapids, Iowa, automatic flight-control systems	71.8
Hamilton Standard, Windsor Locks, Conn. (Division of United Aircraft), air-conditioning and pressure system	69.0
Sunstrand, Rockford, Ill., servomechanisms for leading-edge slats, auxiliary hydraulic power system	46.6
Murdock Machine & Engineering, Irving, Tex. (Division of CCI Corp.), pylons to support underwing engines	33.8
Northwest Industries, Edmonton, Alberta (Subsidiary of CAE industries), bulkheads and flooring, nose landing-gear doors, air ducts and storage chambers	27.0
Sperry Flight Systems, Phoenix, Ariz. (Division of Sperry Rand), navigation instruments, air data instruments and computer	26.3
Curtiss-Wright, Caldwell, N.J., servomechanisms for trailing-edge flaps	25.2
Health Tecna, Kent, Wash., wing-to-fuselage fairings, crew attendant seats	22.8
Instrument Systems, Huntington, N.Y., entertainment system, cabin interphone system	19.1
LTV Electrosystems, Dallas, Tex., pilot's pitch "feel" and trim systems	16.2
National Water Lift, Kalamazoo, Mich., (Division of Pneumo Dynamics), servomechanisms for ailerons and rudder	13.9
Bertea, Irvine, Calif., servomechanisms for stabilizers	13.6
Kawasaki Aircraft, Gifu, Japan, fuselage doors	13.3
Grimes Manufacturing, Urbana, Ohio, lighting and coffeemakers	13.0
Bristol Aerospace, Winnipeg, Manitoba, (Subsidiary of Rolls-Royce), "S" duct for aft-engine intake	12.6
Air Cruisers, Belmar, N.J., (Division of Garrett Corp.), evacuation slides	11.0
Western Gear, Lynwood, Calif., baggage and cargo handling system	10.4
Fleet Manufacturing, Fort Erie, Ontario, aft-engine and fuselage fairings, Main landing-gear doors	9.0
Lear Siegler, Cleveland, Ohio, generating equipment	8.8
Sierracin, Los Angeles, Calif., windshields	7.8
Weston Hydraulics, Van Nuys, Calif., (Division of Borg-Warner), spoilers, direct lift control	7.4
Goodyear Tire & Rubber, Akron, Ohio, antiskid system	6.9
B.F. Goodrich, Troy, Ohio, wheels, tires, brakes	5.2
1500 other subcontractors, miscellaneous parts and materials	**500.0
Total contracts (billion)	**2.5

* With Lear Siegler, Santa Monica, Calif.
** Fortune's estimate.

LOCKHEED'S BANKS

Bank of America, Los Angeles.
Bankers Trust Co., New York.
Bank of California, Los Angeles.
Chase Manhattan Bank, New York.
Chemical Bank, New York.
Citizens & Southern National Bank, Atlanta.
Continental Illinois, Chicago.
Crocker-Citizens National Bank, San Francisco.
First National Bank of Atlanta.
First National Bank of Boston.
First National Bank of Chicago.
First National City Bank, New York.
Fulton National Bank, Atlanta.
Girard Trust Bank, Philadelphia.
Irving Trust Co., New York.
Manufacturers Hanover Trust Co., New York.
Mellon National Bank & Trust Co., Pittsburgh.
Morgan Guaranty Trust Co., New York.
Pacific National Bank of Washington, Seattle.
Philadelphia National Bank.
Security Pacific National Bank, Los Angeles.
Trust Co. of Georgia, Atlanta.
United California Bank, Los Angeles.
Wells Fargo Bank, Los Angeles.
Total commitment, $400 million.

If Lockheed's big bird fails to fly, more than 30,000 workers in the U.S. alone could lose their jobs, the company's 55,000 stockholders would have little or no equity, and some of the nation's largest banks might have to write off enormous loans. To date, Lockheed has invested $900 million in inventory and $90 million in plant and equipment. It also let some 1,500 subcontracts. In turn, the subcontractors let contracts of their own. Avco, for example, awarded a $27-million contract to Aeronca Inc.; one for $21 million to the Marquardt division of CCI Corp.; and another, for $11,400,000, to Short Brothers & Harland Ltd. of Belfast, Northern Ireland.

The table at left lists companies holding twenty-six of the largest contracts on the L–1011, and the location of plants doing most of the work. The value of the contracts is based on production of 350 airplanes, as envisioned in Lockheed's original L–1011 program. But since Lockheed has firm orders or options for just 178 airplanes, and places orders only as parts are needed, the current value of the contracts is far less than the amounts shown here. For example, Lockheed's initial order with Rolls-Royce was for about $450 million for 550 engines. Sperry Flight Systems puts the value of its contract at $8 million. All of the subcontractors shown here, except Bertea, shared the risk of the TriStar project with Lockheed by deferring a considerable part of their payment until the actual delivery of airplanes to customers. Rolls, for example, had received only about $20 million. If Lockheed should fail, subcontractors would rank as unsecured creditors. Bankers Trust and Bank of America act as agents for the twenty-four banks (above) that have extended Lockheed individual lines of credit totaling $400 million. They put up the last $80 million of this sum after securing liens on Lockheed properties. These banks have agreed to advance an additional $250 million—*if* the government guarantees the loans.

THE SALVAGE OF THE LOCKHEED 1011

(By Harold B. Meyers)

To save his plane—and his company—Dan Haughton had to perform one of the most delicate balancing acts in the annals of modern business. The outcome depended on simultaneous commitments by six airlines, twenty-four banks, and two governments.

In rural Alabama, where the chairman of Lockheed Aircraft Corp. grew up, sherry is for old ladies and cold fish describes a personality trait. But at Grosvenor House in

London on February 2, Daniel J. Haughton was prepared to savor the sherry and cold salmon served at a luncheon given for him by Lord Cole, chairman of Rolls-Royce Ltd. For months Rolls-Royce, which was developing the RB.211 engine for Lockheed's new wide-bodied passenger jet, the L–1011 TriStar, had been concerned—with reason—about the financial stability of its American partner. Now Haughton was able, in his down-home accent and a courtly manner, to assure his host that Lockheed's troubles appeared to be in the past. He had all but nailed down the additional financing that he needed for the TriStar. The road ahead seemed clear. By the way, asked Haughton, how was Rolls-Royce coming with its technical problems on the RB.211? Only then, barely forty-eight hours before it was announced in the House of Commons, did Dan Haughton learn the bad news.

What he heard from Cole and at subsequent meetings with government officials represented an amalgam of bleak realities and dire prospects. Costs on the RB.211 had soared out of sight. Development was behind schedule, the engine was not performing as expected—and, as Haughton knew, Rolls-Royce's contract with Lockheed carried stiff penalties for late delivery and failure to meet specifications. Its board of directors had concluded that Rolls-Royce lacked the resources to carry on the RB.211 on its own and had turned for help to the British Government, which had already contributed $113 million toward the cost of "launching" the engine. But Prime Minister Edward Heath had declined to put more taxpayer money into what he had come to regard as an uneconomic venture.

The British Government's ungiving stance and a provision in Britain's corporate law forced the Rolls board to ask the company's debenture holders to appoint a receiver. The government intended to take over those divisions that were important to national policy and let the receiver sell off others, including the motorcar division (which accounted for only about 5 percent of Rolls-Royce's sale of $720 million in 1969). But the government would *not* take over the RB.211 division or assume its obligations under the contract with Lockheed. If Lockheed wanted Rolls-Royce engines in the TriStar, Haughton would have to negotiate a new contract.

Haughton was stunned by the unexpected recital of disaster. He was well aware of Rolls-Royce's technical problems with the RB.211; Lockheed had its own experts monitoring the project at Rolls's Derby works, and Haughton himself made regular trips to Britain to review progress. But he had had no hint that its troubles with the RB.211 could sink Rolls-Royce, the symbol of all that was best in British industry. At first he couldn't believe it. And in this, as least, he was in complete agreement with those who gave him the news. "To the British," said one government official, "the news of Rolls-Royce was like hearing that Westminister Abbey had become a brothel."

Haughton wasted no energy on denunciations of perfidious Albion. He set to work at once to put engines back into the TriStar, which the British press soon dubbed, sardonically, "the world's biggest glider." In the following weeks, which grew into months, of unceasing effort, Dan Haughton was called upon to perform one of the most intricate balancing acts in the annals of modern business. On every side he was hemmed in by "but," "however," or "on the other hand." He was counting on the TriStar to put Lockheed back into the commercial airframe business, after nine years on the sidelines, and thereby reduce its dependence on government contracts (which represented 90 percent of the company's 1970 sales of $25 billion). Without engines, there would be no TriStar—and, quite possibly, no Lockheed.

Only the British Government could supply the capital needed to continue with the RB.211. The government, however, was unwilling to risk additional public money without assurance, preferably from the U.S. Government, that Lockheed could stay in business. Even if engines—either the RB.211 or a U.S. produdct—could be obtained, Lockheed calculated that it would now need up to another $350 million in outside capital from banks and customers to bring the TriStar into full production. Its banks were unwilling to advance more money without some kind of guarantee from the U.S. Government that would protect their added investment. But such a guarantee would require congressional action—and Congress had grown notably cool to the pleas of defense contractors like Lockheed and, since the Penn Central debacle, even cooler to the idea of government aid for faltering private enterprises.

A lot of figures of speech have been employed to describe the complexity of Haughton's task as he sought to salvage the TriStar and Lockheed. Nine customers and twenty-four banks had to be kept in the game, if the game were to continue, and all—each with its own needs, interests, and responsibilities—had to be convinced that the final deal represented the best possible outcome for them and their stockholders. And all had to reach that decision at the same time, though each preferred to wait until the others—and the U.S. and British governments as well—had acted. A Lockheed executive said the problem was to get a squad of men, each of whom wanted to be the last man in a single file, to go arm-in-arm through the door. "Is there a door that wide?" one of Lockheed's bankers wondered. Secretary of the Treasury John Connally, the Texas Democrat who monitored the negotiations for the Nixon Administration, put it best. "Dan," he told Haughton, "your trouble is you're chasing one possum at a time up the tree. What you've got to do is get all those possums up the tree at the same time."

"DELIVER US FROM CREDITORS"

The stakes were enormous. At the time of Rolls's collapse, more than $1.7 billion had been committed to the project—$990 million by Lockheed, $350 million by its subcontractors, and $400 million by Rolls and its subcontractors. Lockheed's investment came partly from its own resources, but mostly from its customers and banks. The customers that had ordered 178 TriStars (six airlines, two investment groups, and a British holding company) at a cost of about $15 million each—$2,670,000,000 worth—had handed over more than $200 million in advance payments; among the airlines were Eastern, T.W.A., Delta, and Air Canada. Twenty-four banks, led by Bankers Trust and Bank of America, had loaned Lockheed $350 million, the limit then available to it from its existing credit line of $400 million, and the company had put up as collateral a considerable part of the real estate it owned, as well as all the stock of two substantial subsidiaries, Lockheed Shipbuilding & Construction Co. and Lockheed Electronics Co. (In April the banks stretched themselves, after getting more collateral, and gave Lockheed another $50 million, bringing its bank debt up to the full $400 million.)

Thousands of jobs depended on continued production of the TriStar with RB.211 engines. About 31,000 of the jobs were with Lockheed, its subcontractors, and its suppliers in the U.S. and Canada. Some 19,000 of these jobs were in California, which is already suffering acute unemployment, especially in the aerospace industry. The other 12,000 were distributed through many states—3,000 in Tennessee, 700 in Georgia, more than 600 in Connecticut. Rolls-Royce had more than 12,000 workers employed on the RB.211, and about the same number worked for its subcontractors and suppliers.

Some of these Lockheed and Rolls-Royce workers could be shifted to other projects, of course, but most faced dismissal. One of Haughton's first moves was to lay off 6,500 Lockheed workers to conserve cash while he tried to save the TriStar. (Since then Lockheed's layoffs have mounted to 8,500.) At Derby, a red-brick industrial city of 230,000 people in the English Midlands, about 20 percent of the work force is employed at Royce's. as the company is known locally. The British Government kept development work going on the RB.211, at a cost of more than $2,400,000 a week, to give Haughton time to work out a new deal. But soon there were 2,000 "redundancies" in Derby, and the town was seized by panic. Morale at Royce's plunged, and a bitter parody of the Lord's Prayer circulated among proud engineers, who remained confident that, given a chance, the RB.211 would rank with other great Rolls-Royce engines:

> . . . Give us this day our receiver
> And forbid our redundancies
> As we forgive them
> That did nationalize us.
> But deliver us from creditors
> For ours was the Merlin,
> the Spey and the Conway
> Dart and the Avon. RR men.

LIFE AMONG THE UNK-UNKS

Haughton, fifty-nine, is a lean six-footer with a florid face, thining hair, and a ready smile. One friend describes his manner as one of "red-dirt southern courtliness"—nothing affected, nothing high-flown, and yet unmistakably gentry. His father was a sometime farmer, sometime storekeeper in the Alabama backwoods, and Haughton worked on the family farm and later in a coal mine to earn his way to a degree in accounting at the University of Alabama in 1933. He joined Lockheed in 1939 when it was still a small company. The hard-working young Southerner quickly caught the eye of the Gross brothers, Robert and Courtlandt, who were the dominant figures in the company. In 1961, Haughton was named president. He succeeded Courtlandt Gross as chairman in 1967, and a Haughton protege, A. Carl Kotchian, fifty-six, moved up to the presidency.

Haughton's years as Lockheed chairman have been full of trouble. Lockheed, like others in the aerospace industry, has kept bumping into "unknown-unknowns," or contingencies that couldn't be foreseen (see "For Lockheed, Everything's Coming Up Unk-Unks," FORTUNE, August 1, 1969). In March, 1970, Haughton notified Deputy Secretary of Defense David Packard that Lockheed faced "a critical financial problem" unless the Pentagon promptly settled contract disputes on four of the company's defense projects, or provided interim financing while the disputes dragged on. More than $750 million was at stake in claims involving the C–5A cargo plane, the Army's Cheyenne helicopter, the motor for the SRAM (short-range attack missile), and a group of Navy ships. Except for the ships, all the projects were being carried out under the immensely complex, and now discredited, "total package procurement" concept introduced by former Defense Secretary Robert McNamara in an effort to reduce defense costs. Not only had the concept failed to bring costs under control; it encouraged, through the complexity of the contracts required, just the sort of protracted legal disputes that Lockheed was embroiled in.

On February 1, the day before he ate cold fish in London, Haughton reluctantly accepted a settlement that brought Lockheed's loses on the disputed defense contracts to $480 million (before taxes), all but $190 million of which it had already written off. That gave the company an apparent after-tax loss for 1970 of $80 million, instead of a previ-

ously reported profit of about $10 million, and its net worth declined from $331 million to $240 million. (Lockheed's audited figures for 1970 still have not been reported, pending the outcome of Haughton's struggle to save the TriStar.)

It was, clearly, a very tough settlement, and there are those, even in the White House, who now wonder if it wasn't too tough, inasmuch as it left Lockheed in no shape to deal with Rolls-Royce on its own. Says one presidential assistant: "The Defense Department negotiated those guys out of $350 million." This view assumes that if Lockheed had had time and financial resources to fight its case through the courts, it might very well have come out much better than it did in the deal with Packard.

But at least the settlement with the Pentagon had given the company some breathing space. Lockheed had taken its losses and survived, and its most troublesome contract, on the C–5A, was being restructured to limit future liability. That cleared the way for Haughton to obtain the additional capital that he needed for the L–1011 until sales might finally begin to generate a substantial cash flow. On the strength of the Pentagon settlement, he tentatively arranged $250 million in additional financing, $100 million of it from the airlines that were buying the TriStar. All these arrangements fell apart when Rolls-Royce went into receivership. "When something comes as unstuck as this one did, it's not easy—and this one really came unstuck," says Haughton.

TROUBLE ON THE FLYING TEST-BED

In the sixty-five years of its existence, Rolls-Royce Ltd. earned an outstanding reputation for technical excellence and reliability. Under Sir Denning Pearson, now sixty-two, an engineer who was determined to keep the company ahead of its competitors in technology, Rolls-Royce assigned as many as 22,000 employees to research and development. Out of this huge effort grew the RB.211, which after an intensive competition was selected for the TriStar over engines made by General Electric and Pratt & Whitney. (The G.E. power plant went into McDonnell Douglas' wide-bodied jet, the DC–10, and Pratt & Whitney's is in the Boeing 747.) The RB.211 was a bold venture into advanced technology, with 20 percent fewer rotating parts than existing engines have. It has a huge fan and two compressor sections that revolve independently on concentric drive shafts. This "three-shaft" construction gives a pilot more flexibility in controlling power on landing, and makes the RB.211 an unusually quiet engine. Even on take-off, it produces little visible smoke, a great advantage in this ecologically conscious age.

Another innovation in the RB.211, as first proposed, called for the twenty-five blades of its fan to be made of Hyfil, a composite material of carbon fibers bonded with epoxy resins. Using Hyfil instead of the usual titanium, Rolls expected to save 300 pounds per engine, or the equivalent of five passengers on a three-jet airplane. But when early models of the RB.211 were mounted on a VC–10 "flying test-bed," rain and hail eroded the tips of the Hyfil blades. Rolls corrected the tendency toward erosion by inserting metal laminations. But that created stress at the root of the blades, so that they could not withstand the impact of a large bird ingested by the engine at high speed. Fortunately, Rolls had been carrying on concurrent development of the RB.211 with titanium blades, so the failure of Hyfil to perform as expected, though it caused enormous expense, did not doom the project.

When the RB.211 was chosen for the TriStar in 1968, all Britain celebrated. The man who swung the deal, David Huddie, then managing director of Rolls's Aero Engine Division, was knighted by the Queen for his contribution to the nation's balance of trade (see "Rolls-Royce's $2-Billion Hard Sell," FORTUNE, March, 1969), and the British Government agreed to pay 70 percent of the then-estimated cost of developing the RB.211. The government's contribution was to be repaid out of sales of the engine.

For a long time no one found much cause for concern, though by the end of 1969 the company's debt had risen sharply. Rolls-Royce owed some $150 million to creditors, some of whom had to wait six months or more to be paid. Other debt in the form of bank overdrafts, short-term paper, and debentures totaled $266 million. No one seemed really alarmed, however, until Rolls reported a $115-million loss for the first half of 1970, mostly attributed to rising costs on the R.B.211.

Even then the sense of alarm was relieved by a feeling that Rolls could always turn to the government for help. Edward Heath, who replaced Harold Wilson as Prime Minister in June, had said there would be no more government aid for the lame ducks of private enterprise, but by the autumn that policy appeared to change. During the spring Rolls had obtained a $24-million loan, with the promise of another $24 million in 1971, from the Industrial Reorganization Corporation, a government agency. In return for the aid, Rolls had to put two new members on its board of directors, including Ian Morrow, fifty-eight, an accountant who specialized in restoring ailing companies to health. Under Morrow's prodding, Rolls conducted a new study of the R.B.211, which showed that far more than the IRC money would be needed.

Swallowing its embarrassment, the Heath government agreed to provide $101 million toward the development costs of the R.B.211 (making a total government investment of $238 million), while Rolls-Royce's banks would supply $43 million more. There was a price for this help, however. Sir Denning Pearson was replaced as chairman by Lord Cole, sixty-four, who had recently retired as chairman of Unilever. A four-man committee, headed by Morrow, took over Pearson's chief-executive functions.

The promised $144 million from the banks and government was withheld pending an independent audit of Rolls. But the new management soon concluded that even that $144 million would not be enough. In 1968 the company had estimated that it would take $156 million to develop the engine and put it into production. The examination made after Morrow's appointment pushed the figure to $324 million. And by mid-January, based on the new board's hard-eyed look, the estimated cost of bringing the R.B.211 into production soared to more than $600 million.

WHO GOES BUST FIRST?

On January 22, Lord Cole informed the British Government that Rolls could not go on with the RB.211. The British Cabinet's legal advisers warned that if the government simply tided the company over, or nationalized it in its entirety, it might become responsible for all of Rolls's liabilities, which could not be calculated with any certainty because of what one official calls a "lack of accounting." With no new government commitment, the Rolls board voted on January 26 to seek receivership.

At that very time the British Ministry of Aviation Supply had a representative at Lockheed's headquarters in Burbank trying to determine if Lockheed could avoid bankruptcy. And there is no doubt that British concern over Lockheed's financial ability to continue with the TriStar contributed to the government's decision to exclude the RB.211 division when it selected parts of the company to continue. At the time, recalls one observer: "It was a question which company would go first, Rolls-Royce or Lockheed. Rolls-Royce won by a short hair."

Haughton's trip to London on February 2 had been scheduled for some time. At the end of January he got a call asking if he might come a day early. He couldn't, because he had to meet with his board of directors on February 1 to ask approval for that settlement with the Pentagon. He got the approval, signed the letter of acceptance to Secretary Packard at 2:30 p.m., and boarded a plane to London at 4:00 p.m., confident that, at last, things were starting to break right. "For about fourteen hours I felt good," Haughton recalls.

Once he got the news about the receivership, Haughton swung into a hectic round of travel and meetings. He was frequently joined by Fred J. Leary, a vice president of Bankers Trust, and Ronald G. Ross, a vice president of Bank of America, who represented Lockheed's banks during the intricate negotiations. At every step Haughton reported his progress and problems to Secretary Connally. As it became clear that government participation was essential, Connally's role grew crucial. Whatever package Haughton put together, it was one that Connally would have to approve.

Work of the TriStar continued at Lockheed's Palmdale, California, plant, but at a much slower rate. Three TriStars have by now been flown, powered by development models of the RB.211, and flight tests have continued just about as scheduled. But the stretched-out production schedule meant massive layoffs of employees and deferred deliveries from suppliers. Both steps cut Lockheed's immediate cash requirements sharply.

For a long time Haughton had been holding down on capital expenditures. Instead of the $100 million budgeted for 1970, the company spent only $63 million, and funds available from depreciation took care of all but $7 million of that. For 1971, Haughton slashed capital investment still further, so that cash flow from depreciation exceeded expenditures on capital investment. Some assets were sold, and scheduled salary increases were suspended for 31,000 salaried employees. Top officers took salary cuts. Haughton sliced 25 percent off his own $153,000 salary and President Carl Kotchian's $138,000. With what Haughton calls "a pretty good cash flow" coming in from Lockheed's profitable activities, including the Agena satellite and Poseidon missile programs, he was able to say last month: "I think we have the ability to carry on" while financing for the TriStar is arranged.

THE OPTIMISM OF THREE FERRETS

At first, negotiations over the RB.211 were complicated by the British Government's fear that it had a lemon on its hands. However, in February, three of the most respected aeroengine experts in Britain made still another cost and technical study for Lord Carrington, the Minister of Defense, who had been placed in charge of the negotiations with Lockheed by Prime Minister Heath. The "three ferrets," as Carrington refers to them, concluded that the Rolls board had been overly pessimistic in assessing the RB.211's faults and future. As a result of the report by these experts, the government calculated that another $288 million would be enough to complete development of the engine.

Reassured, Lord Carrington presented the British Government's first concrete offer to Haughton early in March in a meeting at the Ministry of Defense. The price of the engines would rise, under a complicated formula, to an average of about $1,180,000, compared with the old contract price of $840,000. The British Government would put up $144 million toward the development cost, with Lockheed providing the rest of the money needed—another $144 million if the British estimates were correct. Haughton rejected the offer out of hand. It was, he said, not conceivable that Lockheed could add Rolls' problems to its own. In any case, the British

estimates of the money needed were double those given him by his own experts.

The next day Lord Carrington sweetened the offer a bit. He invited Haughton to set up a joint venture in which Her Majesty's Government would immediately invest $144 million. If Haughton was right, that was all that would be needed, and Lockheed would have to put up nothing. But if it turned out that more was needed, Lockheed would have to bear the added costs. The price of the engines would be negotiated later to reflect actual costs, and the two partners would divide any future profits. Since, as Haughton said later, "I have as much at risk as I can say grace over now," the offer was still unacceptable, and especially so because it was coupled with a demand for cross warranties. The British Government would agree to produce the RB.211 so long as spare engines were needed, but Lockheed would have to indemnify the British against loss if Lockheed went bankrupt or gave up the TriStar. "I don't have anyone to give me such a guarantee," said Haughton.

From the British standpoint, the demand for guarantees seemed eminently reasonable. How could a responsible government put taxpayer money into an open-ended commitment to the RB.211 without assurance that the TriStar would survive? In subsequent negotiations all the other details of the British offer, including price, were to change completely. But the demand for a guarantee was modified only to the extent that it could be satisfied by a U.S. Government guarantee for the loans that Lockheed was seeking from its banks. That guarantee was also just what Lockheed's bankers needed before making any new loans, regardless of whether the RB.211 or an American engine powered the TriStar. By the middle of March, it became clear to Haughton and all the others involved that some form of government participation had become essential.

THE LAST MODEL OF THE HUPMOBILE

In everything that he did, Haughton had to keep his airline customers satisfied. Fortunately for him, the airlines were not unduly dismayed at the prospect of a possible five-month delay in deliveries of the first TriStars, from this November to April, 1972. T.W.A.'s Chairman Charles C. Tillinghast Jr., hard-pressed for capital, thought his line could stand an even longer delay. "I would say a delay of a year would have as many advantages as disadvantages, maybe more," he said.

The large investments the airlines had already made helped keep them patient while Haughton tried to put together his new TriStar package. A significant fact about the airlines' financial commitment was that most of their money had gone to Lockheed, not Rolls-Royce. The carriers had financed 90 percent of the cost of the engines through British banks, with the assistance of the British Government's Export Credits Guarantee Department (which corresponds to the U.S. Export-Import Bank). In Eastern's case, $71,700,000 of its prepayments on the L–1011 had gone to Lockheed, and only $5,800,000 to Rolls-Royce. T.W.A. had paid Lockheed $90,700,000, and Rolls only $6,800,000.

It was far more important for the airlines that the TriStar survive than that it be powered with the RB.211. Since the engine is so important to the commercial success of an aircraft, it is the customer, not the airframe manufacturer, who has the chief voice in selecting the power plant. In the first weeks after the Rolls-Royce collapse, there appeared to be at least two good reasons for the airlines to prefer a change of engine. The first was political. Were federal assistance to become necessary, Congress could be expected to be more amenable if the chief beneficiaries were all U.S. companies. The second rationale for switching engines was more direct. In buying the L–1011, the airlines were shaping their fleets for the next fifteen to twenty years. They could not afford to stake their futures on an aircraft or an engine that might not stay in production. Explained T.W.A.'s Tillinghast: "The one thing everybody is concerned about is ending up with the last model of the Hupmobile."

Both General Electric and Pratt & Whitney still had available the engines that had been rejected in favor of the RB.211 back in 1968. The L–1011 could still have been adapted to use either engine, though modification of the airframe would be expensive and might delay deliveries by an additional six months. Through February and the early part of March, Lockheed and the airlines ran what was in effect a new competition to supply engines for the TriStar.

Once again the RB.211 won the competition. The airlines concluded that the virtues of the engine outweighed the political uncertainties involved in dealing with a nationalized British company. The RB.211's technical problems seemed to have been overcome. On the Derby test-beds, the engine was coming up toward 42,000 pounds of thrust, just what was wanted, and fuel consumption was within 2 percent of specifications despite the added weight of titanium fan blades. Also in the RB.211's favor was the fact that neither G.E. nor Pratt & Whitney could match the British financing. Nor would different engines be eligible for the federal investment tax credit of 7 percent. The credit had applied to the airlines' original engine purchase, but was repealed in 1969.

While the engine competition was still going on, Dan Haughton met with the chairman of both G.E. and United Aircraft, Pratt & Whitney's parent company. Once the decision to stay with the RB.211 was made, Pratt & Whitney seemed to accept the results of the competition. But G.E. Chairman Fred J. Borch fired off letters to President Nixon and Secretary Connally, protesting that any U.S. guarantee of loans for Lockheed should be made conditional on having a U.S.-made engine in the TriStar. Dan Haughton retorted that the G.E. engine had been given full consideration, but all things considered, the "total cost of a G.E.-powered L–1011 would be greater for Lockheed and for the airlines."

DELTA PUTS THE HEAT ON

Of all Haughton's TriStar customers, Delta came closest to defecting. One of the few trunk lines that made money last year ($44,500,000), Delta would have relatively little trouble in financing a switch to McDonnell Douglas DC–10's. Because many of its routes overlap those of Eastern and two DC–10 customers, United and American, Delta feels competitive pressure to operate the newest equipment. McDonnell Douglas has been more than six weeks ahead of its test schedule on the DC–10, and will be able to start deliveries late this summer. American and United expect to start flying their first DC–10's in September.

On March 18, Delta signed a "letter of intent" to buy five DC–10's for delivery in 1972 and 1973. The airline did not cancel its orders for twenty-four L–1011's, on which it has paid $36 million down, and Delta Chairman Charles Dolson assured Haughton that if he put the TriStar deal back together, Delta would stick with it. But Delta's action, which coincided with the arrival of a Rolls-Royce negotiating team in the U.S., pointed up the danger that the L–1011's customers might begin to turn to the DC–10. That put new pressure, if any more were needed, on Haughton and the British to resolve their negotiations quickly.

One British airline that had not bought the TriStar became a factor in the negotiations. British European Airways, a government-owned company, has many short- and medium-range routes (e.g., London-Paris, Manchester-Copenhagen) that are ideal for airbus operations. Before Rolls went under, industry rumor had it that B.E.A. was leaning toward the L–1011 and would eventually need fifteen or twenty. After the receivership, B.E.A. began to take an ostentatious interest in the proposed European airbus, the A–300B, which will have G.E. engines. U.S. airlines, notably T.W.A., argued that a B.E.A order for the L–1011 was vital in proving Britain's commitment to the RB.211 program. But both the British Government and B.E.A. asserted that national policy has nothing to do with the commercial decisions the airline makes, and a B.E.A. order for the TriStar is still no more than a tantalizing prospect. Haughton hopes the order will come through—perhaps around the end of July—and claims to be pleased that B.E.A. is making such a careful study. He says it will be clear to everyone, if and when B.E.A. signs up, that it is the airline, not just the government, that wants the airplane.

Through all of his, little was heard of another British company, Air Holdings Ltd. That was surprising because Lockheed's original deal with Rolls-Royce had been made palatable, in view of its effect on the U.S. balance of payments, by a $450-million order from Air Holdings. All sales of the TriStar to non-U.S. airlines were to be counted as part of Air Holdings' order, and the company was not expected to take actual delivery of any aircraft. After the Rolls collapse, Frederick Corfield, Minister of Aviation Supply, said in Parliament that the arrangement had been "a bookkeeping transaction—and a somewhat bogus one at that."

WASHINGTON IS THE LAST RESORT

Once the British decided that the RB.211 was worth saving—and the airlines decided it was still the engine they wanted—negotiations over a new contract began to speed up. Near the end of March, after days of intensive bargaining, Lord Carrington and Dan Haughton met at the British Embassy in Washington. About noon on the 25th, they reached a conditional agreement for the nationalized company, Rolls-Royce (1971) Ltd., to produce 555 engines. The British Government pledged itself to pay all further costs of developing the RB.211 (estimated by then at $240 million) and to subsidize production costs if necessary. Lockheed agreed to an increase that will average about $180,000 per engine, bringing the price to about $1,020,000 apiece.

The signing of that agreement signaled the beginning of another frantic round of travel for Dan Haughton. First he had to get his customers to agree to the new engine price, as well as to a $103,000 increase in the price of each airframe, reflecting added costs from the delay in production. The total added cost of $643,000, however, is less than it would have been had there been a change of engines.

Haughton also had to work out a new schedule of deliveries and payments with each airline. He asked them to provide Lockheed with an extra $100 million in prepayments by the end of 1972; Lockheed is to pay interest on this money. For T.W.A., the new arrangement would mean that its first order of thirty-three L–1011's (including spare engines, parts, and ground equipment) would cost $733,400,000 instead of $665,700,000. In 1972, T.W.A. would make an extra $750,000 prepayment on each undelivered aircraft, as its share of that $100 million. However, its original schedule of payments would be stretched out. Under the new proposal, T.W.A. would pay only $39,700,000 in 1971, instead of $90,500,000 as originally scheduled, and payments on its new aircraft would continue through 1975 instead of ending in 1973.

The chief condition in the conditional agreement between Haughton and Lord Carrington called for assurances to the British that "there will be a requirement for their

engines upon delivery," i.e., assurance that TriStar production will continue. That condition sent Haughton to John Connally to arrange U.S. Government backing for the additional $250 million in bank loans that he needs. The amount, Haughton says, includes provision for all foreseeable contingencies. On May 6, Connally met with President Nixon at the White House and emerged to announce that the Administration would send the loan-guarantee legislation to Congress. "The health of our aircraft industry is essential to the nation's commerce, employment, technological development and protection," Connally declared. He added: "We do not anticipate any cost to the taxpayer from this loan guarantee."

The legislation, which does not specifically name Lockheed, contains a number of restrictions and safeguards. For example, the Secretary of the Treasury would be given full access to Lockheed's books, with the company to pay the government's out-of-pocket surveillance costs. All the guaranteed $250 million in loans would be repaid ahead of the $400 million in earlier loans advanced by the banks, and before Lockheed can resume the dividends that it last paid in the fourth quarter of 1969. In the event of Lockheed's bankruptcy, the government's claim would have precedence over those of other creditors.

Supporters of the bill, and Dan Haughton in particular, were quick to point out that there are a number of precedents for government loans and guarantees, though hardly of the magnitude proposed. In 1967 the U.S. guaranteed a $75-million loan, since repaid, to Douglas Aircraft, just before that troubled company merged with the much stronger McDonnell. And the Export-Import Bank regularly guarantees private loans, involving millions of dollars, to promote U.S. export trade with other nations.

WILL HAUGHTON PAY THE PRICE?

Dan Haughton seems to have treed his possums for the moment, but Congress could still cut the tree down. Among the powerful foes lined up against him is Representative Wright Patman, whose opposition headed off guarantees for loans to the Penn Central Railroad. Patman is chairman of the House Banking and Currency Committee, and will conduct hearings on the Lockheed bill. Senator William Proxmire, long an impassioned adversary of Lockheed—he led the assault that persuaded the Air Force to purchase only eighty-one C–5A's instead of the 120 it had intended to buy—has pledged a last-ditch fight in the Senate against the guarantee.

Even if Congress approves the rescue plan, Dan Haughton may have to pay for it with his own resignation. Senate Majority Leader Mike Mansfield has already called for a change of top management, and so has California Senator Alan Cranston. If Haughton does have to go, he'll probably do it as he seems to have done everything else for Lockheed during his thirty-two years with the company—with grace and without rancor. To those who ask about his present state of mind, he points to a framed quotation, attributed to Abraham Lincoln, that he keeps in his gold-carpeted Burbank office: "I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

COOK COUNTY HOSPITAL: THE TERRIBLE PLACE

Mr. PERCY. Mr. President, the May 17 issue of Look magazine carried an article on the disturbing conditions at Cook County Hospital in Chicago. Other reports that I have received on County Hospital, Chicago's only public hospital and the largest such facility in the country, confirm the grim conditions depicted in this article and suggest that things may be even worse. To the medically indigent of Chicago, this hospital is in most cases the only place they can go, a problem which is in itself unjustifiable and is intensified by too many patients receiving second-rate medical care at best.

The story of Cook County Hospital emphasizes the need for an improved health care delivery system for Chicago. The problems are not easily solved, however, so many of Chicago's health officials and doctors have discovered. The facilities do not exist; the manpower is not available; and neither the city nor the people themselves can afford the high cost of medical service today. The city, home of some of the world's most outstanding medical schools, has been called a medical wasteland so far as the delivery of health services to its people. Today there are fewer doctors in Chicago than in 1930.

Similar situations, we are rapidly learning, exist across the country thus spurring the search by Congress and by this administration for a better means of financing and delivering health care. I recently introduced with the distinguished Senator from Pennsylvania (Mr. SCOTT) the Health Rights Act, S. 1598, which would, in my opinion, offer the hope of significant improvements in both financing and delivery—specifically in the areas of comprehensive coverage, availability of services, and manpower. Under our plan, every person subscribing to the service would be entitled to the same high quality care. One of the most heartbreaking aspects about Cook County Hospital is that the medically indigent have not been able to get health care commensurate with the medical need. Despite the fact that the hospital's staff is well qualified and devoted, the hospital fails to attract enough young interns and residents to provide a satisfactory doctor-patient ratio. In addition, the utter absence of home health services and outpatient care have left County's wards desperately overcrowded.

The Health Rights Act seeks to provide comprehensive service for inpatient and outpatient care. No family will be required to pay more for health care than he is deemed to be capable of according to a health costs ceiling schedule outlined in the bill. Home health and secondary care are also covered under the inpatient plan.

Overcrowding at Cook County Hospital further indicates that grave lack of community health centers and health maintenance organizations—HMO. A comprehensive health network, making available to individuals in their own local communities the resources of a health team, is desperately needed to ease the burden on large hospitals like County. The need cannot be overstated, for there were several times last year when Cook County Hospital threatened to close its doors to all but emergency cases because it had too many patients and too few on the house staff.

Neighborhood health centers, like the Miles Square project in Chicago, have already proven their worth to the local community. With the emphasis that this administration is giving to the HMO concept, significant advances in providing community health services should be realized. The HMO concept, which the Health Rights Act encourages through a broad program for Federal grants and loans, points out another important aspect of the medical problem—preventive care. The patients at county hospital are usually there because their illnesses have gone unattended or ignored. An easily accessible health center in the community promises to cut down on the number of inpatients at city hospitals.

Finally, health manpower is a growing problem for County Hospital and every other medical facility in the country. We simply are not able to educate and train enough doctors, nurses and technicians to fill the growing need. With a shortage today of 50,000 doctors in this country, we cannot afford to wait any longer to lend Federal support to the medical student population. The Health Rights Act encourages young men and women to enter the health professions by providing a student loan program for those not financially able to obtain their education and training. This will be a special incentive for students from the inner city and rural areas.

Mr. President, I do not suggest that the proposal which Senator SCOTT and I are sponsoring is the only answer to the health crisis. I do believe, however, that it should be thoroughly considered in the course of our debate on the entire health question. I know that the patients and staff at Cook County Hospital urgently need answers, and they must come soon.

I ask unanimous consent that the article, "The Terrible Place," contained in Look magazine be printed in its entirety in the RECORD.

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

COOK COUNTY HOSPITAL: THE TERRIBLE PLACE

(By Jack Star)

Cook County Hospital, with 2,000 beds, is one of the largest public charity hospitals in the country. Its new director frankly describes it as a "sea of mediocrity" with a few "islands of excellence." Its angry interns call it "a 19th-century sick house." It is a terrible place.

County is where over half of Chicago's 1.1 million blacks go for medical care, along with a sprinkling of skid-row whites, Puerto Ricans and Mexicans. By the hundreds, they descend on it each day, bypassing along the way many excellent private hospitals. They must travel, on the average, eight miles to get there.

Surprisingly, a minority of the people who come to County are completely indigent; nearly 80 percent are at least partially covered by insurance, Medicare or Medicaid. Theoretically, they are free to choose among 7,000 doctors and 103 hospitals. But doctors don't like to practice in the ghetto, and hospitals don't like to fuss with the red tape of government payments.

Pierre de Vise, a respected researcher for the Illinois Regional Medical Program, says that although private hospitals in the ghetto have six beds per thousand population, nearly twice the national average, the beds are not open to these blacks because few of them have a doctor, and it takes a doctor to admit them.

What stuns De Vise is how much the taxpayers pay for indifferent medical care for the poor. He estimates that public expenditures for health care in Chicago went up fourfold in a decade—from $100 million to over $400 million in 1969 for 700,000 Chicagoans—and now costs $600 per person per year.

And just how indifferent the case is becomes quickly evident once you walk into County's admitting section, where, on a typical Monday, 650 to 800 men and women stream through. Stream is perhaps the wrong word because some patients wait there all day: two hours to be seen; two, three, four or five hours to have an X-ray taken; two hours to have a radiologist read it, and sometimes another two hours to have something done for them. And that can be little, because admissions are rationed.

A pneumonia patient may be sent home with a supply of penicillin pills.

A bewhiskered derelict, just starting to have alcoholic shakes, is allowed to sleep on a stretcher for a few hours and then sent away.

A flushed woman whose blood pressure turns out to be 180/110 is given some phenobarbital tablets and an appointment in the hospital outpatient clinic in two or three weeks (where her doctor will have to wait over three months for an intravenous pyelogram—a special X-ray to check the state of her kidneys.

"This is a dumping ground for the other hospitals," declares an angry emergency-room nurse. "They send us the patients they don't want." Dr. Jeb Boswell, director of adult admitting services, still mutters about a nearby university hospital sending over a "medically interesting patient" with instructions to "please delouse him and send him back." Dr. Boswell says proudly: "I sent him back with a note, 'Delouse him yourself.' "

The referring hospitals are supposed to telephone County for permission to transfer patients; this rule is often breached. Either the hospitals delay in calling until the patient is on his way in an ambulance or patrol wagon, or don't call at all, or send the patient along after refusing him admission. There are horror stories:

"A big South Side hospital sent us a mother, still connected by the umbilical cord to a dead baby, after she had been brought over there by a patrol wagon."

"A hospital yesterday sent us a badly disturbed man who had cut off his tongue; we had told them not to, we had a doctor who could sew up the wound, but there was no psychiatrist here to treat him—they sent him and the tongue anyhow."

"Sometimes, nursing homes send over patients who are near death—sometimes, ice cold."

Dr. David Boyd, senior resident in surgery, says: "These transferred patients die from things that even a high-class Boy Scout could treat—fractures are not splinted and wounds are not dressed. They are transported on their backs and drown in their own fluids. Patients are sent across town from another hospital without resuscitation or the most simple examination, patients with a gunshot wound."

Dr. Boyd shows me what he means. A black youth lies groaning with a bullet wound through the vitals of his abdomen; fecal matter has spilled into the abdominal cavity from his torn colon, and a terrible peritonitis has begun. "What did they do for you at the hospital where the police first took you?" asks Dr. Boyd. "They put a bandage on and gave me some Maalox," the man groans. Dr. Boyd snorts: "Maalox! That's for heartburn!" A month later, the man died. Pierre de Vise estimates that 50 people died unnecessarily last year as the result of such transfers.

The reason County now turns away sick people is that in February, 1970, residents, interns and attending physicians rebelled against the dumping, and shut off admissions. The medical wards were 125 percent full, with lines of beds down the middle aisles, and trailing out into the halls toward the elevators. Medical-ward admissions now are supposedly on an emergency basis only.

"We've cut them from 17,000 a year to 13,000," says Dr. Rolf Gunnar, chairman of the division of medicine. "That's a big improvement," he says, "over the 1950's, when we had 120 patients per ward and no nurses, and the one nurse in the building had to walk around and decide who was going to get medicine."

Actually, conditions are far from right, as you can see on a walk through the eerie underground tunnels that connect the 22 buildings making up the vast medical complex. Building B on the outer reaches dates back to 1909, my guide tells me, showing off two elevators that sometimes break down at the same time. "Then we have to carry food trays up five floors," she says.

Pierre Olivier, R.N., a black man from Haiti, is the head nurse in Building B's Ward 38. He tells me he has two bathtubs for the 46 patients in this ward—a better deal than in the wards that have only one But he complains about a nursing shortage. County is lucky to be able to supply three hours of patient care a day per patient—hospitals are expected to deliver five hours or more. "Right now on the day shift," says Olivier, "I have only another R.N. and three L.P.N.'s [licensed practical nurses] helping. The food gets cold before we get around to feeding all the patients." On the night shifts, the rambling ward is usually staffed by a single R.N., one L.P.N. and two nurse's aides.

"You can't find a nurse when you need one," complains an old black man, "Last night, I got up twice and wandered all around the ward when the man next to me had a terrible nosebleed. Each time, it took 15 to 20 minutes to get help."

Dr. Shirley Roy, an intern assigned to the ward, tells me how she was awakened at 2 a.m. to sew up a patient after the sutures on his peritoneoscopy had come apart. This is an operation to permit a diagnostic instrument to be inserted through an incision in the abdomen. "There was a trail of blood," she says, "all the way from his bed to the bathroom and all the way to the nursing station. He couldn't find a nurse."

Dr. Roy, a very pretty, very bright graduate of the University of Wisconsin Medical School, where she had a full scholarship is the second of 11 children in a Maine family descended from French-Canadians. "I am no radical," she says. "I'm no hippie. I vote Republican, and at Wisconsin I stepped over the bodies of the demonstrators so I could register for classes." She sweeps an angry hand toward a bed: "It doesn't take a young radical to be concerned about a patient like this." In the bed is a very old man with bedsores; he is lying in a puddle of urine. He doesn't know his name. He had had a stroke, and an ambulance brought him from a flophouse on West Madison Street. "He should have physical therapy twice a day." Dr. Roy declares, "but for some reason, the therapists never come here."

County's patients are, on the whole, much sicker than patients in other Chicago hospitals. Over ten percent of those in the medical wards die there. They require intensive care that is just not available. Dr. Roy gestures angrily to a signal panel at the nursing station, gaudily lit up in red and green like a Christmas tree. "It's a fake, a dummy," she says. "It's not connected to anything. There's no call button at any patient's bed." The angry hand goes out again to indicate a sputum specimen lying atop a desk. "This was collected on the 19th and still hasn't gone to the lab," she says. Today is the 22nd.

Looking around Building B, a visitor might not realize that it is in the world's richest country. Sheets are doled out daily, only a few to each ward, because the hospital is short many thousands of items of linen. There are enough pajama tops for the patients but few bottoms, so sick men and women patter around the ward barefoot and half-naked, with a blanket wrapped around them when they seek out the washrooms. One doctor tells me he buys the toilet paper for his ward.

Dr. Roy says she wastes at least a quarter of her time. I walk with her as she pushes a very sick patient on a cart through the block-long tunnel to the main building, where a surgeon must insert a catheter into him. Aided by a medical student, she frequently has to lower the intravenous bottle that is sustaining the patient; it can't clear the steam pipes. The errand costs her and the student 45 minutes. "We have a ward transportation clerk to do things like this," she says, "but he's so busy that if you want something done quickly for a patient, you have to do it yourself."

Returning the patient to his bed, she puts an aspirating tube, a suction device, down his throat to keep him from drowning in his secretions. "You're better off if you do it yourself," she says. "Normally, a nurse would do this." I notice that before she could perform the chore, she had to send the student to two different floors to ferret out the tube—the one in the ward had disappeared.

Shortly, Dr. Roy wheels an EKG machine over to a bed to take a heart tracing. "Now the fun starts," she says, as she and the student begin searching among the dozens of wall outlets in the ward. It seems that the EKG machine requires a three-pronged outlet and there is only one three-pronged adapter in the ward—stuck somewhere in one of the two-hole wall oulets. "My God, suppose we had to plug in some emergency equipment," says a young doctor. "The patient would be dead before we could find a plug." The ungrounded electrical apparatus, he predicts, will someday kill a patient.

For years, on and off, County has been threatened with disaccreditation. This might mean the loss of health-insurance revenue and, undoubtedly, most of the interns and residents. Some say that if County were not the county's hospital, it would never have remained accredited. A major problem has been the turn-of-the-century surgical section, where 15,000 to 16,000 operations are performed every year. The 18 operating rooms have had to do without air conditioning. This is very serious because it means the surgeons have to work with the doors and windows open to outside infection. The surgeons sweat buckets, swallow salt pills and still are uncomfortable. For the patient, it often means a dangerously high body temperature. On warm, humid days, all surgery has to be suspended.

Dr. Frank Kolk, head of the division of surgery, tells me that two years ago, six of the rooms were finally air-conditioned but, for some reason, the cooling system didn't work. Now, he is trying again; four operating rooms have been in the process of reconstruction for over a year. The nurse-supervisor in one operating room looks abashed as I inspect the screened windows, circa 1914, with their fine north view of the Eisenhower Expressway. The screens have holes in them. Two flyswatters are part of the operating room's permanent equipment.

A young surgeon serving his residency complains about the lack of supervision (there are few full-time or part-time teaching doctors all through the hospital). The surgeon sounds ambivalent: He likes the idea of getting to do the quantity of the surgery he is allowed to do, an impossibility for an apprentice surgeon at a place like Mayo Clinic, but he also is genuinely disturbed about makmistakes and about not learning.

The shortage of attending staff physicians, as these teachers are called, is especially dis-

tressing because County attracts mainly graduates of foreign medical schools. Only 30 of 134 interns are U.S. graduates, and only a third of the 350 residents. Most come from India, Pakistan, Iran, Syria, the Philippines, Taiwan and Japan. While many foreigners adapt quickly, they have trouble in being understood by the patients and, often, in understanding them. This can be fatal.

There is a dreadful lack of privacy in County's vast wards. The hospital is making a start, for the first time, in putting draw curtains around beds, but most patients are out in the open. I inspect Ward 51, a maternity ward with 45 beds hardly more than 30 inches apart and no screens. A resident is making vaginal examinations and requests that I leave. "Don't the patients mind being examined in front of one another?" I ask. "Not a bit!" retorts the doctor. "They're all in the same boat!" (Yes, they are, I think to myself. Too poor to go anyplace else.) Naturally, no visitors—not even the fathers—are permitted.

In Ward 53, where surgical and problem obstetrical patients are kept, the normal complement of beds is 37, but today, eight beds are set up down the middle aisle, and three patients with intravenous bottles attached are sleeping in the hall. I stop an intern, a young black who recently graduated from Howard University medical school. He says: "Three-quarters of our patients haven't had much, if any, prenatal care. They come in anemic because of poor diet, and since they lose some blood in even normal delivery, their chances of having problems increase."

County delivers 16 percent of all babies in the city (11,010 last year, down from 19,136 in 1963). The babies, naturally, are usually black. The black doctor slaps the rubber tube he is carrying against his white jacket as he says: "Here, we have too few nurses, too few doctors, too few everything. At night, when the residents are not physically present, about 50 percent of the IV's [intravenous feedings] in the maternity ward are not functioning by morning." He slaps the tube again as he gives me another statistic: "We have twice as many premature babies as the average in the city of Chicago—low-weight babies are 20 times more likely to die."

It costs $104 a day for a patient in County—soon it may be $125—and the average stay of 12 days in a medical ward is four or five days longer than in most other hospitals. This means an extra cost to government or insurance companies of as much as $520 a patient. Part of this waste is due to the hospital's gross inefficiency. Here is what the doctors say:

"Half the time, when I call for a patient's X ray, they can't find it."

"This is supposed to be a 24-hour, seven-day-a-week hospital, but you can't get routine X rays on Saturday, Sunday or Monday."

"We waste our time doing lab work ourselves if we want to make sure of getting it. The lab equipment is from before the Flood."

"We're paying $54,000 to lease lab equipment for three years that would cost only $36,000 to buy."

"This is the first place I have been that a patient is discharged from the hospital, and his record doesn't go back to the record room. His record sits on the ward, waiting for some doctor to complete it. It gets lost and ends up in some doctor's office. One time, they went through the interns' and residents' quarters and collected thousands of charts."

One of the shortcomings is the lack of psychiatrists, four for a ward of 85 patients—and all the rest of the hospital. Dr. Shantha Narasimhan, a tiny woman resident from India, tells how a 23-year-old patient, sent to her medical ward after taking an overdose of tranquilizers, waited eight days for a psychiatrist. "Young people can be treated for a depression if they are treated promptly," she says bitterly. It bothers her that her disturbed patient had to be tied down in bed, for all the other patients to see, for most of the eight days while the psychiatrist was coming.

The anger of the young doctors has brought formation of the Residents and Interns Association of Cook County Hospital. The association functions as both a trade union for the doctors and as a lobbying group to press for better hospital conditions.

Dr. Shirley Roy, active in the association, says she and her fellow doctors want changes, lots of them, and soon. She poses a threat: "We have to practice as professionals. Rather than practice far below the standards of accepted medical practice—and I mean *far* below—it would be best to take our talents elsewhere."

Dr. James Haughton, who came from New York City last November to be the hospital's new director, promises changes, lots of them, and soon. He calls his institution a "big sea of mismanagement" with "nobody in charge of anything." He warns that there is little time left to save the place and that his first priority must be to keep County accredited. Otherwise, it must close. The director, a Panama-born black man who comes from a top job with New York's city hospitals, says that County has already made progress in removing the stranglehold of politics by getting its own Governing Commission with control of the $41.4 million a year the hospital spends. Now, the place has to be reorganized. A first victory, he says, was in getting filthy floors scrubbed—some for the first time in years. (". . . there are something like 235 people around who were just supposed to clean floors. . . .")

Dr. Haughton promises that by mid-summer he will have hired more attending physicians to beef up supervision, and will reshape the outpatient clinic so that the main hospital can function as an emergency room and sick people can walk in off the street 12 hours a day and get prompt care at the clinic. His reorganization, he says, will in time correct many of the terrible things that the accrediting agencies can now see. This calls for better record keeping, X rays and laboratories. Good luck, Doctor.

Should County be closed altogether and the 102 other hospitals be made to treat the poor? Dr. Haughton thinks that anybody who advocates that is "unrealistic, because there is a difference in my mind between what's available [in hospital beds] and what's accessible. . . . This is the only place where everybody has access." In other words, this experienced public-health man does not believe private hospitals will take in the poor-sick in any great numbers. He suggests that perhaps County can contract with a few outlying hospitals for service to the poor and that it can also staff several federally financed outpatient clinics.

Pierre de Vise, the critic of the present system, says that with all the money government is already spending for medical care for Chicago's poor ($600 per person a year, as noted earlier), prepaid medical plans like Kaiser-Permanente could be set up to give first-rate complete health care. Kaiser-Permanente charges only $500 for a whole family in California. He believes County should cut its size by about two-thirds, retaining its excellent burn, trauma and pediatric-care units, but become just another community hospital.

"There are outpatient departments in 15 to 20 hospitals," says De Vise. "Make it really illegal for them to refuse to see any patients and transfer them to County. It's illegal now, but it doesn't stick. Emergency care should be paid for by the government for anybody not covered by insurance. Anybody eligible for public housing should be eligible for complete free care, and the Federal Government should pay."

Thinking over De Vise's words as I leave County, I carry away a strong feeling that the patient poor may stop being so patient. After all, even some of the doctors who were so silent for years have finally become angry. The words of a young intern, Dr. Philip Johnson, ring in my ears: "If County closes, where else are the black folks going to go? They are going to go to the hospitals that they have been driving past for 20 years. Those hospitals will either have to admit these people or face black anger."

RADIOACTIVE CONTAMINATION FROM NUCLEAR POWERPLANTS

Mr. GRAVEL. Mr. President, the AEC's proposal to lower permissible radiation doses from nuclear powerplants may be a commendable attempt to diminish, or at least delay, radioactive contamination of the earth. In effect, however, the announcement means that the radioactive problem will just be moved from certain locations to others.

Man cannot get rid of long-lived radioactivity once he has created it; it will always be somewhere. If less radioactivity is released at the powerplants, then more may be released later at the fuel reprocessing plants, or dribbled, dumped, and pumped into the earth somewhere else. The question to be asking, I think is: Where are the wastes going to end up now? Without a clear, new policy on subsequent emissions, the current announcement about powerplants means little.

The Commission's announcement is one which critics have been urging for over a year and a half—but as part of a much larger safety package. The AEC proposal, if adopted, will touch only the tip of the iceberg.

If the AEC announcement were to mean that we will try to confine all long-lived radioactive pollutants at every stage, then at last we could concentrate on the crucial question:

Can man succeed at that effort?

Engineers have a law, called Murphy's law: "if anything can go wrong, it will go wrong." We have only a tiny margin for miscalculation. Every kind of nuclear powerplant produces radioactive garbage in such quantity that we simply have to contain no less than 99.99 percent of it. Otherwise, we will contaminate the planet forever, at least in human timescales.

Just a single pound of radioactive plutonium represents the maximum permissible lifetime body burden, or dose, for 700 million people—and it needs 24,000 years to lose half of its radioactive harmfulness. One large nuclear powerplant produces over 600 pounds of plutonium every year. The AEC hopes to license 1,000 plants within the next 29 years.

The nuclear hazard is obviously on a scale which is incomparable with other pollution problems or with anything like highway hazards. The potential risk compares with nuclear or chemical/biological warfare.

All disagreement between nuclear promoters and nuclear critics begins with a fundamental philosophical or moral difference on the question: What risk is

tolerable? It is doubtful that the new announcement about routine emissions reveals any trend toward less recklessness in the AEC.

It is maintaining for instance, a policy which promotes operation of nuclear powerplants years before anyone has fully tested one of the most essential safety systems. I am referring to the emergency core cooling system. If it fails to work after a loss-of-coolant accident, the result could be radioactive contamination for 15 States the size of Maryland. The system has failed to perform according to prediction during some recent mini-scale tests, which may or may not have been intelligent tests. Its first, large-scale testing can not take place until 1975.

Why do we license nuclear powerplants with untested emergency systems? Would we allow airplanes to fly with untested fire-extinguishers for the engines?

Clearly, reduction of routine radioactive emissions, as proposed by the AEC, is merely one safety step among many which are urgently needed.

In this country, for example, we have already put 90 million tons of radioactive mine-tailings along river banks in the West, we continue putting low- and intermediate-level radioactive wastes directly into the ground, and we still contemplate putting 25 million gallons of the most intensely radioactive waste into the bedrock along the Savannah River. In addition, the AEC plans to bury high-level radioactive waste in salt mines, although no safety tests have been made yet using actual radioactive waste.

Future monitoring can provide no protection. By the time we detect a problem, it could well be too late for any remedy.

The AEC still counts too often no obsolete concepts like dilution and try-and-see. Failure of these concepts with mercury, lead, sulfur, and pesticides should be clear warning against applying them to radioactivity.

The U.S. Atomic Energy Commission is not the only nuclear group which has failed to heed the basic insights of ecology. In a few weeks, the European Nuclear Energy Agency—ENEA—plans to make its third dump of radioactive waste into the North Atlantic. The United States is associated with the ENEA, which is part of the Organization for Economic Cooperation and Development—OECD—and which is associated also with Euratom and with the International Atomic Energy Agency—IAEA.

The United States no longer dumps radioactive waste directly into the sea because it is "more economical" to bury it on land, according to the AEC booklet Radioactive Wastes—May 1967.

I would hope the AEC will announce vigorous opposition to the ENEA's ocean dumping policy, and will soon make many additional announcements about the prevention of nuclear pollution at home and abroad.

Mr. President, I ask unanimous consent to have printed in the RECORD, a memorandum about the ENEA's radioactive dumping in the ocean.

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

OCEAN DISPOSAL OF RADIOACTIVE WASTES BY THE EUROPEAN NUCLEAR ENERGY AGENCY: 1967–71

In 1967 five member nations of the ENEA (Belgium, France, the Federal German Republic, the Netherlands and the United Kingdom) dumped 35,800 containers filled with various forms of solid radioactive wastes weighing about 11,000 tons and containing about 8,000 curies of radioactive material into the Atlantic. The following news items, articles and reports provide information on this dumping activity. The items are arranged chronologically. Items from Nucleonics Week have been condensed and paraphrased.

JANUARY 1968

Five European countries have completed a test dumping of radioactive waste in the Atlantic ocean under sponsorship of the European Nuclear Energy Agency. The venture was kept secret until the ENEA issued its 9th annual report in December 1967. The experiment involved 11,000 tons of waste with a total activity of 8,000 curies. It was packed in concrete-lined steel drums. A chartered vessel made five trips from various ports to the East Atlantic, beginning in June 1967 and ending in December 1967. Based on "extremely cautious assumptions" and available technical data, ENEA concluded that an annual discharge of 10,000 curies of packaged material at a depth of 16,000 feet in the Eastern Atlantic "would represent no risk either to man or to marine organism." Nucleonics Week, v. 9, Jan. 11, 1968, pp. 7–8.

MAY 1968

Spain has protested an international test dumping of radioactive waste in the Atlantic, some 130 miles from the Spanish coastline. Spain's Junta de Energia Nuclear at first reacted to the dumpings in low key. Then when some sources reported that a Spanish monitoring vessel had detected contamination in fishing grounds near the dump site, the Junta conceded that it had protested "the extremely hazardous nuclear experiment" to ENEA and had also raised the issue with each of the countries involved. JEN said it had acted on the basis of findings by the monitor ship, but refused to say what levels of activity had been detected. Nucleonics Week, v. 9, May 30, 1968, p. 8.

JULY 1968

There will be no repeat this year of a test dumping of radioactive wastes in the Atlantic. ENEA said the decision resulted from a lack of interest among the participants in last year's experiments and not from any protest by Spain over the disposal program. ENEA said it never received such a protest. Nucleonics Week, v. 9, July 11, 1968, p. 8.

SEPTEMBER 1968

Spain is taking credit for a blocking of a repeat of a test dumping of radioactive waste in the Atlantic. Spanish officials said ENEA had scheduled a second round of dumping for July or August but had cancelled it at the urging of Spain and Portugal. Spain's Junta de Energia Nuclear reported last May that it had detected radioactivity in coastal waters, despite ENEA assurance that the material had been safely packaged and deposited. Protests were lodged with ENEA and the five participating countries, but none have been publicly acknowledged. Nucleonics Week, v. 9, Sept. 19. 1968, p. 6.

OCTOBER 1968

"Solid waste disposal." A report on the solid waste disposal operation of the ENEA, is published in Nuclear Engineering, v. 13, Oct. 1968, pp. 845–848.

SEPTEMBER 1969

Radioactive wastes from seven European countries have been dumped into the eastern Atlantic this summer by the ENEA in a hushed-up repeat of its controversial 1967 disposal operation. This year, ENEA tried to keep the operation secret, but French authorities finally released the news in Cherbourg to calm suspicions of local residents as the wastes were being loaded on to a ship. This dumping totaled 22,600 curies. There has been no evidence of radiation leakage from the 1967 according to ENEA. The agency said such disposal operations are ad hoc affairs and no others were planned at the moment. It expected that by the time enough additional wastes had accumulated to warrant another dumping, other disposal methods, such as vitrification with underground storage, might have been accepted voluntarily or forced by international rules against ocean pollution. Nucleonics Week, v. 10, Sept. 11, 1969, p. 7.

APRIL 1971

Another radioactive waste-dumping in the North Atlantic is being planned for this summer by the ENEA. Member nations have accumulated enough wastes since the last dumping in 1969 to warrant another. They expect no approval problem. Nucleonics week, v. 12, Apr. 15, 1971, p. 8.

THE 50TH ANNIVERSARY OF THE GENERAL ACCOUNTING OFFICE

Mr. PROUTY. Mr. President, this year the U.S. General Accounting Office marks its 50th anniversary. I want to take this opportunity to congratulate Comptroller General Elmer B. Staats and his staff on achieving this milestone and to express my appreciation for the constructive role that GAO has played during its first half century in appraising and reporting on a wide range of Government activities and operations and for providing many other services to the Congress and the Nation. It has often been said that the GAO is the taxpayer's best friend.

Since 1921, when it was created as a nonpolitical, nonpartisan agency by the Congress to act in its behalf, the GAO has sought to bring increasing economy and efficiency to the operations of the Federal Government. In pursuing these goals, it has met with considerable success. The refunds and collections attributable to its audits of Government expenditures, the opportunities for savings it has pointed out, and the improvements it has brought about in the Government's financial management operations have been well documented.

In addition to continuing its quest for economy and efficiency, however, it is another "E"—effectiveness—with which the General Accounting Office has become increasingly concerned in recent years. This significant development is one in which I like to feel I have had some part. As my colleagues will recall, an amendment to the Economic Opportunity Act which I offered on the floor of the Senate in 1967 directed the Comptroller General to undertake a study of the antipoverty programs and activities financed under that act.

The GAO was asked to make an investigation not only of the efficiency with which these programs and activities were being administered but, more importantly, the extent to which they were achieving the objectives that the Congress had set for them. In other words, the GAO was to look at these programs and activities and judge how effective they had been.

This was no small task because the methods of evaluating social problems such as these and the yardsticks to meas-

ure their progress or accomplishments were not well developed or understood. The GAO responded to this extremely complex and difficult task with the most factful and in-depth study ever made of antipoverty programs and activities. The results of its review and the recommendations it made for revisions in antipoverty programs and organizations were considered by the Congress during the hearings that led to enactment of the Economic Opportunity Amendments of 1969.

The high regard I have for the GAO study is reflected also in the observations that have been made by a great many other persons including those who had been involved in administering the programs and activities which the GAO was called upon to review.

Donald Rumsfeld, the former Director of the Office of Economic Opportunity and before that a Member of the House, told the House Appropriations Subcommittee in May 1970 that he had relied heavily on GAO's report, which was issued shortly before he became Director, first in appraising and later in restructuring OEO. He said that changes made in response to GAO's report and to other studies of OEO were aimed at program improvements which would lead to solid results in the future.

Also, the board of directors of the National Association for Community Development, for example, whose memberships includes representatives of the agencies and organizations which carry out the antipoverty program, stated that the GAO's report was relatively balanced, containing some justifiable praise as well as criticism of antipoverty efforts, and was a reasonable and honest effort to review the Economic Opportunity Act programs and to assess the tools that were available for evaluating such programs.

Since its review of the effectiveness of the antipoverty programs, the GAO has increased, both on its own initiative and at the specific direction of the Congress, the number of reviews designed to evaluate the effectiveness of Federal programs in achieving the objectives intended by the Congress. These efforts have led to GAO's appraisals of the program results not only of other social action activities financed by the Government, such as housing, education and manpower, but of such areas as consumer protection, health, national resources, and the environment, of matters of national defense, and of various aspects of the Government's international activities.

I am sure that the needs of the Congress for such reviews will continue to grow as the scope of governmental activity broadens and as the complexity of governmental programs increases, and I have no doubt that the GAO will continue to respond to these needs in the same excellent fashion it has displayed in the past.

DAMS HELP PROTECT THE ENVIRONMENT

Mr. SYMINGTON. Mr. President, an editorial in the Kansas City Times last May 26 states:

No human environment can be acceptable that is ravaged by muddy floodwaters, or where drought-stricken streams . . . reek of pollution.

This editorial lists many civil works projects near Kansas City which would provide the benefits of flood protection and water quality control; also provide the additional benefits of increased water supply and recreation facilities for the rapidly growing Kansas City metropolitan area.

More than 100 people were in the delegation from Mo-Ark Basins Flood Control and Conservation Association which came to Washington for the Appropriations Committees hearings on May 24 so as to request more money for these worthwhile civil works projects.

Among the projects included in their requests are the Harry S. Truman Dam and Reservoir project, which has received a budget request for less than half the Army Corps of Engineers capability for fiscal year 1972; the Smithville Lake project, which will provide much needed water supply to the north Kansas City area and flood protection for the frequently flooded city of Smithville, Mo.; and the Blue River and Little Blue River projects which will provide flood protection to the city of Kansas City and suburban areas and towns and prevent a reoccurrence of the 1951 flood which caused an estimated $1 billion in flood damage.

I ask unanimous consent that the editorial in question be printed at this point in the RECORD.

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

DAMS CAN GUARD ENVIRONMENT, TOO

There was a fresh sense of hope among the more than 100 area river project boosters as they made their annual pilgrimage to Washington this week to ask congressional committees for funds. Hope that with the anticipated winding down of the war in Vietnam there can be some reordering of spending priorities, that some of the money that has been poured into the Asian vortex now can be applied to domestic needs.

The river people seemed to feel, also, that the "environmental thing" can be lived with after all, that justified projects still can be built within the framework of the many new requirements for checking environmental impact before the bulldozers move in. The Army engineers have stirred this hope by the earnestness of their effort to adapt to the new ground rules, to assure the public that "The Corps Cares" and is not merely an agency of feckless dam builders bent on destroying natural beauty.

In the list of project fund requests by the national and local river development organizations—the Water Resources Congress and the Mo-Ark Basins Flood Control and Conservation association—Truman lake was the key. For this 255-million-dollar Osage river giant near Warsaw, Mo., on which construction has moved at a crawl for nearly seven years, the delegation sought more than twice the 17.4 million dollars in the budget. The commitment having been taken on this project, the sooner it can be completed the sooner will its multiple benefits be returned on the investment, and the lower the final cost.

There were more modest increase requests on such area work as the Kansas City, Kansas, levee raising and several on which a start has been long deferred: Smithville reservoir; Hillsdale dam south of Olathe; the Little Blue and Big Blue plans here, and Clinton lake near Lawrence.

No human environment can be acceptable that is ravaged by muddy floodwaters, or where drought-stricken streams—without reservoir storage to boost their low flows—reek of pollution. The message taken to Washington this week by the river people was that it is time to step up the effort on this particular phas of environmental protection.

REDUCING AEROSPACE UNEMPLOYMENT BY RETRAINING ENGINEERS FOR JOBS IN GOVERNMENT: A LEAGUE OF CITIES/CONFERENCE OF MAYORS PILOT PROJECT

Mr. HUMPHREY. Mr. President, I am pleased to see announced a League of Cities and Conference of Mayors project that will select highly trained, out-of-work professionals of the aerospace industries and reorient them to meet the management needs of local and State government.

As I see it, this project is a unique effort to solve two priority national problems: placing competent talent in government and reducing unemployment in depressed industries.

Initially, there will be a pilot project to recruit a special corps of 400 professionals displaced by the cutbacks in defense spending. This project will be funded by the Department of Labor and Housing and Urban Development. And, if successful, it will be increased in both funding and in impact.

The theory behind this effort is that the sophisticated organization and management systems developed in the aerospace and associated defense industries can offer a technical and operational approach that would enhance the capability of city governments.

In addition to a demand for technical skills of engineering, communications, chemical engineering, and accounting, government will certainly need executives who can bring modern systems analysis to local policymaking and planning.

This project can offer just that kind of assistance.

Recruits for the program will be selected from the following seven target areas: Cape Kennedy, Fla.; Huntsville, Ala.; Suffolk, Long Island; Boston, Mass.; Los Angeles, Calif.; Seattle, Wash.; and Wichita, Kans.

Before final placement decisions are made, those selected will spend 1 month of orientation at either the Massachusetts Institute of Technology or the University of California at Berkeley. At these schools, they will become familiar with the organizational and decision-making characteristics of State and local government. This will not be a retraining session but rather an effort to increase the effectiveness of participants in their new jobs.

In February, I was pleased to join my colleagues, the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished Senator from Florida (Mr. CHILES) in support of their Concurrent Resolution 4 providing that model cities money be used to fund these pilot projects.

Mr. President, I want to say that our country needs more such projects. In-

stead of talking about defense conversion, we should do something about it. We should sponsor additional programs—programs to retrain and reorient not only for government service but for a whole host of society's needs: solid waste engineering, cost control, housing production, and financial management analysis, to name just a few.

Mr. President, I believe that it is in the best interest of our Nation that the administration has chosen to fund these programs. I support this effort, and I wholeheartedly encourage its expansion.

NEW COURSE IN PRINCE GEORGES JUNIOR HIGH: "TEENAGERS' RIGHTS AND RESPONSIBILITIES"

Mr. MATHIAS. Mr. President, in these changing times, one of the major problems faced by all of us, young and old alike, is the question of how to work effectively within a system of government that often seems overwhelming. It is a question that cries desperately for an answer, and in an effort to provide such an answer, my constituents in Prince Georges County are instituting a new program in the junior high schools of that county. The name of the course is "Teenagers' Rights and Responsibilities" (TARR). Its objective is to inform teenagers of their rights and responsibilities in our society and to offer realistic ways of dealing with problems young people face when they go up against the "establishment."

Mr. President, I believe this to be a worthy program which has gotten enthusiastic response in the classrooms in which it has been tested. It deserves our interest and attention. For this reason, I ask that an article by Barnard Law Collier be printed in the RECORD.

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

LEARNING TO COPE IN PRINCE GEORGES COUNTY

(By Barnard Law Collier)

Now that high school students have turned to legal and political action to fight for their rights and, what's more, have tasted victory, their little brothers and sisters down in the seventh and eighth grades are ready for a go at it, too.

And why not? Who, after all, are more downtrodden than today's junior high school boys and girls? The temptations and fears of growing up loom all around them, but they are generally treated like innocent infants. Adults are relentlessly on their necks at school, at home, in stores, on the streets. Yet twelve- and thirteen-year-olds can mope around completely wretched with frustration and anger and seldom find anyone in authority who will listen seriously to their grievances, even when legitimate.

Next fall, in four junior high schools in Prince Georges County, Maryland, a new course, "Teen-agers' Rights and Responsibilities" (TARR), will be taught to all eighth-graders. The course is designed to show young teen-agers what realistic alternatives to rage and freaking out are available to them within the so-called system. It also teaches some practical skills a youngster can use to deal with frustrating social problems and frightening legal ones.

The course was essentially developed by a small, intense, Texas-born lawyer named Saul Baernstein, who says he firmly believes that the rules and laws in America are truly responsive to the will of the people—even teenaged people—when individuals know how to go about it and are willing to make the effort. Baernstein says, with the passionate conviction of a missionary, that anyone who still believes otherwise is as stodgy and old-fashioned in his thinking as the up-against-the-wall-type hippies are now.

"What we are trying to do," he explains, "is equip these students with the skills they need to maneuver within the system and make it work—to give them a knowledge of the rights they have so they can protect themselves when and if they come into conflict with the legal process. We show them how laws are made and can be changed so that they see there are alternatives to confrontation and riots and blowing things up."

The teaching part of the program was put together by the Institute for Behavioral Research in Silver Spring, Maryland, a nonprofit corporation that is carrying on more than a dozen educational research projects funded by government grants and foundation money. The institute's founder and executive director is Harold Cohen, a voluble and energetic designer with luxuriant sideburns, who was professor of design at Southern Illinois University until 1964, when he switched careers and roared into the field of behavioral conditioning. His bedrock educational philosophy in this era of frustrated and self-destructive youth is that "people aren't sick; they are just incompetent."

In the TARR project, which Cohen describes as "preventative learning," the lessons are highly structured, with daily tests and reinforcements. The course lasts nine weeks and is organized into four sections: What is a community? Why communities need laws. How laws are made and changed. How disputes are settled.

I was afraid it would be much like my old civics class—tedious and irrelevant. But the course, despite the daily tests (which turn out to offer a lot of leeway in response), is neither preachy nor simple-minded. In fact, it is forthright and comprehensive enough to be a creditable quick course in citizenship and law for a layman of any age.

I paid a visit to a pilot-project class going on in a junior high not far from the IBR offices. That day the class watched a thirty-minute, surprisingly intelligent film called *An Imaginary They*. It was about students, much like the shambling eighth-graders in the classroom, who wanted a school boat ride instead of a dance. They kept bashing their heads against the rules made by the same conspiracy of faceless folks that is against us all, not just adolescents. But with perseverance and an understanding of citizen initiative, of the right to be heard (even by their teachers and principal), of petition, of rules of order, and of the good sense of seeking expert advice (after the principal tells them to stop all the nonsense and *forget* the boat ride, they go to a Community Action Agency counselor for help), the students finally get their boat ride. They did better, perhaps, than the group of anti-freeway adults whose problem at a city council meeting flashed in and out of the main action. The adults were clearly befuddled by the slick pieties of the pro-freeway officials, who insisted that construction of the road could not be stopped whether it wrecked the neighborhood or not.

The class, judging by the answers to the teacher's questions, got the film's message. It's hard to be sure, however, that the students didn't have the message already. A few weeks earlier an incident between a student ballplayer and a teacher aroused anger and youthful indignation. The teacher decided to keep the student after school one afternoon and pointedly asked him what the day of the big game was. When the student named the day, the teacher chose it as the day the punishment would be invoked. The students grumbled about unfairness, and in the TARR class they shucked some of their timidity. They are now working to set up a grievance committee. They are also involved in revising the cafeteria code and have presented their new rules and regulations to the student council.

"What we want the kids to understand," Harold Cohen says, "is that there are standards of fairness and ways to determine what's fair and what's not. We try to use examples right in the school as well as examples from life and the law to show how fairness is judged and how each student can judge for himself when and how he might have been wronged. Then, if he determines he has truly been wronged, we teach him how to deal with the situation in a mature and effective way."

To introduce the initial section—What is a community?—the students are shown the film *Lord of the Flies*, which depicts the decivilization and eventual savagery of a group of British schoolboys marooned on an island during a war. The point is effectively made that there is reason for legitimate authority and that rules are not *all* designed simply to frustrate personal liberty. The last two lessons of the section are enlightening. One of the themes is that "knowing laws and legal processes can help teen-agers with their problems." It deals with what alternatives a teen-ager has if he doesn't like certain rules and laws—having to go to school until he is sixteen years old, for example. The course does not tell the student that his options are wide; but it tells him that he has *some* options, which often surprises him. It also tells him what recourse he has with adults, such as the storekeeper who accuses him of shoplifting when he is just looking around, or with kids his own age, such as the friend who borrows his guitar and breaks some of its expensive strings. The law that applies to each of those potential problems is discussed, with the responsibilities of the student, as well as his rights, emphasized.

Harry Rose, the principal of Nicholas Orem Junior High School in Hyattsville, Maryland, in which the first pilot program was run a year ago (and one of the four schools that will participate in the fall), says that there is no way of measuring accurately the immediate value of the course for the thirty-two students who took it. "But they were able to do a lot of new thinking about their involvement in frustrating problems," he says, "and what I hope is that they can defend themselves now in a more mature way."

Rose is much concerned with young teen-agers being able to defend themselves. "They have to be able to cope with this society's huge frustrations," he says. "I think that teaching them their responsibilities and letting them in on what their rights are can deescalate their terrible agitation about authority."

The course makes good use of the vast involvement of young teen-agers with drugs, from marijuana to LSD to heroin. It seeks to draw them into an understanding of the legal bases of anti-drug laws, the harm versus the benefits of prohibitive legislation, the physical and legal dangers of using certain drugs, and to give them more comprehension of why communities need laws at all. The kids are exposed to a stinging broadside against hypocritical politicians and smugly stupid law enforcement officials in Washington *Post* columnist Nicholas von Hoffman's article "Legalizing Marijuana," and are tested on texts such as Nelson Algren's chilling heroin-addiction story, "The Monkey on the Back."

Again, as a matter of self-protection, the students are taught what rights they have if they do get busted for possession of marijuana—or other drugs—or for any other offense.

"They are taught exactly what the police should do, what they should do, what the judge will do, what a lawyer can do, what

the jailers will do," says Baernstein. "The student learns, for example, that he cannot get very far arguing with the arresting officer and that the best place to tell his story is before the judge. He is informed of his right to a lawyer and told that his parents must be called. He learns all the steps and procedures so that he is not panic-stricken. He will know he has some rights."

In the section on how disputes are settled, the students are taught in careful detail about dispute-settling processes outside of court, and in minute detail about what to expect if they end up before a judge. This experience includes a field trip to the local juvenile court to talk to its personnel and to see trial procedures.

The amount of contact young teenagers have or could have with legal matters and law enforcement is steadily increasing, just as it did in the high schools. In the pilot classes alone there was a girl who was upset over a rubber check an employer had given her; a small orphan boy who was overjoyed to find out in class about a particular social agency that could help him; a student whose mother was on "uppers" and "downers" and who wanted to know where he could go for help; a student who found his employer was violating child labor laws. Drug arrests were on all minds.

"These are not special children," Cohen stresses. "These are kids who are normal, from the normal population, who can be taught how they can use the law sucessfully. It is the use of the law to create citizenship."

There are clearly going to be tough problems with the TARR course, the most serious of which will probably be finding sensitive teachers who will not be dictatorial and frustrate the students even more than they already are. IBR is training twelve teachers for the fall and hopes for the best.

There is the equally serious problem of parents, teachers, and school board members who flatly reject the notion that student rights exist at all.

"Time will take care of those people," Cohen says optimistically.

COMMON CAUSE NEEDS A GOOD CONSTITUTIONAL LAWYER

Mr. GOLDWATER. Mr. President, yesterday I read in the Washington Post a full page ad by Common Cause called an Open Letter to Congress. Well, speaking as a Member of Congress, I want to respond to this letter right here and now.

Mr. President, the so-called open letter purports to inform the people of the United States that the war in Vietnam is illegal and that Congress possesses the power to order all American troops out of the area.

Setting themselves up as constitutional authorities, the spokesmen for Common Cause misinformed the American public in the very first sentence of their advertisement by claiming:

> The United States Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President.

The statement goes on to charge that the continued involvement of the United States in Vietnam is illegal because, according to Common Cause, Congress "has explicitly withdrawn its authorizing support" by repealing the Gulf of Tonkin resolution. In addition, Common Cause assures its readers "Congress has the power."

Mr. President, I assume by this they mean Congress "has the power" to direct military strategy and foreign policy over the head of the Nation's Chief Executive.

But, Mr. President, there is nothing at all in American judicial decisions or historical practices which would support the unusual theory held by the self-proclaimed legal scholars at Common Cause. In fact, I charge that their "open letter" is nothing more than a blatant effort to strip the President of his constitutional powers as Commander in Chief of the Armed Forces and as the Nation's primary voice in setting foreign policy. It is a direct challenge to the fundamental and historical role of the President in planning and conducting the military and foreign affairs of the United States.

Mr. President, there is an immense amount of historical precedence contrary to the position stated by Common Cause. Indeed, history demonstrates that past Presidents have acted on their own authority and without any declaration of war to engage U.S. forces in incidents of actual armed conflict or the imminent threat of it on at least 155 different occasions.[1] This practice has occurred under a grant of authority by the framers of the Constitution who quite clearly intended to leave the President certain indispensable emergency powers.

For example, I am certain all of my colleagues will remember the Cuban missile crisis of 1962 in which President John F. Kennedy had to act strongly and swiftly within a matter of a few days in order to force the removal of offensive missiles which were being aimed at 80 million American citizens. President Kennedy did not wait for a special act of Congress or a declaration of war when he deployed 180 naval ships in the Caribbean, sent several thousands of American troops to that area, and ordered a blockade 500 miles long in the waters around Cuba. Nor did President Johnson act under any grant of power from Congress when he sent U.S. Air Force planes to airlift about 600 Belgian paratroopers during two rescue operations in the Republic of the Congo in order to save nearly 2,000 foreign nationals, very few of whom were Americans, from revolutionary mobs threatening their lives.

Mr. President, I previously presented the Senate with a complete rundown of all these armed actions and indicated that they have ranged all over the world and have often involved actual gunfire.

In reviewing these kinds of incidents a few years ago, the late Edward Corwin, who is certainly one of this century's greatest authorities on constitutional history, concluded that—

> The list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision.[2]

Mr. President, I would suggest the people at Common Cause might take a refresher course in American history and also take another look at the American Constitution. They might examine the authority held by the President as the sole organ of the Federal Government in the field of international relations, a power which the Supreme Court has held "does not require as a basis for its exercise an act of Congress." [3]

Next, the authors of the "open letter" should consider the wide range of powers that has been granted to the President under the first sentence of article II of the Constitution which reads:

> The executive power shall be vested in a President of the United States of America."

Alexander Hamilton argues this clause had vested in the President the right to make policy which "may, in its consequences affect the exercise of the power of the legislature to declare war.[4]

Then, too, Common Cause might have considered section 3 of article II of the Constitution which places upon the President the right to execute the laws of the land, a composite which most certainly includes international laws as well as domestic ones. Again, it is Hamilton who has argued that inasmuch as it is the President who carries out our international obligations, it is left for him to determine the scope of those obligations.[5] In addition, Professor Corwin believed the power of the President to base action directly on his own reading of international law has been expressly recognized by the Supreme Court.[6]

Finally, and perhaps most important of all, Mr. Gardner and his advisors at Common Cause should have examined the President's power as Commander in Chief of the Armed Forces, which is spelled out in article II, section 2, of the Constitution. In the few instances in which the judicial branch has considered this power it has consistently held that Congress cannot interfere with the President's command of the forces and the conduct of campaigns.[7] "That power and duty," the Supreme Court has said, "belongs to the President as Commander in Chief." [8]

Writing in 1929, Professor Willoughby, who has authored a monumental three-volume work on the constitutional law of the United States, concluded:

> There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as commander-in-chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.
>
> As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as Ex-Secretary Root. It would seem to the author, however, that the President, under his powers as Commander-in-Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and,

Footnotes at end of speech.

therefore, not subject to congressional control.[9]

Mr. President, against the extensive line of authorities who believe the President holds broad independent powers to use American forces, the critics at Common Cause have not offered one single citation or precedent which would show the current U.S. involvement in Vietnam is unconstitutional or that Congress has the power to direct the withdrawal of all American forces from an ongoing conflict. The heads of Common Cause have apparently decided this is the reading of the Constitution which will best support their policy of national weakness, so this is the way they are going to interpret it. Without having one Supreme Court decision to back them up, Common Cause has palmed off this manufactured doctrine of the Constitution as if it were a long established principle imbedded in constitutional law.

This is an all too typical tactic of the new isolationists who hope that if a claim is repeated often enough, someone will begin to believe it.

Well, I want to expose this fraudulent attempt right here and now and challenge the newly appointed constitutional authorities at Common Cause to back up their interpretation of the Constitution with clear and convincing proof.

Mr. President, not only is Common Cause wrong in believing Congress can take away from the President his constitutional role over matters of military and foreign policy, but the organization is wrong in holding that Congress has withdrawn all its past approval of our actions in Southeast Asia. The truth is that Congress was wholly involved in the policy decisions made with respect to Vietnam, and I do not refer solely to the Gulf of Tonkin resolution. One place the researchers at Common Cause could look is at the broad policy enunciations by the Congress in such places as the preambles of the foreign assistance laws during the late 1950's and early 1960's. They could look at the negotiation and conclusion of the SEATO Treaty approved by the Senate with only one dissenting vote and which was actually signed by two Senators. And they could look at the way in which Congress has spoken through many authorization and appropriation acts which specifically mention Vietnam.

For example, in 1965, President Johnson asked Congress for a supplemental appropriation of $700 million to support an increase in the number of American troops in South Vietnam. He expressly said he would regard a vote for the appropriation as a vote of approval for the administration's Vietnam policy. And what did Congress do? The House of Representatives approved the appropriation by a vote of 108 to 7 and the Senate approved it by a vote of 88 to 3.[10]

Another example is President Johnson's budget message on the 1967 fiscal year when he asked Congress for an extra $12.3 billion "for the support of military operations in Southeast Asia."[11] What was Congress' answer? It appropriated everything the President had asked for.[12]

Mr. President, there are many more authorization and appropriation bills I could mention in which Congress spoke of Vietnam. Each of these acts, like any other act of Congress, plainly shows a purpose to have American troops fight in Vietnam.[13]

Accordingly, if any additional approval from Congress was needed to support American activities in Vietnam, it has been given time after time.

Mr. President, the only alternative that is offered by the new isolationists is chaos. Under their concept of the Constitution, the American Republic will no longer be able to respond reliably and swiftly to defend the rights and lives of its own citizens. If the isolationist theories of those who would undermine the authority of the President should ever prevail, I have no doubt there will be an almost total paralysis of America's ability to act in world affairs. The policy preached by Common Cause is just one more in a long line of liberal schemes that would reduce the United States to a second- or third-rate Nation, and I must resist this threat to our greatness with all my strength.

FOOTNOTES

[1] See complete list of U.S. military actions abroad set forth at pp. 11917–11923, Congr. Rec. daily ed. of April 26, 1971. In addition to the 153 incidents listed therein, there should be included the action of President Wilson in February of 1917, when he armed American merchant vessels with guns and gunners assigned from the Navy, and the move by President Johnson in June of 1967, during the Arab-Israeli war, when he deployed the U.S. 6th Fleet to 50 miles off the Syrian Coast as a sign to the Soviet Union that Russia "would have to deal with us" if it entered the conflict.

[2] Corwin, "Who has the Power to Make War?," N. Y. Times Magazine, July 31, 1949, p. 41.

[3] *U.S.* v. *Curtis-Wright Corp.*, 299 U.S. 304, 319–320 (1936).

[4] *The Gazette of the United States*, as reported in Corwin, "The President: Office and Powers," Chapter V, 1957.

[5] *Ibid.*

[6] In the *Neagle* case, which Corwin referred to, the Supreme Court held that the power of the President to enforce the laws extends to "the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution." *In re Neagle*, 135 U.S. 1, 64 (1889).

[7] See *Durand* v. *Hollins*, 4 Blatch 451 (1860); *Ex Parte Milligan*, 71 U.S. 139 (1866); *Swain* v. *U.S.*, 28 Court of Claims 173, 221 (1897); 165 U.S. 553; *Warner, Barnes and Co.* v. *U.S.*, 40 Court of Claims 1, 32 (1904).

[8] *Ex parte Milligan*, 71 U.S. 2, 139 (1866).

[9] W. Willoughby, The Constitutional Law of the United States, Vol. III, p. 1567 (2d ed. 1929).

[10] Pub. Law 89–18, 79 Stat. 109, May 7, 1965; 111 Cong. Rec. 9540; 111 Cong. Rec. 9772.

[11] Weekly Compilation of Presidential Documents, Jan. 30, 1967, p. 94.

[12] Pub. Law 90–8, 81 Stat. 8, April 4, 1967.

[13] Pub. Laws 89–213, 367 and 374; Pub. Laws 90–96, 110, 392, 500 and 580; and Pub. Laws 91–121, 171, and 668.

NEW COMMUNITIES AND URBAN GROWTH POLICY

Mr. HUMPHREY. Mr. President, it is an undeniable fact that our Nation is a growing nation. Current census projections indicate that the population of the United States will increase by some 75 million people by the year 2000. And, a vast majority of these people will settle in metropolitan areas, making these areas more dense than ever before.

As a result of this population growth, urban services and urban problems take on an urgency that will demand rational consideration, quiet thought, and financial commitments if we are ever to solve the problems and provide quality services.

In short, because we are a growing nation, we must implement policies which ease the tensions in our urban areas and promote balanced national growth.

The previous Congress passed two laws that promised new hope for orderly, progressive national growth. The Agricultural Act of 1970, especially title IX, committed Congress to a sound balance between urban and rural America. This title provided for planning assistance, governmental services, informational and technical services for rural areas. It established that Government facilities should locate in areas that are not densely populated. And, it confirmed that rural areas are complements, not contestants, to urban areas for the distribution of resources.

The second law, the Housing and Urban Development Act of 1970, committed the Congress to a development of national urban growth policy and a program of new communities. Title VII of this act declared that if the present patterns of urban development continue, then our Nation will be faced with the "inefficient and wasteful use of land, the destruction of irreplaceable natural and recreational resources, costly and inefficient public facilities, the lessening of employment and business opportunities, further segregation of people by income and race, and a failure to use the economic potential of smaller cities."

Both acts have found that the uneven expansion and development of the United States creates an "imbalance between the national needs and resources, and that the achievement of satisfactory living standards depends upon sound, orderly, and more balanced development of all areas of the Nation."

I have recently read five stimulating articles on the concept of new communities. I believe these articles merit the attention of my colleagues because they vividly illustrate the dimensions new communities will assume as part of our national growth policy.

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

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

[From Saturday Review, May 15, 1971]

NEW COMMUNITIES: A SPECIAL ISSUE

(By Myron Lieberman)

BUSINESS ON THE URBAN FRONTIER

New communities—large-scale developments planned to provide housing, employment, and a system of integrated facilities and services within self-contained environments—spring from an old idea. For decades new cities have been proposed and built both here and abroad (Brasilia, Canberra, Australia, and Washington, D.C., are examples). Nevertheless, there is a great difference be-

tween a new city built to serve a single purpose, such as a national capital, and new communities that are developed as a response to urban pressures. The latter concept is one of the authentic revolutionary ideas of our time.

The practical foundation of this revolution is the fact that our urban difficulties require a more intensified, coordinated attack than is embodied in our present policies. For example, we will never be able to utilize the technology of mass construction in housing if the field continues to be dominated by scores of small builders, each one responsible for a few units a year. Erecting thousands of housing units within a relatively compact area leads to chaos when construction is not integrated with industry, education, transportation, health services, and other life-support systems. Such coordination is part of the logic of new-community development.

The issue here is not simply one of providing much larger amounts of money for existing programs. Billions spent in fragmented approaches will not get the job done. Failure to understand this fact is one of the crucial reasons for the failure of urban renewal, Model Cities, and other dry wells of liberalism. These programs lack the scale essential to significant change. One cannot integrate a few blocks in a large city ghetto, but one can integrate a much larger area, and a much larger community, by exercising appropriate controls over the area. Thus the magnitude of the effort cannot be put simply in terms of dollars but in relation to the variables that must be included in a viable plan for urban development.

Realistic confrontation with the problem of scale is, therefore, one of the significant elements of the new-community movement. No greater mistake can be made than to think of new communities as merely large residential complexes, perhaps with a shopping center and a school. Such developments may be labeled "new communities" by their sponsors, but they are not planned complexes that include and relate all life-support systems.

Significantly, the concept of new-community development as a systematic response to our urban needs and as an integral part of national policy has emerged largely from the business community. Title VII of the Housing and Urban Development Act of 1970, which provides substantial assistance to new-community developers, is clearly one of the landmark pieces of legislation on urban affairs in this generation. Businessmen already are putting their own money into new communities, and the trend is extremely encouraging. If such investments are profitable, or can be made so without excessive public subsidy, enormous leverage for new-community development will become available. In fact, the growing pressure for profitable investment opportunities in environmentally constructive enterprises is likely to bring about an enormous upsurge of entrepreneurial interest in new communities. As it is, David Rockefeller's recent proposal for $10-billion to fund new-community development suggests the financial dimensions this movement may assume in the near future.

There is a danger, however. For better or worse, the social consequences of new communities lie in the hands of their sponsors. On the one hand, entrepreneurs and courageous business leaders intend to foster unity among an extremely broad socio-economic and ethnic population mix. On the other hand, less socially minded developers are constructing new communities for only the affluent or for some other limited segment of the population. Their private success may well turn out to be a public disaster.

We can still act to encourage new-community development toward socially acceptable goals, but the time is short. If we wait until many more new communities are built, or even planned, it could be too late to capitalize on their potential and to avoid their dangers. The editors feel that informed public opinion is vital. It is for this reason that *SR* presents this special issue, in which four experts focus on several important aspects of new-community development.

NEW COMMUNITIES—I: A FRESH SCENE IN THE CLEAN DREAM

(By Wolf Von Eckardt)

Columbia, Maryland, the most advanced of our new communities, is advertised as "the Next America." At first it does not look much different from today's suburbia, only somewhat more sanitized. There is none of the excitement of Cumbernault, the new town near Glasgow, or of the modern charm of Finland's Tapiola or even of Lake Anne Plaza in Reston, Virginia, America's other well-known new town. It is far from the utopian megastructures Paolo Soleri and other architectural visionaries are dreaming of. Columbia only hints at the promise of the growing new-town movement. But at least it points the way.

New towns supposedly will help people leave the slums and ghettos, allowing us to rebuild the rotting inner city and to put workers and jobs together again in real communities that give citizens a sense of belonging. But how do the inhabitants feel about living in these laboratories? Clearly, most of the roughly 13,000 people living in Columbia, located in Howard County between Baltimore and Washington, D.C., or of the 12,000 who live in Reston, seem to be aware that they are participating in an experiment. They also seem anxious for it to succeed. A majority of Columbia residents (51 per cent in 1969, according to a University of Michigan study, but there must be more, now that the town is better known) were attracted by the idea of a fresh start—"the Clean Dream," as an Antioch College professor has called it. They are eager to pioneer. But some people (21 per cent, say the Michigan pollsters) moved to Columbia because it was close to their work. It is not surprising, therefore, to encounter Columbians who are not quite sure what a new town is or stands for. Like many suburbanites everywhere, they complain about the new buildings going up around them, particularly the low-rent housing (9 per cent, say the pollsters, expressed disappointment with the plans and programs of the developer).

It is risky to try to assess life in this four-year-old town. Columbia is only one example of one kind of new community. Like Reston, Jonathan in Minnesota, and other American new towns, it is essentially a "garden city" of the sort invented in England at the start of this century. It's also an essentially private development whose backers are out to prove that if you plan comprehensively and put everything together—housing, industry, recreation, and shopping—you can create a good living environment as profitably as a dull, one-class, one-color, dormitory subdivision. Columbia is being developed by James R. Rouse, and to judge from the price of Rouse Company stock, the theory seems valid. Planned for 110,000 people, the town is to be completed ten years from now.

The first thing one sees when arriving there via U.S. 29, which bisects the town's 14,000 acres, or twenty-one square miles, is one of the city's manmade lakes with small sailboats, ducks, and boys with fishing tackle. Beyond the lake are the first large business buildings that herald Columbia's downtown." A huge shopping center with a covered mall, which is to serve not just the city but the region around it, is under construction and is scheduled to open this fall. There is also to be an amusement park—Ferris wheels and all. Columbia, says one of its advertisements, is to be the kind of place "where you can get a pastrami on rye at 4 o'clock in the morning."

That doesn't seem very convincing as one drives along the new city's wide and winding blacktop roads lined with a variety of subdivision homes, clusters of townhouses, and occasionally, bulky apartment buildings. Like most other new towns, however, this leisurely, neat, and verdant sprawl has been organized into neighborhoods, each with its elementary school, neighborhood center, swimming pool, other outdoor recreation facilities, and a "convenience store," as it is called, where you can get essential groceries, though not at 4 o'clock in the morning.

Three or four neighborhoods form a "village." The village center includes a middle school, a meeting hall, a variety of shops and stores clustered around a very sociable little plaza with benches, statuary, and a fountain. All this is connected by walkways that never come in contact with the highways, so kids can walk or bicycle to school and people can shop without using their cars. Nevertheless, Columbia's first completed village center, Lake Wilde, has a drive-in bank, and its parking lot is usually full.

Lake Wilde is Columbia's showcase. It has a covered, year-round swimming pool, a good bookstore where a lot of teen-agers hang out and listen to records, one of the best butcher stores in Maryland, and an "Interfaith Center," where Catholics, Jews, and Protestants hold religious services and seminars and which operates a "cooperative ministry." There is also a community center, called Slayton House, which hosts such activities as informal coffee discussions with local politicians, "slimnastic" courses, movies, and amateur theater productions.

Slayton House is also the scene of heated "confrontations" between the Columbia Association and residents who demand to know what they are getting for their dues. The association, with its sizable staff, takes care of the landscaping and other amenities and initiates and runs Columbia's social and recreational programs, while the schools and police and fire protection remain the responsibility of Howard County. The Columbia Association's board of directors is dominated by the developer to make sure the residents do not suddenly change his plans. This precaution is taken—and often much resented by the citizens—in all new towns, even the government-sponsored British communities that eventually become true municipalities with an elected mayor and council. "If citizens were totally involved," said city planner David Godschalk in a recent conference on new-town management, "Columbia, for instance, would probably end up all low-density."

In Columbia, nevertheless, Rouse has promised to relinquish his parental control as the city grows up—and it is growing fast. Two of the seven planned villages have been completed, and a third is nearing completion. Columbia already has a community college and a branch of Antioch. It has a health clinic that is part of an innovative, prepaid family health plan, worked out and operated by Johns Hopkins University. Ground has been broken for a 180-bed hospital. There are a golf course and riding stables.

The regular run of Columbia's mini-buses, which was part of the plan, has been abolished, however. There was not enough demand. Since early this year, the mini-buses provide only rush-hour service from the villages' centers to "downtown," where they link up with commuter buses to Washington and Baltimore, or to Columbia's industrial park.

So far only 15 per cent of Columbia's residents also work in Columbia. In Tapiola, Finland, the figure is about 40 per cent. In most British new towns, industrial jobs now outnumber workers available, though the goal had been to match employment capacity to local population. Therefore, many workers now commute to the new towns. This will happen in Columbia, too, if Rouse reaches

his goal of providing 50,000 jobs for a town of 110,000 residents. He probably will. Columbia's two industrial parks are growing even faster than the town itself.

Critics charge that new towns cater to the middle-class dream. They forget that the black and the poor share this ideal. Ghetto dwellers also prefer to see ducks rather than rats when they look out the window. If "Soul City," the new town by and for blacks, ever gets built, it will not look much different from Columbia.

An estimated 15 to 18 per cent of Columbia's population is black. In Reston, the percentage is probably a little lower because some blacks do not relish the thought of moving to Virginia. There are also a few people with below-average incomes in both towns, and there would be a greater number if the federal government had acted more expeditiously on applications for housing subsidies. So far it has given little more than lip service to the idea of socially and economically balanced new communities.

Columbia has just completed the last of 300 subsidized housing units for people of moderate income. Rents range from $99 for a one-bedroom apartment to $151.50 for a four-bedroom townhouse. To avoid being tagged low-income ghettos, these units have been built on five different sites. The houses are as handsomely designed as any in Columbia, and I, for one, could not tell them from the rest. They are sponsored by the Columbia Interfaith Housing Corporation, which grew out of the cooperative ministry.

Reston has put its 198 moderate-income families together into one apartment house complex called Cedar Ridge, which teems with some 700 children. Ten of the Cedar Ridge apartments are rented to families on welfare, but their identities are not known to the others. None of these people have come from the Washington or Baltimore ghettos. Nor are all of them black. They are young teachers, factory workers, and store clerks, many of whom work in the new town and all of whom had lived in the surrounding rural county.

Neither Rouse nor the Gulf Oil Corporation, Reston's owner, claims that their privately built new towns could or would attempt to house substantial numbers of inner-city poor. Columbia and Reston aim only to make sure that everyone who works in these towns will be able to live there, and they realize, as an Interfaith Housing official put it, that "industry usually has more janitors than presidents." Furthermore, there is a sincere will to build economically and socially inclusive rather than exclusive communities. "If Columbia is to be an experiment in building for the Next America," the Interfaith official said, "then it must be workable for all Americans."

So far the new towns seem to be more workable than suburbia for a good many Americans. The people who moved into these communities because they saw in them a new urban frontier are proud of their racial and economic mix. In Reston, a vocal group of early settlers has banded together in a group called Black Focus and keeps urging the developer to make greater efforts to open the town to black people, to show black faces in their promotion pictures, and to hire black salesmen. And these urgings have had some effect. In Columbia, liberals keep saying, residents who probably voted for George Wallace (he got a considerable vote in all of Maryland) live contentedly on the same street with blacks and members of various ethnic groups who were attracted by Columbia's promise of racial and ethnic harmony. This pioneering spirit seems to be contagious. The Michigan University poll found that 56 per cent of the respondents wanted people of different racial backgrounds in the neighborhoods.

But how meaningful is this? The majority of these black neighbors are highly educated members of the middle class, and some of them have complaints. For instance, June Caldwell, a black psychologist who moved to Columbia from Baltimore, told Washington Post reporter Michael Kernan: "I don't know. Columbia seemed like a good idea, but I don't know. I think it all still has that concept of property values. All the American prejudices about low-rent housing are being preserved intact here. If something is stolen, everyone looks at the Interfaith [low-income housing] kids."

The new towns, in short, are by no means free of the stress and distress of our society. In the new towns, too, most people fear change and the depreciation of their property and surroundings. But despite Mrs. Caldwell's doubts, I would say there is somewhat less fear of change in a new town because the change is planned. One knows what will happen. There is order. Columbia and Reston tend to substantiate the contention frequently made by sociologists that most whites of all income groups do not object to racial integration as long as they are sure that the white group remains in the majority. That is surely "racist" of them. But there is hope that planned communities can help overcome this racism by—homeopathically as it were—taking this prejudice into account.

A new town, better than an impersonal city or suburb, is able to work things out in a spirit of community. Unruly youngsters are a current problem in both Columbia and Reston, as they are almost everywhere else. In Reston last summer, the lovely Lake Anne Plaza was badly vandalized one night. Some blamed "a bunch of Georgetown freaks," though there is little doubt that young Restonians were among them. Meetings and soul-searching among concerned citizens still continue. In Columbia, the teen centers—one called the Orange Propeller; the other, the cooperative ministry's coffee house, named It's Open—have been invaded by youngsters from outside the new city who have no place else to go. There also has been trouble with drugs, and that, too, has sparked not so much acrimony as earnest discussion, a spirit of care.

In one of these meetings a while ago, a woman spoke up and told Rouse rather emotionally that he must consider the reputation of his town and throw the freaks out. Applause. Rouse said he sympathized. But he also said he hoped the lady did not mean to suggest that the problems be swept under the rug. There must be a more creative answer. The hippies, he added, "may be saying something that we should hear." He got far more applause than the woman.

According to the Columbia Association, Columbia residents are from forty-three states and fourteen countries, all kinds of people with all kinds of views. Most residents found what they expected to find, according to the Michigan study. About 25 per cent said things were better than they had anticipated; 9 per cent said they were worse. So it would appear that America's most advanced new town has gotten off to a good start—though it still does not attract the poor and the rich, it is creating a new kind of living environment. There are no statistical data yet that would satisfy the sociologists as to how "effective" this environment is in terms of reduced crime or improved educational achievement or whatever. We do know that it gives people another choice of a way to live.

The few new towns in America, however, are just a beginning. In Great Britain, where the movement originated, the new-community builders have gone on from garden cities, like Columbia, to a second and third generation of new towns that are to the first as a jet plane and superjet are to a propeller aircraft. An example of the second generation is Cumbernault, begun in the late 1950s. It is compact and hard with granite cobblestones, is dedicated to keeping cars entirely out of the way of people, and all but does away with neighborhoods and neighborhood centers. Instead, Cumbernault's communal life is focused on one big, bustling town center—a wierd, complex megastructure with shops, apartments, meeting halls, neon lights, and fish n' chips smell—that straddles a super highway. No bourgeois coziness here.

The third generations of British new towns is still in the planning stage. The towns are to be larger—a quarter-million inhabitants or more—but they also return to lower densities, separate neighborhoods, and green and pleasant openness. This is to be brought about by a rapid-transit system that is built into the town much as elevators are built into a high-rise building.

The hope is that they will be cities as Lewis Mumford once put it, that "forgot about the damn motorcars" and that are planned, "on the human scale for lovers and for friends."

NEW COMMUNITIES—II PRIVATE INVESTMENT AND THE PUBLIC WEAL

(By Anthony Downs)

Although many regard new cities as an exciting way to escape the persistent ills of urban life, few new-community advocates have confronted certain unromantic but vital questions about economic feasibility. Will new cities pay for themselves, or must they be subsidized? If subsidies are required, who will pay for them, and who will reap the benefits? Would building new cities really help solve existing urban problems? Or would it merely divert leadership and other scarce resources from decaying older urban areas to glorified, high-income suburbs?

Before examining these questions, some definitions are required. In order to be considered a new city, a community must 1) be initially developed under a single comprehensive plan; 2) contain multiple land uses—at least single-family and multi-family residential, commercial, office space, and recreational; and 3) be planned for a certain minimum population. I believe 15,000 people is a reasonable estimate for the smaller cities and 50,000 for the larger.

Several fundamentally different types of new cities must be distinguished on the basis of their geographic relation to existing settlements and size. Geographically, a new city can be *in-city* (within a heavily built-up area—such as the Welfare Island project in New York City), *peripheral* (on the edge of an existing metropolitan area, such as Foster City near San Francisco), *satellite* (outside of but within commuting distance of a metropolitan center, such as Columbia between Washington and Baltimore), or *autonomous* (beyond commuting range of any existing metropolitan area, such as Lake Havasu City in Arizona). For convenience I will use only two size categories. A *full city* contains a very broad spectrum of land uses, including industrial, and should provide nearly as many jobs within its boundaries as there are workers living there. A *mini-city* contains a much narrower spectrum of land uses, perhaps not including industrial, and relies mainly on surrounding communities to provide its residents with both jobs and key urban services and amenities.

From a strictly economic viewpoint, creating any new city is a special form of land development. The basic principle underlying all land development is to buy land cheaply, enhance its desirability, and sell it more expensively. The profit produced depends upon 1) the spread between the buying and selling prices, 2) the costs incurred enhancing the land's desirability, and 3) the time required to complete the whole process.

The price spread is increased by making the buying prices as low and the selling prices as high as possible. Land prices generally decline with distance from already

settled areas; so there is a strong pressure on developers of new cities to build satellite or autonomous projects. This pressure is especially powerful if they seek to create full cities, which require immense tracts of vacant land (6,000 acres or more). On the other hand, selling (or leasing) prices are maximized by the highest-density uses, which are usually found near the centers of large cities. In all new (and existing) cities, the highest land prices are generated by high-rise office buildings, shopping centers, and high-rise apartments, and the lowest by single-family home sites. That is why many new-city developers rapidly sell single-family home sites to housing developers, but retain major commercial, retail, industrial, and high-rise apartment locations. High land values and rents generated by such sites have been the economic salvation of British new cities.

A crucial economic aspect of new cities is their attempt to internalize the economic "spillovers" that occur in all land development. Whenever someone builds a major regional shopping center or other commercial project, the value of all the land around it rises. If the shopping center developer does not own that nearby land, someone else captures the "spillover effects" of his investment. But a new-city developer initially controls enough land to capture almost all such spillovers within the community's boundaries. Furthermore, he deliberately plans all parts of the new city so their spillovers reinforce each other. This stimulates land values to rise even faster. For example, he designs local streets to maximize the convenience of his shopping center and then uses that convenience to convince both residents and retailers to move in. This ability to internalize and set up an "economic reverberation" among spillovers provides the greatest relative advantage of new-city development over traditional subdivision development. But this ability requires both a huge site and an excellent comprehensive plan, which add to development costs.

A new city's comprehensive plan offers environmental and esthetic qualities lacking in typical competitive subdivisions. Therefore, a well-planned new city is able to both offset its more distant location and speed up the process of marketing its land. Traditional land developers enhance land values by installing mains and sewers, creating streets and lakes, providing open space, donating school sites, building structures, or some combination of these. But new-city developers seek to create a completely new, almost self-contained environment through the careful positioning of many land uses under a single plan. In this respect, they are catering to a rising desire among Americans to purchase an entire environment along with their home. Thus, creation of an esthetically, socially, and environmentally attractive comprehensive plan is critical to any new city's success.

The most critical factor of all, however, is speed of development. New cities require huge "front-end" investments of cash to acquire big sites and to install enough facilities and improvements before anyone moves in to convince potential residents that they will actually receive the wonderful environment promised by the developer. If the developer has borrowed this money, it costs him staggering interest payments daily. (In the early stages of building Columbia, the Rouse Company was paying $5,000-a-day interest on money borrowed to buy the land, even before there was any real assurance that a new city could or would be built on it.) Tying up the developer's cash means sacrificing interest it could be earning elsewhere. Therefore, economic success requires speeding up development to shorten the period before sizable revenues start to flow back to the investors. Even if a new city eventually becomes completely occupied and a great human success, it can be an economic disaster for its developers if too much time elapses from start to finish. Locating as close as possible to an existing metropolitan area speeds up development by exposing the new city to a bigger potential market. But this drives up the initial purchase price of the land. Furthermore, creating an entire new city is an extremely complex process, involving three sources of delay not connected with traditional development: assembly of the entire site; development of a good comprehensive plan; and completion of intricate negotiations with a whole set of governmental bodies. These actions provide innumerable occasions for unforeseen delays.

Even in principle, therefore, creating new cities is an extraordinarily risky form of private investment—probably the riskiest of all. That is why the single most important ingredient in any new city is the principal developer himself. Only individuals with a rare combination of vision, persuasiveness, energy, financial acument, inventiveness, promotional flair, and endless persistence have much chance of seeing a new-city investment through to profitable fruition. In light of these demanding conditions, who have tried to create new cities and how successful have they been? Our catalogue includes the following types of developers:

Central governments have created many new cities as a means of opening up underdeveloped areas, counteracting excessive urban centralization, or achieving other national objectives. Economic feasibility has been neither an objective for nor a constraint on such attempts, which include Washington, D.C., Canberra, Brasilia, Oak Ridge, Ciudad Guayana in Venezuela, and Chandrigar in India.

Public corporations have been created expressly to develop new cities in most nations that have adopted explicit new-city policies, such as Great Britain, France, and Sweden. These corporations have pursued economic feasibility, and in some cases have produced discounted rates of return on investment of around 8 per cent. Although this is satisfactory for a public body, it would be unacceptably low for private capital.

Owners of large land parcels have sometimes chosen to create new cities rather than to sell or develop their land piecemeal. Such developers have the tremendous advantage of not having to assemble or make a huge cash investment in a big site. Examples are most common in California, where remnants of Spanish land grants provided the basis for the giant Irvine project. The development of Miami Lakes (with a projected population of 50,000 residents), about ten miles northeast of Miami, by the Graham family is another illustration. Computing the initial land value is extremely difficult in such cases; hence no one really knows what rate of return on investment these new cities have produced.

Developers who create sites through landfills or clearance and drainage of swamps also minimize land-assembly and initial-cost obstacles. Examples are Redwood Shore (municipally owned) and Foster City in the San Francisco Bay area, and many new communities in Florida.

Combinations of individual entrepreneurs in partnership with large lenders or corporate investors—with the former supplying the ideas, skill, and energy, and the latter putting up most of the money—have produced apparent successes in Columbia, Maryland, and Rancho California, but initial financial failures in Reston, Virginia, and Clear Lake City, Texas (both of which have now been reorganized).

This list includes most new-city developers. It strongly implies that creating new cities is a task suitable only to very large organizations—whether public or private—possessing lots of cash and staying power. Most other new-city developers have enjoyed some hard-to-duplicate initial advantages, such as inheritance of a giant estate. Individual entrepreneurs operating on their own are notably scarce in this business. The few who try it have usually become partners with some source of big money, instead of following the mortgage route typical of other developments, in order to meet the large front-end cash requirement.

The size of this requirement is illustrated in part by land acquisition costs of $25-million at Columbia (an average of $1,700 per acre), $13.2-million at Reston ($1,780 per acre), $32-million at Westlake Village, California ($2,700 per acre), and $40-million at Park Forest South, Illinois ($5,000 per acre). Moreover, costs of infrastructure and buildings are much greater. In our recent preliminary analysis of a new community of 75,000 persons proposed for a suburban location near Detroit, we estimated total capital outlay requirements (public and private) would be $663-million over a twenty-year period (in constant dollars)—of which only $7.2-million (1.1 per cent) would be for land acquisition.

Another strong implication of this analysis is that mini-cities are far more likely to prove feasible for private investors than full cities. Mini-cities require smaller initial cash outlays for land and improvements, can be located closer to existing markets, need less complex plans and negotiations with governmental bodies, and take less time to carry out. Yet they can still be large enough (say, from 800 to 3,000 acres) to allow internalization of the most significant economic spillovers and creation of an unusually attractive environment through comprehensive planning. Chicago's privately owned Urban Investment and Development Company has proposed a series of suburban mini-cities, each to be built around a major regional shopping center—the key tenants of which are partners in the venture. Several of the projects proposed by New York's publicly owned Urban Development Corporation are new mini-cities either within or on the edges of existing metropolitan areas.

The 1970 Urban Growth and New Community Development Act seeks to help both public and private new-city developers overcome some key obstacles. The most important forms of assistance it provides are:

Federal guarantees backing debt obligations issued by developers to pay for acquiring land, conducting initial development, and installing utilities. Such guarantees can be made up to $50-million for any one project for 100 per cent of these costs for public developers and about 85 per cent for private developers.

Federal loans to cover the interest payments on money borrowed by developers for financing the specific front-end costs mentioned above, even when no federally guaranteed obligations are involved. No repayments on these federal loans need be made during the first few years of the project.

Public service grants to local government bodies to help them pay for essential public services required in a new city before it has an adequate tax base.

Planning grants to pay up to two-thirds of all planning costs for public developers, or two-thirds of special costs for private developers in excess of normal planning and feasibility studies.

Special supplements added on to thirteen existing federal programs (such as sewer and water aid) when they are used in approved new cities.

In theory, these programs could provide major reductions in the front-end cash requirements of both public and private developers. But Congress has not yet appropriated funds for most of these programs, and budget restraints may hold down the amounts the Department of Housing and Urban Development has requested. HUD has

already received hundreds of inquiries about such assistance, but past experience proves that genuinely worthwhile applications amount to only a small fraction of initial inquiries.

These funds would not help new-city developers pay for initial planning costs. Nor do they help either public or private developers assemble large sites, pay for housing and other structures, or market their products. Furthermore, using federal aid poses three added problems for new-city developers: more red tape; required inclusion of new low- and moderate-income housing (which is desirable socially but is a potential drain on profitability); and the need to tie up the site through purchase or options before applying for federal aid, without knowing whether funds will be provided. Consequently, I believe there are still formidable financial obstacles to the successful development of new cities, especially by private enterprise.

If new cities are to represent much of the nation's future urban growth, creating them must be made still more profitable and less risky for private developers. However, Congress may be reluctant to adopt policies that would generate sufficient profits to attract large numbers of top-quality private developers into this field, or to lead to large-scale public development of new cities. Among such policies would have to be the following:

Creation of state (or federal) public development corporations (like New York's Urban Development Corporation) with powers to condemn land, override local zoning and building codes, float their own financing, and actually build utilities and structures.

Provision of special land-assembly powers usable by either public development corporations or private developers. The latter would first have to assemble some large fraction of a proposed new-city site, formulate an acceptable plan, and provide sound financial backing.

Actual appropriation and expenditure of vastly greater funds for all the federal financial aids passed in the 1970 act. Congress and the administration usually allow far less spending than the amounts legally authorized. For example, HUD only requested new-city supplemental grants of $5-million in fiscal 1971, as compared to an authorization of $63.5 million.

Priority allocation of existing federal planning, housing subsidy, sewer and water, and transportation program funds to proposed new cities meeting certain standards.

A possible alternative to larger federal assistance might be provision of a powerful private financing mechanism such as the National Urban Development Bank recently proposed by David Rockefeller. It would make land-development loans to new-city builders with funds from special security issues or pooled bank loans.

The suggestions outlined above assume that both public and private efforts to build new cities should be encouraged simultaneously in order to maximize effective results. In addition, the following more experimental suggestions might be considered.

Designation of certain new-city zones by individual states, within which no new urban development could occur at less than mini-city scale. This would encourage land owners in such zones to aggregate their holdings.

Provision of highly accelerated depreciation write-off for all private structures built in designated new cities.

Construction of one or two experimental new cities built around new federal installations, or existing installations in relatively remote locations, with special incentives for private firms to move there. Emphasis could be upon ecological-system innovation and improvement.

Unless many of these policies are forcefully carried out by key states and the federal government, there is little chance that any new cities will play a really important role in our future urban growth.

Full-sized autonomous new cities offer our best chance to try out alternative urban forms that might reduce key problems (such as designing a city mainly for public transit to cut air pollution and traffic congestion). However, truly radical innovations would be extremely expensive as compared to continuing urban sprawl around existing urban areas. This is partly because new cities must contain *all* new structures, even though more than half the nation's households (and many firms) cannot afford to occupy new quarters without subsidies. Yet these people and activities are needed to make any city work economically. In existing areas, they can occupy older structures; but in autonomous new cities, they must be heavily subsidized because there are no older structures nearby. Moreover, radically designed new cities might be politically threatening to the chief beneficiaries of existing urban forms (such as the giant automobile industry). Therefore, I believe it highly improbable that we will build many such innovative autonomous new cities in the near future, though I support trying one or two.

Satellite and peripheral new cities—particularly mini-cities—could improve the neighborhood texture and quality of life in urban areas without generating enormous costs beyond those associated with normal urban development. They could also provide some planned economic-class mixture (if sufficient subsidies are granted to allow low- and moderate-income households to live in new units) and planned racial integration. In fact, unless both these elements are deliberately built into new cities by public policies, such settlements will become large-scale, well-planned, middle- and upper-income developments—thereby furthering existing spatial economic separation in our metropolitan areas.

But satellite and peripheral new cities would not reduce traffic congestion, air pollution, the solid waste problem, or other problems arising from the sheer size of metropolitan areas. Only a general urban growth policy that forbids or controls expansion of our largest areas could do that. This in turn would require stronger public controls over private land use.

No form of new city will significantly reduce the problems of older existing urban cores unless the "two urban frontiers" of core decay and suburban growth are explicitly linked together for their mutual benefit. This has recently been proposed in the "paired new city" concept of Detroit's Metropolitan Fund. Without some such linkage, there is a strong probability that society will concentrate most future resource investments in suburban areas and continue to let central cities decay physically and go bankrupt fiscally.

Thus, new cities are neither a panacea nor a Band-Aid for existing urban problems. Yet they offer definite opportunities for improving the quality of growth. But any policies supporting them should be part of a balanced program that also recognizes the need to improve older core areas and to upgrade traditional forms of urban growth, which are still likely to dominate the future.

New Communities—III: Piecing the Political Pie

(By Edward J. Logue)

If new communities offer so many potential economic, social, and esthetic advantages at a time when our society desperately needs new hope, why is so little new-community development actually taking place? Some of the opposition is based upon a sincere conviction that these advantages are illusory. I contend, however, that the major obstacles are political.

The pattern of politics in the United States makes it extremely difficult, though not impossible, to realize the full benefits of planning and building new communities. Their development requires an extraordinary degree of policy and administrative integration involving a wide spectrum of activities. This requirement is frustrated by a basic characteristic of American politics: fragmentation of authority and responsibility for public policy-making and for the administration of public services.

For example, although we think of public education as usually governed by locally elected school boards, there is nevertheless a very strong state role in education. Every state has its own department of education that sets local standards which must be observed. A substantial portion of state revenues is made available to support the cost of local education.

Similarly, although public health services are administered on a decentralized basis, each state government has a health department that has the responsibility for setting standards and overseeing the work of local public health departments. There are many other public services where there are both local administration and a very strong state role.

Interestingly enough, however, Hawaii is the only state that has a policy regarding the vitally important matter of land use. Nearly every state has adopted permissive legislation allowing local governments to use land within their borders purely on the basis of local concerns and without regard to the needs of the region or state. As a result, the use of zoning as a tool to welcome development by large property taxpayers and to screen out low and even moderate-income families has become common. The passions that can be aroused when "home rule" zoning is challenged are frightening.

We can expect this trend to continue until the local property tax ceases to be the dominant source of local revenue. If we are to foster new communities and effective state policies for land use as an alternative to metropolitan sprawl (the prevailing national urban growth pattern), we will have to change our traditional methods of raising state and local revenues. On this issue, I can speak from first hand experience. The dominant concern in New York State about new communities is the impact they will have on local tax rates. This is very important because most planned new communities are likely to be located where there already exist some settlement and apparatus of local government.

It is no accident that the new-community movement has been far more vigorous in Europe, where the focus of public policy-making is national and government administration is more centralized. For example, the master plan for land use in metropolitan Stockholm is not just a public relations package or an intellectual exercise. It is politically tenable because the power to make the plan and carry it out is in the same place. Perhaps even more important, through the "planning permission" system, no development can take place without a specific planning authorization. By contrast, the Planning Commission in New York City (and almost every other American city) is comparatively powerless in relation in the myriad agencies responsible for carrying out—or, often as not, thwarting—its recommendations.

Skepticism about planners and a mistrust of governmental planning power are deep-rooted in the United States. Elsewhere, however, planners are seen as the persons who make the consensus happen. In the United States, they are typically irrelevant to the actual workings of the political process.

In an age when problems were largely localized and foreign tyranny was much in mind, a system of multiple authorities,

checking and balancing one another, may have served the needs of society. That age is long past. The urban crisis is subject to all the perils of rhetorical exaggeration, but my conviction is that our greatest dangers are from the paralysis of local government.

I do not mean to suggest that the answer to all of our urban problems is greater, more highly centralized power. The experience of the organization that I head, the New York State Urban Development Corporation, illustrates the limitations of that theory. UDC was established by the Governor and the Legislature in 1968 as an independent, public-benefit corporation designed to bring a comprehensive approach to the problems of urban deterioration, economic stagnation, unemployment, shortage of housing, and lack of civic facilities. The corporation can plan and carry out projects to supply housing for low-, moderate- and middle-income families; to redevelop blighted areas through land-use improvement projects; to assist industrial and commercial development in some circumstances; to provide needed educational, cultural, community and other civic facilities; and, through a combination of these activities, to develop new communities. UDC is authorized to issue its own bonds to finance its projects, and this year successfully went to the private-investment market with an initial offering of $250-million.

The powers and exemptions conferred upon UDC make it a versatile agency of government, but only so long as it operates within the parameters of broad public consent. Such consent presents problems of its own. For example, UDC is already viewed apprehensively in some quarters because it has statutory powers to override local zoning regulations and building codes. And yet the political limitations on the exercise of legal authority are abundantly clear to both me and my colleagues at UDC. If we attempt to use our statutory powers arbitrarily or high-handedly—or even, in some cases, wisely—we invite their repeal.

The political challenge is, on the one hand, to demonstrate government's capacity to deliver the services and programs so desperately needed while, on the other hand, participating with the communities that these endeavors are designed to benefit. The older institutions have tended not to deliver, or to deliver at the expense of community input. At the same time, "community control" has frequently meant the appearance rather than the substance of participatory democracy. After a round of confrontations, the result has sometimes added up to a great deal of rhetoric and a lack of concrete accomplishment. The political need of the Seventies is to work out a governmental apparatus that can combine sensitive communication with effective action.

Theoretically, a new community begins with no constituency and no jurisdictional disputes, but that, of course, is unrealistic. Politically and administratively speaking, new communities are not a *tabula rasa*. Somebody, something has almost always been there first, carving out the seemingly empty acres into special jurisdictions for building future roads, sewers, fire stations, schools—and, most important, devising ways to collect taxes to pay for all these services.

Such districts are not necessarily consistent one with another. More likely they are a hodge-podge of different sizes, overlapping functions, and fragmented responsibilities. Each fiefdom demands independent negotiations, comparable to guiding a resolution through the General Assembly of the United Nations. At the same time, each negotiation can be indispensable to the creation of a new community. At Lysander, a new community being launched by UDC on approximately 2,700 acres in the Syracuse metropolitan region, UDC has been working out agreements with the Clay Sanitary District, the Baldwinsville-Seneca Knolls Sanitary District, the Onondaga County Water Authority, the Onondaga County Solid Waste Disposal Authority, the Belgium-Cold Spring Fire District, the Baldwinsville Central School District, the Onondaga County Sheriff's office, and the town of Lysander, not to mention the New York State Department of Transportation, the New York Telephone Company, the Niagara Mohawk Power Corporation, and the Erie-Lackawanna Railroad! As this listing makes clear, the 2,700 acres may be vacant but the public-service jurisdictions were all carved out beforehand.

There is a serious question whether new-community development can ever be achieved on a large scale if it must be brought about only through presently established governmental processes. A few pilot efforts can succeed, but building a significant number of new towns will require a simpler system. Furthermore, any successful large new-town program will have to assure existing entities of local government that the new communities will not be a financial burden on resident taxpayers.

Last year, the New York State Legislature passed regulations requiring the state and authorizing UDC to reimburse the locality for land taken off the local tax rolls prior to development. UDC has recommended that the state assume the responsibility, for example, of paying "impact" money to localities, much as the federal government already does in areas where there are large federal installations. The policy is intended to reduce the costs to local taxpayers for extra services that will benefit a larger group. Obviously, however, this is not a very good time to come up with new ideas for spending state money. Local school districts with rapidly rising costs are understandably concerned about an influx of additional pupils without a corresponding increase in school revenues. The need to support such expanding local services is recognized in the Housing and Urban Development Act of 1970; however, state support is also needed.

Socially, new communities can offer unique opportunities for Americans to live, work, and go to school together in diverse neighborhoods. Such communities constitute one important way to facilitate meaningful ethnic and socioeconomic integration in our increasingly segregated society.

Financial fears in suburban areas over prospective new patterns of housing should not be regarded as justification for restrictive land-use regulations aimed at maintaining islands of advantage amid the seas of social change. These regulations are among the powerful forces at work polarizing our society. Local zoning laws are already under attack in some state legislatures as well as in the courts for going far beyond a legitimate concern for public health and safety. It is entirely possible to distribute housing for lower-income families in various parts of a metropolitan area in such a way that they will enjoy the benefits of fresh air, safe streets, and good schools (plus access to the increasing number of suburban jobs) without changing the "character" of any existing community. However, that goal is easier to state than to carry out.

It is not sufficiently understood that by following a pattern of "fair sharing"—i.e., each suburban community providing its fair share of housing for low-income families—not a single suburb will have its basic nature changed. The statistics of suburban growth and central-city decline in the 1970 Census make that clear. On the other hand, as long as the problems of change are imposed selectively upon certain neighborhoods or particular ethnic and social groups, militant opposition becomes inevitable. This piecemeal approach also leads to rigid political positions that make it all but impossible to implement constructive public policy.

I firmly believe that housing developments that cater exclusively to low-income families are inherently undesirable since they are likely to produce large institutionalized, apartheid pockets. UDC's housing policy has led in most cases to a 70–20–10 formula—70 per cent of all housing units on a site for middle- and moderate-income families, 20 per cent for low-income families, and 10 per cent for the elderly. This housing mix seeks to provide a cross section of age groups and income levels in a diversified community, where, incidentally, the elderly are not isolated from the young.

If we still regard America as the land of opportunity and desire low-income families to move into the economic mainstream rather than slip into welfare status, we must ensure that they come into contact with more prosperous families. This philosophy has been incorporated into our planning not only for projects within cities but also for new communities in Lysander and Amherst, where the new campus of the State University of New York at Buffalo is being built.

It will also be incorporated in the "new town in-town" soon to be constructed on New York City's Welfare Island. Although the precise housing mix is adjusted to local needs, the object is the same. One advantage of developing a diversified new community on largely unoccupied land is that it offers us a second chance, so to speak, to convert the slogans of equal opportunity into practical reality. Those who sincerely seek a quality of life characterized by a full interchange among different economic and ethnic groups can opt for such a style of living—and they can do so without engaging in destructive confrontations with opponents already on the turf. Since all the occupants of the new community are, so to speak, volunteers, no outside force is imposing a change in the character of an already existing community.

By the same token, new communities should not be regarded as one-way conduits for exporting masses to the countryside while the existing cities wither and die. In other words, new towns must not be regarded as a cure-all but as an essential part of a balanced community-development program that restores the health of our cities as well. The new community concept may, in fact, have equal validity as the extension of an already existing urban center or as the creation of a new town in-town. The satellite new community offers a planned alternative to the haphazard growth of areas destined to grow in any event. The new town in-town is one urban response to the false notion that cities have outlived their usefulness, or that they lack the sparsely settled areas required for new-community development.

The city—habitable or otherwise—is essential to communication, commerce, government, and culture in our society. The city, reinvigorated, is the exciting expression of a cosmopolitan civilization. As Governor Rockefeller has asserted: "We cannot preserve the way of life that initially attracted people to the suburbs—unless we also save our cities. If the cities continue to decline, we will have a rapid, unplanned migration that will swamp our suburban communities. Those who sought out a little open space in the suburbs are going to find themselves increasingly hemmed in by those who find the city increasingly unlivable. But as the central city becomes less and less desirable, where else can people go?"

The political point here is that the new-community idea should be viewed in the total context of metropolitan life. The suburbs and their inner city are separated by political boundaries bearing little relation to the common problems of people in both locations. There is no such thing as a separate solution for metropolitan mass transportation or metropolitan-wide air and water pollution; there is also no separate solution for descent housing and good education. The

pooling of resources and skills across present political boundaries is as necessary as political cooperation on problems that have no relation to lines drawn on maps.

Again, our localized political system makes it almost impossible to tackle our most general problems. In New York State, for example, a restrictive state constitution makes it exceedingly difficult to take a comprehensive approach to many of the interrelated problems of housing, jobs, public services, and community development. For example, UDC is presently prohibited from carrying out industrial development within a new community except after a finding of blight or "insanitary" conditions. This policy prevails, although there is often the need to cushion the risks before private entrepreneurs are able to exploit all the opportunities for creating new ventures and new jobs.

As this is being written, the New York State Legislature has before it a Community Development Article to remove these and other restrictions contained in Article XVIII of the present state constitution. A new Community Development Article was introduced and passed in the 1970 Legislature but requires a second passage in the 1971 Legislature before it can be submitted to the voters of New York State for approval in the 1971 general election. If this constitutional change has its second passage, there remains the problem of informing the voters about what is involved in the questions tucked away in a corner of the voting machines. It is hoped the electorate will take advantage of the opportunity to undate a housing and community development law passed more than thirty years ago.

Although I find constantly increasing interest in new communities in the United States, there is still much opposition. The organized mayors' groups were originally hostile and remain suspicious. They fear dilution or, worse, diversion of the already limited federal funds now going to cities. Their concern is understandable.

Local governments outside central cities are worried about what they consider intrusion or interference. On the other hand, a number of state governments are just beginning to see the opportunities and to face up to the problems. At the federal level, Congress took a giant step toward the future in late 1970 by adopting the Ashley-Sparkman bill with its new-community provisions; however, whether adequate funding will be provided remains very much in doubt.

Overall, therefore, the political obstacles to new communities include fear, skepticism, fragmentation, and a lack of commitment. As an antidote for all of these elements and to gain a sense of what could be done, I recommend that every state and every metropolitan area send a balanced group of community leaders to visit such new communities as Stevenage (outside London), Vallingby (outside Stockholm), and Tapiola (outside Helsinki). I predict a lot of them would get religion and an old American idea would get a new lease on life.

NEW COMMUNITIES—IV: TRUTHS AND CONSEQUENCES FOR OLDER CITIES

(By Leo A. Molinaro)

One of the most important effects of new-community development in the United States will be its impact upon existing cities—upon the way we conceptualize urban "problems" and "solutions" and upon the value orientation of our urban political leaders, planners, and citizens.

Some people believe that new communities are irrelevant to urban problems (or are even a diversionary threat to their solution) because, unlike densely populated cities, they supposedly are planned and developed in sparsely settled areas. I feel that the approach to improving urban environment is or should be the same in both situations and that recognition of this fact will be one of the key results of new-community development. Obviously, there are enormous differences among, say, New York City, Hartford, and Columbia, Maryland. Nevertheless, crucial insights gained during new-community development, such as that in Columbia, are relevant to urban development generally. Put another way, our ineffectiveness in solving the problems of our central cities can be attributed largely to our failure to profit from insights essential to successful development regardless of location ("successful" being defined in terms of desirable public policy). New communities will greatly facilitate our understanding of these factors and how they can be applied.

The ironic fact of the matter is that we know a lot more than we put to use in the battle to improve the quality of life. Workable, proven ideas are available in a thousand places. What we do not have in sufficient quality or quantity is the commitment to put these ideas to work in combination, over a continuous period, in an arena large enough to enlist the resources needed to make the ideas pay off.

I know of at least a hundred cities that have had studies made of trends in their local economy and other basic life-support systems. Perhaps another hundred cities can be found that have attempted to establish goals. But I have yet to find a city that tries to spell out in clear, operational terms just what life could be like if the city could achieve its objectives and reverse undesirable trends or reinforce desirable ones. We expend our energies on diagnosis and prescription and never get around to describing how the results would look, feel, and act. In short, we have no clear *vision* of the good life to which people can relate effort, sacrifice, costs, and benefits. We seem to have lost our way in our older cities, meeting crisis after crisis, trying to manage conflicts and confrontation and generally stay alive. The result is "policy sprawl"—policy that grows in bits and pieces without any overall vision to follow. In policy sprawl—just as in "suburban sprawl"—the people have less and less sense of community and they feel estranged from local authority.

When developing a new community, however, one must operate with a different set of conditions from those that have produced our urban woes. For one thing, there can be no policy sprawl. The size of the investment involved creates enormous pressures on the developer to consider all the factors relating to superior environment. A new community might fail if it tolerated excessive distance between work and residence, inadequate education at any level, insufficient recreational opportunities, inconvenient shopping or commercial facilities, the absence of air, rail, or highway outlets, unattractive commercial and industrial sites, or lack of water and power. There are literally dozens of other dangers, and the builder must avoid them all or risk losing millions.

First, in planning a new community one must be very clear about the dominant conditions that exist and those that are developing. To be clear about them does not mean to accept them automatically as final. For example, the Israelis could never have made the desert bloom if they had accepted its rainless condition. Second, goals must be formulated simply. Goal statements tend to turn off many hard-headed people, because they usually sound like truisms and cliches and we have come to associate them with people or organizations that are powerless to bring them to reality. On the other hand, a production goal stated by a producer, a distribution goal stated by a distributor, or a health goal stated by a health provider can make us sit up and take notice.

Third, and this is crucial, the consequence of these goals must be anticipated. We must try to detail in advance what their achievement will mean in specific terms of how we live, play, work, rest, communicate, raise our families, worship, organize, politic, and dissent. The questions of relevance and honesty raised so painfully by our high school and college students deal precisely with this point. They want to know not only where they are going but what difference it will make if they get there.

Four principles govern the development of a new community. First, the environment must be conceived in terms of the best that can be made available through manageable effort, at costs that can be computed and compared to other costs, and at performance levels that can be described and measured. A second principle involves scope. If the vision is too small and too safe, it will not create any substantial improvements in the quality of life. Model Cities, urban renewal projects, highway development, and many other commendable programs simply do not have the scope and impact to make the difference. For example, good housing that is too far from places of work is not good housing to the consumer. Therefore, one must place housing, transportation, and employment within a single plan. This integration is clearly beyond the range of existing programs. A third principle dictates that a new environment must incorporate an ever widening number of choices and differences in order to generate that critical mass of life activity that constitutes a growing community. The fourth principle is that there must be a visible benefit for every cost and a visible return on every investment if the new environment is to be maintained by those who live in it. A corollary of this principle is that the social and esthetic components of the new environment should not be in any sense contrary to expectations for economic growth, stability, and profitability. In fact, growth, stability, and profitability are based upon the social and esthetic quality of the new environment.

In sum, then, new environments that are meant to create new choices and opportunities, to provide justice and responsibility, to supply a return to all who have a stake in them, must be planned in a comprehensive and integrated manner. This means the interrelationships between all the basic life-support systems must be discovered, analyzed, and dealt with at the level where they intersect in the lives of people. Plans must be cast in terms of the basic delivery point—the individual and the family.

It is in the description of this new vision that new communities will make their greatest impact on existing cities. At least four consequences can be predicted:

The lingering, debilitating separation between planning and development can be ended. For whatever reasons, good and bad, city planners have been deprived of the discipline of devising projects that actually will be executed. They have been cast in the frustrating role of advisers without authority or without adequate working relationships with the developers and politicians who, after all, build and rebuild the city. Building new communities requires teamwork that makes planners of developers and developers of planners. They must be equally concerned with the disciplines of financing design, politics, marketing, and a growing range of citizen/consumer behavior.

New community development will have a significant impact on how public and private capital formation occurs and how it is allocated. Public expenditures in old cities too often are considered simply as money that has to be spent to fight congestion, crime, poverty, and all the other battles that nobody ever seems to win. Urban renewal projects attempted to change this philosophy by underwriting the recapture of land for the creation of new values, but the social revolu-

tion in our inner cities delayed meaningful reform. To the poor, urban renewal improvements seemed to be going only to those who already had plenty of advantages. In new-community planning there will be techniques for distributing benefits to all residents.

Our older cities have lost much of the initiative to control their own destinies. They have become preoccupied with managing conflicts and custodial tasks. Somehow 85 cents of every tax dollar leaves the city for state and federal coffers. Some of this is returned to the city through an intricate set of procedures that place the burden on the city to extricate funds from state and federal agencies. In new-community development, management and administration can be organized around creating and distributing social services and facilities that are planned and run from an entrepreneurial standpoint, aiming at capturing the support and participation of the citizen/consumer.

Those institutions and systems that support life in the old community have grown more apart than together. Competition for scarce dollars, manpower, and leadership has balkanized social services. With a new vision of what community life could become and how this standard might be attained, financed, and managed, there will come a power to evoke new institutional responses or entirely new institutions and agencies. As new communities follow such a vision and generate new responses in health services, education, employment patterns, recreation, citizens of older cities cannot help but demand as much.

New cities, then, offer an important opportunity to develop an effective, humane process for rethinking, replanning, and restructuring our urban goals. Several leading public officials from large metropolitan areas have recognized this chance and are considering working with new communities to discover values that can help meet inner-city needs. For instance, in southeastern Michigan the Metropolitan Fund of Detroit, a nonprofit research corporation, has announced a proposal for "pairing" new-town development with inner-city redevelopment. The objective is to link directly the planning and development of new environments in both areas, pooling costs and benefits. In Memphis, Tennessee, the Shelby County Commission is developing a new community on 5,000 acres that currently is used for the county penal farm. Local officials are looking at new-community development as an opportunity to raise a new vision of urban living.

In Minnesota, a unique coalition of distinguished public officials, business leaders, and urban scholars has detailed an ambitious, far-reaching proposal for an experimental city (the Minnesota Experimental City) that would become a laboratory and workshop for inventing and testing social and technical improvements and making them available to existing cities. A proposal to establish the Minnesota Experimental City Authority has been presented to the State Legislature. Similarly, the work of the New York State Urban Development Corporation combines a concern for new communities with one for existing cities. In fact, their investment portfolio represents a balance of new, expanding, and renewing communities.

At the federal level, Title VII of the Housing Act of 1970 for the first time in our history clearly relates the development of new towns, expanding communities (mainly in suburban areas), and new communities inside an existing city. These relationships are not just academic suppositions or utopian speculations. They are already the basis for important policy decisions. For example, the American City Corporation is under contract to a non-profit corporation of leading citizens in the Greater Hartford area to initiate a planning and development process that 1) will provide models of healthy, workable environments in a new, expanding, and inner-city community; 2) will produce an economically viable set of mechanisms to bring these proposals to reality over a reasonable development period; 3) will find a way to include citizens in the excitement and discipline of planning and development of new choices and new values.

Almost all critics of new communities share a concern that these ventures never will accommodate more than a small fraction of the population and therefore are to be dismissed as a distraction from solving real urban problems. A hundred years ago, cities were dismissed by policymakers in America on the same grounds. Until 1950, the suburbs represented a small fraction of our population and were left to sprawl in their own, unplanned way. Now suburban towns are growing at a faster rate than any inner city in America.

The point is not how many people end up residing in a new community, but how many will be exposed to new communities and alter their vision of what urban living could be like. The inner-city ghettos also contain only a small part of our total population, but they have become the hammer and anvil of the revolution for social justice. Columbia and Reston, Virginia, together do not yet have 50,000 residents—but consider the thousands more that have visited these new communities and the hundreds of thousands more who have read about them. British and Scandinavian new towns do not have large populations either, but they are cornerstones in the urban-growth policies of those nations. Imagine the impact if New York City and Los Angeles set out to build a series of new communities in place of suburban sprawl.

I expect this nation to develop an urban growth policy over the next several years that will permit every major metropolitan area to plan and develop new communities inside the old city, as part of an expanding suburb, and as free standing entities to accommodate new growth in a rational, creative way. That will be a real Model Cities program.

"GO TWA" PROGRAM

Mr. DOLE. Mr. President, it is always heartening to see an example of cooperation and joint effort, whether in civic groups, Government affairs or the private sector.

Recently, an outstanding cooperative effort has been initiated within Trans World Airlines, with the goal of helping the airline regain its economic health after a particularly poor financial showing in 1970. This effort, known as the "Go TWA" program, is all the more remarkable in that it originated with the employees, specifically the pilots, and has spread through all levels of the company.

Recently the people of the Kansas City area organized a tribute to their hometown airline and the job all of its personnel are doing to insure its continued growth and prosperity.

Secretary of Labor James Hodgson spoke at the dinner which was the high point of Kansas City's tribute to TWA, and I ask unanimous consent that Secretary Hodgson's remarks and an article by James J. Fisher from the May 30 issue of Kansas City Star about the "Go TWA" program be printed in the RECORD.

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

ADDRESS BY SECRETARY OF LABOR J. D. HODGSON

Good evening, friends of TWA.

I have a confession to make right at the start—I didn't come in on TWA tonight. I tried. But we've got this government airline we're supposed to use from time to time. It runs a little jet plane built by some company whose name I forgot.

I talked to the pilot about this operation. "We're 100 percent," he told me. I told him the people at TWA were *110* percent, but he just gave me a sour look.

I didn't impress him, but I got even. I pasted a "GO TWA" sticker over his altimeter.

Actually, the Air Force doesn't run as good a passenger service as you people do. Instead of an Ambassador Flight, they have what I suppose you might call a Cabinet Officer's Flight. Lunch comes in a shoe box. I guess Cabinet Officers don't rate with Ambassadors. But the Air Force is trying. They've refurnished Air Force ½—They've taken the head out of the aisle and put a door on it. Of course, we don't have movies like you. What is it you say—"one for general audiences, one for mature"? But we can always read an old copy of Aviation Week. That's for general audiences. I haven't found out yet where they keep the mature reading material. I suspect it's somewhere in the pilots' compartment.

But I don't mean this to be a put-down of the Air Force operation. There weren't many frills, but they got me here on time, and as you people know, that's what counts. I'm glad they did because I wouldn't want to have missed this occasion. I'd like to thank you for, inviting me.

Of course, your "GO TWA" program is a very exciting idea. I was thinking on the way over that it has tremendous application all over the Nation. Right here on the sports scene, for example. You could stencil "Go Royals" on all the sweatshirts of your baseball team. Well, maybe not the sweatshirts. I understand they're in danger of getting burned up from time to time. But a least you could send Cookie Rojas and Carl Taylor out to do some public relations work with the Umpires' Association. We don't keep completely up to date on these things in Washington. We're too busy trying to figure out why the Senators are in the cellar again.

As you may know, the Administration has a problem of doing some missionary work with Congress. I've been thinking of a "Go Nixon" campaign. If things get tough, we may try to hire some of the people from the Airlines Pilots' Association to run it for us. We'd put a flight crew in every Congressman's office. They'd probably end up by selling them on moving the Capitol to Kansas City—and this would be a big problem for you. What would you do with all those demonstrators? Don't tell me.

I know what you're thinking. You're wondering when I'm going to stop all this foolishness and get down to the nitty gritty. The trouble is I may never do it.

But be of good cheer. I'm about done with the repartee.

You know, there's a sort of game among jaded and cynical air travelers to "put down" the Nation's airlines by attaching derogatory phrases to the airlines' initials. They do this for all the airlines, so I'm sure you won't mind if I mention that the initials "TWA," according to this derogatory practice, were said to stand for "The Worst Airline."

Of course, it was never true—probably not even funny. But nobody in his right mind could say it was true today. For me, TWA stands for "The Wonderful Airline"—and what you are doing here in this altogether remarkable employee and community expression of support is truly a wonderful thing. It may indeed be unique. At least I do not know of anything quite like it. And for me, it is certainly refreshing.

You know, it has been said that we live

in an adversary culture; and I believe it is true. Somehow today we find group pitted against group, people against people, ideas against ideas. I myself have been involved in one very intensely adversary part of this culture—strife between unions and employers. I have become a strong believer in collective bargaining, and I have supported it strenuously. I have also pleaded for innovative, responsible bargaining. But bargaining doesn't mean bludgeoning. People that work in a common enterprise must work together. I have asked for reason and understanding on both sides as we go through the very difficult economic and social adjustments that our Nation is making. And often, it seems to me, I am a voice in the wilderness. I suppose if I were not a natural born optimist I would get discouraged. But I do *not* get discouraged. And one of the things that prevents me from discouragement, I suppose, is an ultimate faith in people—in their spirit when challenged. Usually this faith is justified. But occasionally—often in the darkest moments—it is justified in spades. And that's the way I feel about this great joint effort on the part of unions, employees, and the community. In fact, I'm personally indebted to you for this remarkable effort. It proves I've been right all along about people.

I hear from every side not only about the ingenuity and enthusiasm of the GO TWA campaign but that it is succeeding—that even the doubters are coming around. And, as you think about it, it simply has to succeed because it builds on so many sure foundations.

First, ingenuity and innovation. The whole idea, of course, is the major innovation. I'm not sure who deserves credit for it, but I do know that as in any good thing, there's enough credit to go around for everybody. And I'm sure there's enough credit for everybody associated with the program—pilots, dispatchers, stewardesses, machinists, employees of all sorts, members of the business community, citizens of Kansas City, and I include members of TWA management, who may feel a little surprised at this show of concern but who recognize a good thing when they see it.

It is an *innovative* program, not only in its concept but in execution. I have read over some of the projects you have undertaken, and I must say that not only do you appear to have remembered everything but you have thought of a lot of things that even the most experienced Madison Avenue public relations specialist would have been proud to have dreamed up. Maps, shamrocks, letters, speeches, pilots as PR people—whatever it is, you've got it. And most of what you've got is *enthusiasm* and *morale*.

You are building on something else—*self-help*. And this is infallible. Whatever kind of reputation we have in Washington for helping those who don't help themselves, it's still true that God helps those who do. In the real world very few things really get done unless you do them yourself. Do you remember that old Aesop about the mother lark and her babies and their nest in the field of grain? The baby larks came back all excited one day. "We better move right away," they told their mother. "We overheard the farmer's neighbors saying they were going to help him reap the grain tomorrow." "There's no hurry," the mother said. The next day the babies were back again. "Today we heard the farmer's relatives were coming over to harvest the grain." Still the mother decided to stay. Finally the baby larks came back: "Today we heard the farmer say he was going to do it himself tomorrow." "Now it's time to go," the mother said. "When a man does it himself, it gets done."

And you are doing it yourself. You've found that once you've started something, *then* the help comes. But it takes self starters to make it work—and this is squarely in the American tradition of individual initiative and enterprise. Incidentally, it is a pretty good indication that all those critics who say a large organization stifles initiative, reduces opportunity, grinds down enthusiasm, and all the rest are wrong. We who have worked in large organizations have always known it wasn't so. And now you people are proving it to the world.

I have always recognized that there was a large reservoir of creativity, enthusiasm, and just plain old fashioned goodwill in any good organization. I know that people—in the words of a former associate—can be more creative if we simply let them. I suppose it's a tribute to TWA's management that it has nurtured the kind of climate in which a "GO" effort could take root and flourish. Just from the fact that the GO program is off and running, I know that TWA must be a better place to work. I know that if employees didn't really feel a deep attachment to their jobs and to their company, they couldn't generate this kind of program.

And you can take that from one who knows. Because of my Lockheed experience, I'm something of an expert on jobs. At least that is what people tell me. They say, "Jim, you may not know everything about jobs, but you sure know when to *change* jobs!"

But, of course, there's a better way. I wouldn't advise changing jobs these days. It's much smarter to try to save them. That's what you're doing, and at TWA you have the kinds of jobs that are worth saving.

One of the things I like most about your program is that it builds on *productivity*—and builds on it in the best way that is now available. When the new jets were first introduced, this new equipment itself made for more productivity. But now we may have exploited all that. Sure, there will be new rounds of equipment. But the big problem is to get more productivity out of the equipment we now have. In your business, productivity comes largely from load factors, and from improvements in efficiency that can be made by both management and labor. Now you need to concentrate on these areas—better service to attract more people, more efficient ways of doing things, the elimination of outmoded, inefficient methods and practices. You are working on all of these fields—and from my view as a public official, you're doing the kind of work that may well be an example to the Nation. There are few things we need in our national economy more than increased productivity, because it is on productivity that we must ultimately depend to solve our many economic and even social problems. All of these big tasks we see ahead—cleaning up the environment, improving housing and transportation, taking care of the Nation's health needs, solving our nation's social problems—are all going to cost money, and a lot of money. And the only way we'll be able to do them all is to increase our national productivity. Perhaps you people are showing the way on this. I hope other companies and other industries will be impressed by this cooperative effort the employees of TWA have mounted. They can't help but be. And if they follow your example of a concerted effort to seek out more efficient, more productive, more satisfying ways of doing things, I'm sure our entire Nation can profit by reaping big productivity gains. And this is something we certainly need right now.

As a public official with an interest in labor-management relations, I should mention that another thing I like about your program is the fact that it has union support and participation. I've alluded to this earlier, but it's so important I want to come back to it for a moment.

Maybe there *is* a basic adversary relation between management and labor. That may just be the nature of the beast. But such a relationship does not need to exclude, and should not exclude, a recognition of common interests and a desire to cooperate on large issues for the good of all. Remember there is self-interest in joint effort. Sometimes it may take adversity to bring out this kind of cooperation, but I am heartened nevertheless that it does exist and that it can be put to creative and exciting use in time of trouble.

Sometimes managements take a jaundiced view of unions. And sometimes unions feel the same way about management. They feel like the old horse that one of my labor management relations specialists told me about the other day. This was in the days when ice was sold by icemen who carried their product in old horse-drawn icewagons. This ice man and his horse followed the same routine every day. He drove up and down the streets shouting, "ice . . . ice." One old lady was a regular customer. Every time she heard his shouting, "ice," she'd open the window, stick her head out, and holler, "Give me a dime's worth." And then he'd stop the wagon, chip off a block of ice, and lug it up to her apartment.

Well, one day, he had just called out "ice," and she stuck her head out the window and shouted, "Give me a dime's worth," and while he was carrying the ice upstairs, a man walking down the street heard the horse complaining.

"This is a terrible job," said the horse, "I wish I could find something else to do."

"Why, what's the matter?" the man asked.

"Oh," said the horse, "it's always the same routine. I work from seven to five hauling this ice around and all I get is a bucket of oats."

"Say," said the man, "does he know you can talk"?

"Of course not. Do you think I'd tell him? Do you know what he'd do if he knew I could talk? He'd have me going around yelling "ice . . . ice."

Well, now TWA's management has found out the pilots and stewardesses and dispatchers and the rest of the team can talk. But nobody's going around making them holler "ice." They're all doing it on their own—doing it in speeches to customers, clubs, travel agents, everybody. Only they're not shouting "ice," of course. What they're saying is "GO, GO," and it's a pretty good message for TWA and, when you think of it, a good message for all of us.

I notice in the special bulletin on TWA week issued by John Dickinson on behalf of Downtown, Inc., that I am supposed to speak tonight on the positive relationship established by the GO program and the support of the community for TWA. I see he has his eye on the main chance because he adds that this "will doubtless result in favorable national publicity."

I hope it will. But you're taking a chance. Sometimes we public officials get unfavorable publicity too.

Nevertheless, I cannot let this opportunity go by without commenting on the truly spectacular civic support that the GO program has generated, as evidenced by this meeting here tonight and the whole TWA week in Kansas City. Again, it is an indication of the infectious nature of the real wellspring of goodwill that exists in people everywhere. It is heartwarming to see all of Kansas City rally around to help a troubled company and its concerned employees. I remember that one of your distinguished Missouri citizens, Harry Truman, once said: "If you can't stand the heat, you should get out of the kitchen." And here is a whole city that is proving it can stand the heat by going right into the kitchen and cooking up a dish of helpfulness to nourish the entire community.

The effort is bound to succeed. I say this with some confidence because I believe it will get help from the economy. The economy is already headed upward. The airlines

as a whole should profit from this trend. You of TWA should profit in particular because of your efforts and the efforts of the community in your behalf. I think we can chalk up another first for TWA. The airline that was the first to introduce all-jet service is now the first to introduce ALL-GO service.

The GO program may not solve all the adversary problems of our times. Nobody expects it to. But it may shed a little light on new ways to approach some of them; and it is certainly a stirring testimonial to a fine company, fine unions, and a very fine community. I'd like to congratulate all of you and thank you for this opportunity to be with you.

AIRLINE'S EMPLOYEES SPUR PROFITS

(By James J. Fisher)

A unique, grassroots program initiated and conducted by employees of Trans World Airlines is adding new fiscal life to the carrier. Variations of the program are being adopted by other airlines which find themselves in fiscal straits in the early 1970s.

Called "Go T. W. A.," the program apparently is already reaping benefits for the airline which had an operating loss of 83.9 million dollars in 1970.

In March alone, the first full month of "Go T. W. A." loads for the airline were up 10 per cent, on-time performance was the best in five years and a whole new mood was prevailing throughout the round-the-world T. W. A. system.

Conceived in the middle of February by the Air Line Pilots association (A. L. P. A.), "Go T. W. A." also is being promoted by members of the International Association of Machinists (mechanics and ramp personnel), the Air Line Stewards and Stewardesses association (hostesses), the Transport Workers union (Meterologists and Flight Dispatchers) and the Airline Employees association (communicators).

"We just couldn't sit and watch the airline go down the drain," said one mechanic at T. W. A.'s Kansas City International airport overhaul base.

Fortune magazine has called the "Go T. W. A." program one of "enlightened self-interest" and praised union and other employees for coming to the aid of management in a period when loads aboard the big jets have been low, outlays for new equipment have been staggering and an economic recession has severely strained not only T. W. A. but most of the rest of the nations scheduled air carriers.

A SPECIAL WEEK HERE

The appreciation of Greater Kansas City, which sees T. W. A. as the largest single private employer, will be manifested this week. "Go T. W. A." week will be marked by displays at various shopping centers, by dinners, proclamations and other events.

"In general we just want to tell T. W. A. people how great we think they are," said Alfred Lighton, president of Woolf Brothers and a prime mover behind "Go T. W. A." week.

John P. Gratz, San Francisco, a Boeing 707 pilot and head of the A. L. P. A. chapter for T. W. A. there, explained how the "Go T. W. A." program started.

"At union expense we had one of the top Wall Street firms do an independent analysis of T. W. A.'s fiscal condition," Gratz said.

"The study wasn't cheap. And it showed us that things weren't good—losses were tremendous, loads were down.

"The question asked around A. L. P. A. was, What could we do? 'Go T. W. A.' was the answer."

Gratz, who isn't reticent, was asked by W. A. Murphy, another T. W. A. pilot and A. L. P. A. official to take over the program. Gratz made a tour around the system.

AN IMMEDIATE REACTION

"The response was fantastic," he said. "All the pilots wanted to do something. They were performing at 100 per cent but knew they could perform at 120 per cent. They just needed a way to go.

"After the pilots started, the program set a whole new mood for the airline. It was infectious. The pilots started it. Before long the hostesses, mechanics, ticket agents, communication people, baggage handlers, ramp personnel . . . well, everybody wanted to get involved.

"Sure, Fortune magazine calls it enlightened self-interest. But this company is all we've got. A pilot just doesn't jump over to Pan Am after 15 years with T. W. A. He's got seniority to worry about. This is it for a pilot.

"The same is true for a mechanic here in Kansas City. He's got a home, a family. He likes Kansas City. He's not about to jump to another airline in another city and tear up his roots.

"So I guess what this means is that the employees themselves have set the mood for the airline. They want it to survive. They want their jobs."

PROFITS ARE THE AIM

Gratz said the "Go T. W. A." program has no other purpose than to make T. W. A. get back to using black ink instead of red.

"Oh, there've been rumors out of New York," he said, "That A. L. P. A. is using the program to organize the hostesses. That we will want this or that. That's not the truth. We want to put this airline in a profit-making position."

A. L. P. A. and the other unions have courteously but firmly disassociated the program from management.

"I'm sure the people up at 605 Third avenue (T. W. A.'s corporate New York headquarters) are delighted," said one pilot. "But if I was them, I'd be consternated that employees could do what management has been unable to do."

The disassociation from management has undoubtedly helped the "Go T. W. A." program. Some mechanics, baggage handlers and hostesses still are bitter about a Madison avenue advertising campaign, in the fall of 1969, which portrayed some T. W. A. employees as buffoons. The campaign centered around a million-dollar bonus T. W. A. employees were to get for good service.

T. W. A., of course, is not alone in its financial woes. Other carriers have been losing money with a soft economy and a vast overcapacity of seats.

Two airlines, Eastern and National, have instituted programs which have either allowed pilots to fly more hours, thus costing the company less by deferring payment for those hours until 1972 (Eastern), or cutting back from 80 to 75 the number of hours pilots fly so that 35 first officers will not be furloughed (National).

Other airlines apparently are exploring similar plans. One major competitor of T. W. A. has asked employees to emulate the "Go T. W. A." program; the employees have not replied formally to the company's offer.

The "Go T. W. A." program covers the airline system-wide and its 20,000 employees. The effects, which are countless, include:

A T. W. A. captain who stepped off his aircraft at an intermediate stop, found passengers shut off from the lounge because of a misunderstanding, and ended up with 16 more paid-up tickets to his final stop.

Increased sales by T. W. A. salesmen who have found the four stripes on a captain's sleeve and a pretty hostess going along opens doors rapidly on sales calls.

A dramatic increase—to 97 percent—in the ontime performance at many T. W. A. stations.

Wide public acceptance of the program.

"Someone asked me why we didn't drop our whole advertising program in favor of the 'Go T. W. A.' program," said one captain. "I replied that we were the second salesmen and, although I keep my mouth shut, the most effective."

On a recent weekend the airline did not have one mechanical breakdown. It was the first time in years. In addition, repetitive squawks, the small items that pilots ask to be repaired and have not been repaired, are down drastically.

"I don't think we can say enough about all T. W. A. employees," said Robert Reid, T. W. A. program chairman in Kansas City. "They are doing one whale of a job."

THE PARIS AIR SHOW

Mr. GOLDWATER. Mr. President, earlier today I sent President Nixon my personal report on the Paris Air Show which I attended as his official representative. It explains in rather general terms the reaction of Europe's industrial and engineering leaders to the decision of the United States to abandon its plans to produce a supersonic transport plane. Because of the important bearing which I believe the developments in Paris may have on the future of American aviation and indeed on the future of the United States as a leading commercial power, I ask unanimous consent that the contents of my report be printed in the RECORD.

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

REPORT TO THE PRESIDENT ON THE PARIS AIR SHOW

(By Senator BARRY GOLDWATER)

DEAR MR. PRESIDENT: I have just recently returned from Europe where I had the honor to serve as your representative at the Paris Air Show. I was greatly flattered at being asked to take on this assignment and I only wish that I could bring back to you a report glowing with news that presages genuine benefits to the United States.

Frankly, what I saw and heard in Paris concerned me deeply.

I am afraid my forty-two years' experience in American aviation did not prepare me for what I think is the real problem growing out of the cancellation of plans to build a United States supersonic transport.

I found that leaders of European industry, aviation and engineering are now convinced that America no longer looks to the future but only wants to stay where it is and become an isolated country with a minimum military force. I believe these groups have overcome their initial shock and disbelief that the United States would voluntarily give up her important lead in aviation technology. They are moving now with enormous speed to take advantage of the vacuum left by a nation that once prided itself on the ability to produce a better technological "mousetrap" than any other nation on earth. I am not exaggerating when I tell you that I believe that a wild scramble for supremacy in many areas of technological development has already begun.

Perhaps I should remind you that I am not unknown in Europe and I count many friends in industrial and commercial organizations. As your representative at Paris I had the privilege of meeting with many of these old friends and of obtaining from them the deep down honest reaction of Europe's leaders. And I must say that everywhere I went I found people who are now

convinced that America no longer wants the superiority in aviation that she has held for the last 35 or 40 years. Everyone I talked with told me of more activity aimed at taking over where America has left off. I found that while the SST held first place in the interest of those attending the Paris Air Show, the efforts to prevent Lockheed Aircraft Corporation from going bankrupt were also being discussed. Of course, the involvement here of the British Rolls Royce Company has emphasized European concern.

I am sure you can understand the attitude of European industrialists who learned their technology from us and absorbed, at the same time, the American spirit of competition. They view the SST decision with almost total disbelief. If the Lockheed Corporation goes down the drain for lack of Congressional concern it will merely compound Europe's impression that the United States is rapidly becoming a has-been world power.

This, Mr. President, is the important message that I received during my sojourn in Europe. It is indeed a strange experience for an official representative of an American President to be attending an international air show where the world's attention is focused on a new, progressive air transport product which we do not possess. Perhaps it was the first time in many years that American air enthusiasts had to take a back seat to three other nations—including our Cold War adversary, the Soviet Union—on the development of a commercial aircraft demanding a high level of technological achievement.

It is worthy of note, I believe that the American exhibitors at the Paris show were visibly discouraged. Visitors at the show were flocking to see the exhibits of other nations. The United States had nothing new to offer and consequently attracted very little interest.

I found it very difficult to explain why a Senate and House made up of American officials refused to back your ongoing view of the future. The same people who found it easy to understand the reaction of the liberal doves to the War in Vietnam found their attitude on the SST, on withdrawal of troops from Europe and on the Lockheed proposal quite beyond their comprehension.

I began my assignment at Paris feeling slightly embarrassed that our nation had no entries in the newest aviation development. But this feeling quickly gave way to concern and even fright as I discovered how firmly Europe is now convinced that America is abdicating and is striving to divest itself of practically all interests that are not confined to the social engineering problems of our inter-cities and our ghettos.

I only wish that I had been able to take a majority of the American people to Paris with me, for I am convinced that they do not understand the key role which aviation, commercial and military, plays in the affairs of the world. I am sure they do not understand that if we give up our lead in aviation technogy and in research and development in other areas we will within a decade become a second or a third rate power.

I hope to be able to discuss this whole problem with you personally in the near future. In the meantime I shall leave off this discussion to present a short aerodynamics analysis of propulsion, lift, accomodation, instrumentation and other factors which I observed in the SST's developed in Europe.

There really is not much that I can tell you which you do not know about the Russian 144 and the British-French Concorde, so I am enclosing attached to this paper a brief breakdown on the status of the two plus our own SST had we gone ahead with it.

I was extremely impressed with the obvious excellence of the French workmanship in the factory at Toulouse and also with their testing techniques at the same place. We Americans like to keep our head in a sack thinking that nobody else in the world has the know-how we have and, frankly, it was surprising to see the great advancements they have made in the development and manufacturing of aeronautic components.

In my flight in the Concorde, during which we did not reach Mach 2 because the afterburners failed to light, I was extremely impressed by the quietness. Even though this ship is instrumented for test, they did have a few seats in it and I am sure that the interior was not as completely soundproofed as the production models will be. Nevertheless, I did not hear the engines start.

On takeoff, climb and cruise the cabin was exceedingly quiet; in fact, it is as quiet as any of ours with the possible exception of the 747. The test instrumentation is highly sophisticated while what I saw in the Russian 144 appeared to be very old and extremely unsophisticated but, frankly, no one knows what they had hiding under the floor.

The 144 has a decibelic noise level that would be quite above what we call acceptable but because they are using fan engines, I am sure they will be able to quiet them as we have been able to quiet the proposed ones for our own SST. The major difference in the two airplanes is to be found in the propulsion system with the Concorde relying on afterburners which have a built-in noise which can never be quieted. The Russians are using the fanjet and while still noisy, as they develop more of a by-passability these engines will quiet down.

I did not hear the Concorde on takeoff so it is impossible to compare it to the 144 which, as I said, was extremely noisy.

Aerodynamically, both airplanes are rather similar and while the cabins are both smaller than I think American passengers would readily accept, nevertheless, they can be quite comfortable. By the way, a survey made by the British-French combine shows that the average air traveler in Europe would accept a thirty per cent increase in fare for SST flights across the ocean.

Back to the airplane, both cockpits are very small with the instrumentation in the French one much more sophisticated than that of the Russians but, again, we do not know what they might be holding in reserve for their own eyes.

To sum it all up, Mr. President, I think that one of these airplanes and probably both of them will be in Trans-Atlantic service by 1975 whether or not they make money on them. This is going to be a strain on our competitive airline situation and it is a situation that I think we must address ourselves to as soon as possible.

SST COMPARISON SUMMARY

	Boeing 2707-300	Concorde	TU-144
Maximum gross weight	750,000 pounds	385,000 pounds	330,000 pounds.
Material	Titanium	Aluminum	Aluminum.
Length	289 feet	193 feet	188½ feet.
Height	55 feet	38 feet	34½ feet.
Engines	4-GE4/J6G	4-Bristol-Siddley Olympus 593	4-Kuznetzov. NK-144.
Thrust (augmented) per engine	67,800#	38,300#	38,500#.
Passengers	298	128	120.
Range	4,000 St. Mi	4,000 St. Mi	4,000 St. Mi.
Cruise speed	Mach. 2.7 (1,786 miles per hour)	Mach 2.05 (1,350 miles per hour)	Mach 2.35 (1,550 miles per hour).
Average cruise altitude	63,000 feet	56,000 feet	59 000 feet.
Landing approach speed	177 miles per hour	185 miles per hour	182 miles per hour.
Landing distance	8,250 feet	8,200 feet	(1).
Takeoff distance	10,540 feet	10,900 feet	(1).
Payload	60,200 pounds	28,000 pounds	26 000 pounds.
1st flight	1972	Mar. 2, 1969	Dec. 31, 1968.
1st supersonic flight		October 1969	June 1969.
1st airline service	1978	1974	1974.
Sales reservations, United States		38	(1).
Sales reservations, foreign		74 before 1978	(1).
Sales price	$37,000,000	$24,000,000	(1).
Direct operating cost, cents per seat mile	1.60	1.60	1.60.

[1] Unknown.

BUSH RIVER BAPTIST CHURCH'S BICENTENNIAL ANNIVERSARY

Mr. THURMOND. Mr. President, on Sunday morning, May 23, 1971, Mrs. Thurmond and I were privileged to attend worship services at the Bush River Baptist Church in Newberry, S.C.

This was no ordinary worship service for the Bush River Church, pastored by Rev. Thomas Daum. On this particular occasion, the congregation was celebrating the church's bicentennial anniversary, commemorating the many years of spiritual ministry and Christian influence that it has provided for its community. The guest speaker for the service was Rev. Lamar King, pastor of the First Baptist Church of Wagener, S.C.

Mr. President, I ask unanimous consent that a poem entitled, "The Welcome to the Bush River Services," composed and read by Mrs. John Earl Smith, Sr., and the sermon by Reverend King entitled, "What is the Church?" be printed in the RECORD.

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

THE WELCOME TO THE BUSH RIVER SERVICES

(Composed and read by Mrs. John Earl Smith, Sr.)

Welcome friends, neighbors, members and guests.
To you, with warm hearts we extend our best.
To celebrate our church bi-centennial so rare
A tribute to the vision and dedication beyond compare.

We salute those who laid the church foundation in trust.
Who were righteously righteous and justly just;
The generations who have carried the torch so bright
That men may rise on stepping stones aright.
We're grateful for those who built this house to His glory.
For those who continue to tell His wonderful story;
For those who have preserved our heritage through strife
For progress based on sacrifices and adventures in life.
We greet you with a challenge fourfold
To keep the faith of our fathers of old,
To build dykes of courage to curb fear
To serve the church and worship God so dear.

WHAT IS THE CHURCH?

HEBREWS 11:1–12

(Sermon by Rev. Lamar King)

In a series of lectures entitled *What is the Living Church?*, J. S. Whale asks, "If the churches were blotted out and their buildings turned into theatres, what, if anything, would plain men miss?"

It is a very disturbing question and one which most of us would not answer without some serious and soul-searching thought. It is a question we need to think about often, and perhaps on the occasion of the 200th anniversary of Bush River Baptist Church, it would be well for us to spend a few moments asking "What is it that has been here for 200 years?" Just what is the church?

Let us not be like the Arab who awakened one night and was hungry. So he turned on the light and picked up a box of dates and began eating them. He opened the first date and it had a worm in it, so he threw it away. He opened a second and it, too, had a worm so he threw it away. The third was wormy too, so he turned out the light and ate the fourth.

Let us not turn out any light which would help us see the church as it really is. Rather, let us pray that God's Spirit will illumine our minds and hearts in such a way that seeing the church as it is and as it should be, we might be moved to reconcile the differences.

In trying to say what the church is, we need first of all to admit what the church is not. The church is not what it should be. It never has been. By this I mean that God's holy church is and never has been perfectly divine because our Lord has given it to very imperfect humans. Early in 1967 there was a student demonstration on the campus of a college in the Northwest. It was organized to protest the building of a new chapel which the students considered a waste of money. The administration went ahead with its construction, but there was something very significant in this protest against the construction of a house of worship. It was a sign of a growing disregard for the church, especially in its institutional life.

As a young minister I have become keenly aware of and I listen very carefully to the criticism that is being directed toward the church from all angles of life today. Last summer as a part of my reading schedule, I deliberately chose some books that were sharply critical of the church. I wanted to hear what the critics of the church are saying. I, for one, have never been too defensive about the church. I know that the church stands in need of criticism. It is an institution made up of very imperfect human beings who bring into it the shortcomings of their own faulty lives and who stand in need of continuous correction. We are very naive as Christians if we are unwilling to admit that the church has her faults. After all, our Lord established the church not as a rest home for saints but as a hospital for sinners. We are in the church because we are imperfect humans who need God's forgiveness and his graceful freedom and life.

No good churchman is satisfied with the church. Perhaps those who love it most are among its severest critics. We are awake to its failures, ambitious for its progress, and we desire with all our hearts for it to be cleansed of its sin so it can become the effective, clean body through which Christ in us can witness to the world. We are critical of it because we love it. The church stands in need of criticism.

The church, for example, has often succumbed to the temptation and corruption of power. Today it has become so organized and formalized, with so many offices and committees, boards and commissions, with their endless meetings, that a lot of people just do not feel physically strong enough to be members of it. Somebody wrote a bit of poetry to express it:

Mary had a little lamb, it would have been a sheep.
But it joined the local Baptist church, and died for lack of sleep!

Furthermore, the church has let its faith become so codified and creeded until the Holy Spirit is sometimes frozen out. We have time and again ignored the possibility that Christ can give a man freedom and abundant life. We have represented the church to the world in such a way that many of our youth today are saying, "If that is the church, then I don't want to be a part of it." For many youth, the church is one big "Don't.' A seminary professor of mine summed it up like this, "The sum total of the religion of many Christians is this—Don't drink, don't dance, don't smoke, don't chew, and don't go with the girls who do."

We lock our churches up tight through the week to keep people out, and when we do unlock them on Sunday for worship, we make it clear to the world that if a man wants to be a part of us, he'd better get himself straightened out first. If a church member today associated with the kind of people Jesus spent his life ministering to, he would become the talk of the town, the chief subject of conversation in the local gossip club.

The church has been arrogant in its judgments even to usurping the place of God himself. At times the church has condoned and even managed to bless monstrous evils in the world such as human slavery and war. The church has refused to take initiative in breaking down barriers and partitions that separate and divide God's children. In many places the church continues not only to allow but encourage separation of races and social classes and refuses to speak the good news of freedom and love that is the only solution to the moral problems of our age.

I suppose the church has to admit that its greatest failure is its failure to be true and energetic about its mission to evangelize the world. Over half the world still does not know Christ as Saviour, and in most of the communities where we live the fellowship of the redeemed is still outnumbered by the community outside the church. Unparalleled opportunities for evangelism and ministry present themselves but the church often seems spiritually inadequate to respond to the challenge. We are unable to report as did the church of old, "And the word of God increased, and the number of disciples multiplied greatly . . ." (Acts 6:9). Even our preaching mysteriously lacks the authority of heaven and the relevancy to our times which brings about deep conviction, repentance, faith, and obedience. Young and old pour out of our preaching services without any evidence of having met God. And this is serious failure, for worship ought to transform our lives as God reveals himself in irresistible power. The church is, indeed, a very human institution and stands in need of constructive criticism.

And yet, in our honesty about her failure, we also need to be honest about the church's accomplishments. The church is not just human. She is also divine. The church, in spite of her shortcomings, remains the body of Christ representing God himself before man. It is a miracle of itself that the church has withstood a great wave of criticism leveled against it. No company, no business, no profession would permit the statements about their failures that we make freely about the church. It is a tremendous witness to the divine and imperishable life of the church that it has survived and does yet endure the hostility of its enemies and the self-criticism of its friends. Any other business would go bankrupt with that technique.

The church is definitely not what it should be, but having said that, let us look at what the church is and can be.

Suppose for a moment that a man from Mars were to land in your yard and stick his atomic disintegrator into your ribs and bark, "Take me to your church." What would you do? You could take him to some location and show him a building. But we know that a building is not the church and we would not want the Martian to become as confused as earthlings are at this point. You could take him to the church office and give him a bulletin announcing the meetings of the church or a church calendar for the month. But then the church is not religious activity.

It would be better to take him to a map on the office wall and show him the whole community. This map would make it clear that the church is people who are usually scattered throughout the community. Perhaps you could look at your watch. If it is eight A.M., explain that most of the church is eating breakfast and if it is ten A.M., point out that most of the church is pretty busy and quite scattered in factories and offices and supermarkets and astride tractors. If it is Saturday afternoon, take him to the ball game or to the lake or to the golf course. Show him people as they live, as they work, as they play, as they worship and tell him, "This is the church."

There is real significance in insisting that the church is people. It is all those people who have faith in Jesus Christ and who know that he can give abundant life. It is people in their total being—body and spirit—twenty-four hours a day, seven days of the week, in every aspect of human experience, scattered into every place.

The author of I Peter, building upon a passage in Exodus, states the heart of the matter: "For you are a chosen race, a royal priesthood, a holy nation, God's own people . . ."

The church, then, is people; God's people. In the New Testament more than eighty analogies are used to describe these people who are the church. To me the most beautiful and perhaps the analogy which comes closest to describing the church is the analogy of the church as the pilgrim people of God. The picture of the patriarchs as itinerant tent-dwellers should be appealing in these days when camping has become a form of recreation no longer restricted to Boy Scouts. In the summer vacation a family sets out with absolute freedom for the wide open spaces. After driving all day they stop at night fall by the shores of some beautiful lake where it takes the children about fifteen minutes to set up camp. In the morning, after another fifteen minutes, to load the car, they are off again. The advantage is they travel light and are never tied down to a particular location. They can enjoy some scenic surroundings for a few days and, when the urge takes them they can move on with a minimum of inconvenience.

Now the writer of Hebrews was very certain that this picture of the itinerant tent-dweller is an accurate picture of the Christian life. He reminds his readers that as Christians, they are living for two worlds. Their life on this earth as God's church is

most significant, but it is also very impermanent; for they are always moving on toward the Ultimate End to which God is leading them.

Visser't Hooft says, "To build a church is not to build up a human institution which is wholly at home in the world and uses the methods of this world. It is rather to organize a band of pilgrims who are on the way to a new and better country and who must not adapt themselves to their temporary surroundings." The danger confronting the church in any age is that it will lose sight of its essential nature as the pilgrim people of God and will stagnate in such a way as to make it impossible for God's Holy Spirit to have a creative and dynamic ministry through them.

I recently read a story about two men who were sent by our Government to a foreign country to study the needs of farming people and to recommend to our Secretary of State just how much foreign aid would be required. One man went to that country and spent his first year building a house. He planned it carefully, constructed it solidly, decorated and furnished it tastefully and surrounded it with a garden of great beauty. The other man rented a small modest flat and spent the first year traveling throughout the country, getting to know the people, their needs and their possibilities. After one year, both men were unexpectedly called home. The first man had no report to give the Secretary other than that he was just getting ready to begin his work. The second man had a wealth of experience stored within his memory of needs and possibilities, and he was well equipped to render a greater service in the future.

Somehow this story makes me think of the church today. I feel so often that the church resembles that first man. Digging its roots into the soil of the world's life as a fixed immovable community, the church too often attaches ultimate importance to false values. The church too often seeks its reason for existence in the things which are secondary and unimportant. The church too often pours all its energy into building houses that it will someday vacate.

Like the first man in foreign service, the church so often spends so much of its time getting ready for service which we never have time to do. The guidance of the Holy Spirit goes unheeded, and enriching adventurous experiences which God has in store for his people are left undone because we are too blind, too in love with our perishable securities, too busy nailing boards and digging in the ground.

Dear people, the symbol of the church in the New Testament is not a house; it is a tent. A tent is a temporary dwelling. You who enjoy camping know of the freedom it affords one to move on at a moment's notice and live in new surroundings. The first house of worship ever constructed by God's people was a tent, a tabernacle, and its flimsy, mobile character symbolized God's dealings with his people, his plan to uproot them periodically and lead them onward to new revelations of Himself.

That figure is meant to characterize the church, not a fixed community of complacent people who are getting ready for service, but a community on the move, ready always for bold experiments and courageous advance and ministry. I certainly do not mean to imply that the church should have no buildings. Buildings are essential to the life and work of any local church; and I am always grateful to visit a church with a lovely building for worship. I, myself, am getting ready to lead my people into a building program, and I want whatever we build to be the nicest and prettiest that we need and can afford. But I do hope I have made it clear that, for the church, buildings are not an end in themselves. Buildings are a means to the end of serving the Lord. Buildings are fine, but churches can operate quite efficiently without any building as did the earliest church. The church must never be confined to a building, for if it is, it is no church at all. The church is the pilgrim people of God. For two hundred years the Bush River Baptist Church building has stood in this approximate same location. But in truth, the Bush River Baptist Church has never been here. It has always been out there in the community, in the state, in the nation and the world in the form of the men and women, boys and girls who serve as the church in the world. The church is people on the go. It should never be defined in terms of what it is now, but always in terms of the End toward which God is leading it.

I wonder what the people of this community would miss if Bush River Baptist Church ceased to be a church and became instead a social club? This question is relevant for any church anywhere. What are we doing as the church in our committees? I fear that our churches across this land are coming very close to losing their identity as the pilgrim people of God. We have so indiscriminately accepted people into our membership, we have so watered down the demands of the Gospel, we have succumbed to the world's standard of value in such a way that it is sometimes hard to tell that we are God's pilgrim people with a message of hope and redemption and salvation.

As the church, we must reckon with the possibility that the church can cease to be the church and become an empty shell. The New Testament leaves no doubt that a church by its pride, its blindness, its willful neglect of its mission can turn into a conspiracy against God.

John in his Revelation tells us of a Church at Ephesus which had many commendable qualities. It was not narrow minded, and its people were for the most part moral, upright citizens. It was a church which had bravely withstood persecutions. It had learned to distinguish between true and false teachers and it had carefully preserved Christian truth. Yet John had a stern warning from the Lord for the church. It was a church in danger for, as John said, it had lost its first love. The church at Ephesus had found something it loved more than Christ. Perhaps it was its building or its fellowship or its pastor or its organization. The Ephesian church had attached too much importance to things that were unimportant. It still had a program, a very successful program, but obviously the program had become more important than Christ. The church had found a second love.

Christ rejected the church at Ephesus as He rejects any church whatever its belief and its structure that ceases to shine for Him. Here is one of the great paradoxes of the New Testament conception of the church: that while the church, as such, cannot fail, yet only God knows who belongs to it and who does not. No member of the church, no part of the church, no office within the church can take it for granted that it is the true church. To any community of Christians which loses its reason for existence, the Lord of the church will say, as He said to the Ephesian church, that unless it should repent, its lampstand will be removed from its place, the presence of Christ will depart from it.

It might be quite a revelation for some of us to read the Gospels with the single purpose of noting how much of Jesus' ministry was inside the temple structure, and how much of it was entirely outside. It was His custom to go to the synagogue for worship on the Sabbath day, but the gospel was proclaimed, the Word became flesh, as He moved along the highways, or walked in the fields, or stopped by the fishing boats or visited in the homes where people lived. And the same was true of the New Testament church. It came into being by the river, or in a house or at the crossroads. It was a pilgrim church, a movement of people among people, and its members were the church where they lived and worked and played.

And to be the church today involves getting over the idea that God's church can never be marked or defined by walls of a sanctuary. It must be anywhere and everywhere. To be the church is to be the disturbing, reforming, protesting presence in the world for the sake of those whom God loves. To go to church is a simple matter. To be the church is something else. The church can never be the church within the walls of any building, no matter how magnificent or plain, but it can only be the church through involvement in the world after the pattern of Jesus who went where people were and where the need was.

What is the Church? The church is God's own pilgrim people, and our chief function, as the church, is to be witnesses for Christ, to give hands and feet to the great idea that came out of Galilee, to put a bit of Christian goodness into every human relationship, to lift men and women out of the dirt of this world's sin and set them on a path with Christ. This is our task, and we must never despise it. When those early Christians went out into the Roman world they did not have bulging briefcases full of programs and plans for changing the world. All they had was their lives, their witness, and their unwavering loyalty to Jesus Christ. Before they were called Christians, they were called "Followers of the Way." That is what Jesus had called them. "I am the Way," he said. "Follow me!" God had made his purpose clear for every life, not in a system or a philosophy to figure out nor in an ethical code, but in a person. Christ was the way and they followed Him.

Stanley Jones tells of a missionary who was lost in the African jungle. Finally he found a small clearing and asked one of the natives there to help him find his way out. After following the native for quite a while the worried missionary asked, "Are you quite sure this is the way? I don't see any path." The native replied, "In this place there is no path. I am the path."

So it is in this overcomplicated world. In this place there is no path, no beaten road. Many of the problems we face today are new and you can't find any neat answers in the books men are writing. We must walk today with Him who is the way. The air is full of voices and the world is full of leaders. But none of them except as they are moving in His direction, are leading us anywhere worth getting to. I know for myself that I would be hopelessly confused and lost were it not for Christ. I do not have the intellectual equipment to follow the meanderings of the philosophers, but I can without reservation, commit myself to Him who is the way. I am God's pilgrim, moving as he leads me. And in the words of another I can say

I would rather walk in the dark with Him
Than walk alone in the light.
I would rather walk by faith in Him
Than walk alone by sight.

ANTIWAR LAWYERS MISSING THE POINT

Mr. DOLE. Mr. President, once again Washington is witnessing an influx of people giving voice to their opposition to the war in Southeast Asia. This latest group consists largely of lawyers and law students—in contrast to previous aggregations of mostly laymen. Since they are students of the law and generally regarded to be scrupulous heeders of fact, it is somewhat incongruous that, while their lobbying activities are directed at the Congress, they persist—as have

others before them—in denouncing President Nixon and his administration for failing to end the war at a pace which is fast enough to suit them.

They seem to forget that this President and this administration were not responsible for America committing its forces in Vietnam or for escalating that involvement to more than half a million men. These individuals appear to ignore the fact of this administration's fundamental reversal of the courage of American involvement in this war. They ignore the withdrawal of more than half the troops who were involved when President Nixon took office and the reduction of combat fatalities by two-thirds.

This lawyers convocation, as they style themselves, would be more accurate and in point to direct their ire, as well as their energies, at the Members of Congress who authorized the war and repeatedly sanctioned its escalation.

CONGRESSIONAL RESPONSIBILITY

On August 7, 1964, Congress passed the joint resolution, granting the President authority to take all necessary steps, including the use of armed force in pursuing his policy in Southeast Asia. Popularly known as the Gulf of Tonkin resolution, this blank check grant of power was subsequently reiterated by the authorization and appropriation of funds to support our forces in Southeast Asia.

The Gulf of Tonkin resolution was relied upon by the previous administration as a virtual declaration of war and was used as the fundamental authority for sending more than half a million American fighting men to Vietnam.

VIRTUALLY UNANIMOUS SUPPORT

The Gulf of Tonkin resolution passed the House of Representatives and the Senate with but two opposing votes. Every Member of today's Senate and House, who was serving in either body in 1964, voted for its passage or was recorded in favor of passage. And the junior Senator from Kansas voted aye as a Member of the House at that time.

So I would suggest that when sections of the public, whether lawyers or laymen, Democrats, Republicans, or independents, set out to protest the Vietnam war, they should be fully aware of the reach and scope of the responsibility for the war. It was virtually the entire 87th Congress which passed that resolution, and it is those individuals—particularly those who are now serving in the 92d Congress—who bear the responsibility for the consequences.

President Nixon is making substantial progress in remedying the consequences of previous Congress' actions and previous administrations' policies. It would behoove these lawyer-lobbyists and other protesters to consider the facts and observe the records of the President's accomplishments.

Mr. President, I ask unanimous consent that excerpts from the CONGRESSIONAL RECORD showing the votes on the Gulf of Tonkin resolution be printed in the RECORD.

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

[House Vote August 7, 1964]

The SPEAKER. All time has expired.

The question is on the motion of the gentleman from Pennsylvania (Mr. MORGAN) that the House suspend the rules and pass House Joint Resolution 1145 with an amendment.

Mr. MORGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 416, nays 0, answered "present" 1, not voting 14, as follows:

[Roll No. 210]

YEAS—416

Abbitt, Abele, Abernethy, Adair, Addabbo, Albert, Alger, Anderson, Andrews, Ala., Andrews, N. Dak., Arends, Ashbrook, Ashley, Ashmore, Aspinall, Auchincloss, Avery, Ayres.

Baker, Baldwin, Barrett, Barry, Bass, Bates, Battin, Becker, Beermann, Belcher, Bell, Bennett, Fla., Berry, Betts, Blatnik, Boggs, Boland, Bolling, Bolton, Frances P., Bolton, Oliver P., Bonner, Bow, Brademas, Bray, Brock, Bromwell, Brooks, Broomfield, Brotzman, Brown, Calif., Brown, Ohio, Broyhill, N.C., Broyhill, Va., Bruce, Buckley, Burke, Burkhalter, Burleson, Burton, Calif., Burton, Utah, Byrne, Pa., Byrnes, Wis.

Cahill, Cameron, Carey, Casey, Cederberg, Celler, Chamberlain, Chelf, Chenoweth, Clancy, Clark, Clausen, Don H., Clawson, Del., Cleveland, Cohelan, Collier, Colmer, Conte, Cooley, Corbett, Corman, Cramer, Cunningham, Curtin, Curtis.

Daddario, Dague, Daniels, Davis, Ga., Davis, Tenn., Dawson, Delaney, Dent, Denton.

Derounian, Derwinski, Devine, Diggs, Dingell, Dole, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan, Dwyer.

Edmondson, Edwards, Elliott, Ellsworth, Everett, Evins, Tenn.

Fallon, Farbstein, Fascell, Feighan, Findley, Finnegan, Fino, Fisher, Flood, Flynt, Fogarty, Ford, Foreman, Forrester, Fountain, Fraser, Frelinghuysen, Friedel, Fulton, Pa., Fulton, Tenn., Fuqua.

Gallagher, Garmatz, Gary, Gathings, Giaimo, Gibbons, Gilbert, Gill, Glenn, Gonzalez, Goodell, Goodling, Grabowski, Grant, Gray, Green, Oreg., Green, Pa., Griffin, Griffiths, Gross, Grover, Gubser, Gurney.

Hagen, Calif., Haley, Hall, Halleck, Halpern, Hanna, Hansen, Harding, Hardy, Harris, Harrison, Harsha, Harvey, Ind., Harvey, Mich., Hawkins, Hays, Healey, Hébert, Hechler, W. Va., Henderson, Herlong, Hoeven, Hoffman, Holifield, Holland, Horan, Horton, Hosmer, Huddleston, Hull, Hutchinson.

Ichord, Jarman, Jennings, Jensen.

Joelson, Johansen, Johnson, Calif., Johnson, Pa., Johnson, Wis., Jonas, Jones, Ala.

Karsten, Karth, Kastenmeier, Keith, Kelly, Keogh, Kilburn, Kilgore, King, Calif., King, N.Y., Kirwan, Kluczynski, Knox, Kornegay, Kunkel, Kyl.

Laird, Landrum, Langen, Latta, Leggett, Lesinski, Libonati, Lindsay, Lipscomb, Lloyd, Long, La.

McClory, McCulloch, McDade, McDowell, McFall, McIntire, McLoskey, McMillan, Macdonald, MacGregor, Madden, Mahon, Mailliard, Marsh, Martin, Calif., Martin, Mass., Martin, Nebr., Mathias, Matsunaga, Matthews, May, Meader, Michel, Miller, Calif., Miller, N.Y., Milliken, Mills, Minish, Minshall, Monagan, Montoya, Moore, Moorhead, Morgan, Morris, Morrison, Morse, Morton, Mosher, Moss, Multer, Murphy, Ill., Murphy, N.Y., Murray.

Natcher, Nedzi, Nelsen, Nix, O'Brien, N.Y., O'Hara, Ill., O'Hara, Mich., O'Konski, Olsen, Mont., Olson, Minn., O'Neill, Osmers, Ostertag.

Patman, Patten, Pelly, Pepper, Perkins, Philbin, Pickle.

Pike, Pilcher, Pillion, Pirnie, Poage, Poff, Price, Pucinski, Purcell, Quie, Quillen.

Rains, Randall, Reid, Ill., Reid, N.Y., Reifel, Reuss, Rhodes, Ariz., Rhodes, Pa., Rich, Riehlman, Rivers, Alaska, Rivers, S.C., Roberts, Ala., Roberts, Tex., Robison, Rodino, Rogers, Colo., Rogers, Fla., Rogers, Tex., Rooney, N.Y. Rooney, Pa., Roosevelt, Rosenthal, Rostenkowski, Roudebush, Roush, Roybal, Rumsfeld, Ryan, Mich., Ryan, N.Y.

St. George, St Germain, St. Onge, Saylor, Schadeberg, Schenck, Schneebeli, Schweiker, Schwengel, Scott, Secrest, Selden, Senner, Sheppard, Shipley, Short, Shriver, Sibal, Sickles, Sikes, Sisk, Skubitz, Slack, Smith, Calif., Smith, Iowa, Smith, Va., Snyder, Springer, Staebler, Stafford, Staggers, Steed, Stephens, Stinson, Stratton, Stubblefield, Sullivan.

Taft, Talcott, Taylor, Teague, Calif., Teague, Tex., Thomas, Thompson, La., Thompson, N.J., Thompson, Tex., Thomson, Wis., Toll, Tollefson, Trimble, Tuck, Tupper, Tuten.

Udall, Ullman, Utt.

Van Deerlin, Van Pelt, Vinson.

Waggonner, Wallhauser, Watson, Watts, Weaver, Weltner, Westland, Whalley, Wharton, White, Whitener, Whitten, Wickersham, Widnall, Williams, Willis, Wilson, Bob, Wilson, Charles H., Wilson, Ind., Winstead, Wright, Wydler, Wyman, Young, Younger, Zablocki.

NAYS—0

ANSWERED "PRESENT"—1

Powell.

NOT VOTING—14

Baring, Beckworth, Bennett, Mich., Hagan, Ga., Jones, Mo., Kee, Lankford, Lennon, Long, Md., Norblad, Passman, Pool, Siler, Vanik.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

"Mr. Beckworth and Mr. Baring for, with Mr. Siler against."

Until further notice:

"Mr. Passman with Mrs. Kee.

"Mr. Lennon with Mr. Lankford.

"Mr. Hagan of Georgia with Mr. Long of Maryland.

"Mr. Pool with Mr. Vanik."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

[Senate Vote August 7, 1964]

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1145, as a substitute for the Senate joint resolution.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution coming over from the House, which will be stated by title.

The joint resolution (H.J. Res. 1145) was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was read the third time.

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

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

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the House joint resolution.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from South Carolina (Mr. JOHNSTON) and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I also announce that the Senator from New Mexico (Mr. ANDERSON) and the Senator from Massachusetts (Mr. KENNEDY) are absent because of illness.

I further announce that the Senator from Nevada (Mr. CANNON), the Senator from Pennsylvania (Mr. CLARK), the Senator from Oklahoma (Mr. EDMONDSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. EDMONDSON), the Senator from South Carolina (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Texas (Mr. YARBOROUGH) and the Senator from Pennsylvania (Mr. CLARK) would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Pennsylvania (Mr. SCOTT) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs, Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper, Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender.

Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey.

Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo.

Long, La., Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Meechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell.

Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening.
Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

So the joint resolution (H.J. Res. 1145) was passed as follows:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations jointed with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

BAR GROUP CHAIRMAN COMMENTS ON "MAY DAY" PROCEDURES

Mr. KENNEDY. Mr. President, Mr. Peter H. Wolf, chairman of the Young Lawyers Section of the District of Columbia Bar Association, has written a compelling and incisive commentary on the "May Day" arrest and detention procedures in the current issue of the Young Lawyer, the section's publication. Since I believe it will be of interest and assistance to the Members of Congress, I ask unanimous consent that it be printed in the RECORD.

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

THE YOUNG LAWYER

(By Peter H. Wolf)

The demonstrators have come and gone. They may be back. Since this particular Chairman of the Young Lawyers Section will shortly also have come and gone, I shall use my last opportunity to write a Chairman's Column for the expression of purely personal views about the legal life of the District of Columbia during the hectic week of May 3, 1971.

On that Monday it is clear that sweep arrests of thousands of people were made by police. Field arrest procedures for such situations had been carefully recommended by the Cutler Commission as a result of the April 1968 riots (largely based on procedures devised by the Justice Department before the riots but not yet implemented) and adopted by the police. They were apparently abandoned, either by prior design or after negligible effort at their use. Thus were people arrested without retrievable information as to identity, arresting officer, and time, place, and reason for arrest. Subsequent successful prosecution thereby became impossible for many, if not most of the demonstrators. The result was the preventive and remedial detention of both innocent people and people who should have been prosecuted. The police at first refused to accept collateral, but then, faced with having to bring to court unprosecutable cases, reversed themselves and began to release people provided they admitted guilt by forfeiture of $10 collateral. For those who refused, court papers were in many cases—in plain English—fabricated.

I am aware that people will say we don't *know* these things to be true and we can't criticize until we do. I can only respond that a court of law found them to be true in a hearing where the Executive Branch of government had ample (under the circumstances) opportunity to respond. See the testimony and the Opinions and Orders of Greene, C.J., *Koenick* v. *Wilson,* Superior Court No. CA 4553–71 (May 4 and 5, 1971) and *Doe* v. *Wilson,* No. SP 50–71 (May 4, 1971). These orders were sustained in substance by the D.C. Court of Appeals, No. 5827 (May 5, 1971). The Bar Association, at the direction of President Miller, has launched an investigation. Perhaps additional and clarifying facts will be found.

For the moment, I do not quarrel with the fact that the situation was serious, that arrests had to be made, that the emergency detention circumstances prevented presentment of some arrested persons in court as much as 40 hours or more, that emergency detention facilities were inadequate. Nor do I quarrel with arrest procedures subsequent to May 3 when field identification procedures were used. But I find the arrest of massive numbers of people on May 3, with known inability on the part of the Government to follow up with successful prosecution, a legal outrage. I saw one official admit the intentional abandonment of field arrest procedures on television that night. He said he would let the American people be the judge of that decision. I am judging it—as a citizen in a democracy with cherished liberties, and as a lawyer. I condemn it.

I do not know the complicity of the national administration with that decision. I do know the decision has been praised by high officials in that administration and by the President himself. I do not know what would have happened to rush hour traffic if field arrest procedures had been followed that Monday. I do know that I find it difficult to believe that arrest procedures satisfactory to the April 1968 disorders, with their widespread arson and looting, could not have worked for disrupters bent on creating a traffic jam. I also know that I object when the guilty are not subjected to the processes of law and I object even more strongly when the innocent are wantonly detained.

Eric Sevaried recently paraphrased Carl Sandburg and spoke of repression that creeps up upon a people "on little cat feet." Official repression of Monday, May 3, 1971 was, if anything, by blunderbuss. But lawyers who remain silent in the face of it, or condone it, or say it was justified are, knowingly or unwittingly, uniquely culpable for permitting that feline fog to sweep farther over us all.

TRADE WITH EASTERN EUROPE

Mr. PEARSON. Mr. President, American feed grains and wheat have long been on the list of approved commodities for sale to Eastern European countries. But despite the fact that farm products may be shipped to these destinations under the Export Control Act, our farmers have been unable to enter the lucrative Eastern European Market.

Canada, Australia, France, and other free-world nations have sold more than 750 million bushels of wheat to Eastern Europe since 1964. But American farmers have moved less than 3 million bushels to destinations subject to cargo preference requirements. We have been frozen out of the market because Department of Commerce regulations have

required that 50 percent of all American grain to Eastern Europe be transported by the U.S. merchant fleet. These regulations have priced American farmers out of the market, because American shipping is not competitive with other free world carriers.

This year Eastern Europe will have a grain deficit of more than 6 million metric tons. The American farmer has a right to compete for this market. I was deeply gratified to learn, Mr. President, that this year, for the first time since 1963, the American farmer will in fact have an opportunity to sell wheat and feed grains to Eastern European destinations.

The President's decision to eliminate cargo preference requirements on shipments of grain to Eastern Europe is a statesmanlike initiative which will expand export opportunities for American agriculture and U.S. grain merchants. This initiative will promote the President's overall program of improving communications with countries behind the Iron Curtain, and will promote relaxation of tensions between NATO and the Warsaw Pact powers. Perhaps this initiative will improve the chances for mutual troop reductions in Europe. Countries which enjoy expanding trade relations for mutual benefit often are able to negotiate difficult questions involving national security.

I am not unaware of the circumstances which confront the U.S. merchant marine. The national security requires a viable merchant fleet, no less than a viable Navy. I will continue to support cargo preferences for shipments of Public Law 480 commodities, because I recognize our U.S. merchant fleet needs these shipments for survival.

But cargo preferences on cash sales to Eastern Europe have provided no benefit to our merchant fleet. These preferences have not improved opportunities for shippers; rather, they have stifled virtually all trade in commodities between the United States and affected destinations. Therefore the initiatives which President Nixon took this morning to promote trade with Eastern Europe in grain, and with Mainland China in various products, should actually promate opportunities for the U.S. merchant fleet, as well as U.S. industry and U.S. agriculture.

Mr. President, I ask unanimous consent that the text of an editorial appearing in today's Wichita Eagle be printed in the RECORD.

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

FREE FARMERS, DEALERS FROM SUBSIDIZING SHIPPING

It's about time American farmers and grain dealers were free of the burden of subsidizing American shipping.

That's the essence of a message Sen. James Pearson, R–Kansas, has sent to President Nixon. Pearson is asking that the government rescind the order, in effect since the 1940's, which requires that 50 per cent of grain shipped to certain countries be carried in American ships.

Essentially, the order affects transport of grain sold on certain credits. Senator Pearson points out that because this order affects shipment of grains to Eastern Europe, the United States has since 1965 sold less than three million bushels to that area. In the same time, Canada, Australia and France have sold 750 million bushels of wheat to that area.

The reason is easy to see. It costs 50 to 100 per cent more to ship on American vessels, so the price of the wheat must be raised to account for that cost. As a result, American wheat doesn't sell as well. American farmers and grain sellers are left with extra thousands of bushels of wheat on their hands. And the shippers suffer too, for unless American wheat sells, they don't have the ready-made cargoes this is supposed to provide.

"The 75,000 members of the Maritime Union have had no shipments to carry; therefore they have had no benefits from the preferences," the Kansas senator said. "On the other hand, one million U.S. farmers and thousands of shippers and consigners have been frozen out of a market in which they otherwise would have been competitive bidders."

In contrast to the meager sales to Eastern Europe, exports from the U.S. to Japan in one year alone, 1969–70, totaled 87.5 million bushels of wheat. Japan buys on a cash basis; the preferential shipping law doesn't apply.

It is important that American shipping be helped as much as needed so the United States will have adequate shipping of its own. But one segment of the American economy—agriculture—should not be expected to do the subsidizing. Not when every year this nation has millions of bushels of wheat carried over, unsold on domestic or foreign markets.

PROFESSOR TITMUSS ON THE COLLECTION OF BLOOD IN AMERICA AND BRITAIN

Mr. KENNEDY. Mr. President, it is difficult to overestimate the importance of maintaining an adequate blood supply for modern hospital care. Blood is critical for open heart surgery, for the treatment of wounds and burns, bleeding ulcers, and certain types of anemia, to mention only a few examples. Furthermore, blood byproducts have many medical uses. For these reasons I was particularly interested in reading a recent book review in the May 9 issue of the Washington Post by Mr. Robert Claiborne, entitled "Blood Will Tell." Mr. Claiborne reviewed "The Gift Relationship: From Human Blood to Social Policy," by Prof. Richard M. Titmuss of the University of London and the London School of Economics.

Professor Titmuss contends that blood collected through an economic framework downgrades generosity and pushes aside altruism to make way for greed. Commercial blood-banking depends on people who are willing to sell blood at a price. The current rate of hepatitis infection, caused by blood transfusions, is 2 to 4 percent among U.S. blood recipients. A sizable proportion of U.S. blood is purchased from alcoholics and addicts who are likely to be diseased and far more likely to lie about their condition. By contrast, England through its National Health Service, has managed to keep pace with the rapid increase in medical demand for blood.

An improved system for the collection and redistribution of blood will be a central part of the program for health reform in America. The comparisons with Great Britain, as cited by Professor Titmuss, are shocking. Currently, the American method of collecting blood costs 5 to 15 times more than in England. We waste 15 to 30 percent of the blood that we collect, because the blood becomes outdated after 3 weeks, or it is used unnecessarily. England has only a 2-percent waste of its blood supply.

High quality health care requires a pure and adequate supply of blood. I believe that Professor Titmuss' book raises basic questions concerning the collection and distribution of blood in America. I ask unanimous consent that Mr. Claiborne's article be printed in the RECORD.

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

BLOOD WILL TELL

(By Robert Claiborne)

For a lesson in modern political economy, consider the trade in *doolb*. In the land of Niatirb, the suppliers of this vital commodity receive no pay, and its processing and distribution are in the hands of government bureaucrats. In Acirema, by contrast, nearly all *doolb* suppliers receive cash or other tangible, individual incentives, and much of the processing and distribution is carried out for profit. Obviously, Acireman *doolb* supplies will be higher in quality, lower in price, more accurately attuned to demand, and involve far less wastage—right?

Wrong. Spelling it all backward, we find that in free-enterprise America a unit of transfusion blood costs between five and fifteen times what it does in Britain, where virtually all blood is given by volunteers and distributed by the socialized National Health Service. British blood is purer and therefore safer: The incidence of transfusion hepatitis is almost nil, as against 2 to 4 percent among U.S. blood recipients (a sizeable proportion of U.S. blood is purchased from alcoholics and junkies, who are more likely to be diseased and far more likely to lie about it). In America, between 15 and 30 percent of all collected blood is wasted—some by being used unnecessarily but most by becoming outdated (there is still no satisfactory way of preserving whole blood for more than a few weeks); the comparable figure in Britain is less than 2 percent. Finally, British blood supplies have kept pace with the rapid increase in medical demand, rising by 77 percent between 1956 and 1967; in America, the supply has risen less than a third as much, so that shortages are frequent.

Professor Titmuss's book is one of the rare ones that truly deserve that overworked adjective "thought-provoking." Simply as a first-class study of an important public health problem, it should be required reading, while its revelations on the inefficient and at times scandalous aspects of the American blood trade are potential material for at least one major Congressional investigation. But the significance of his book extends far beyond this vital but narrow area, moving from the relationship between blood donor and blood recipient to that between patient and physician, and thence to the very foundations of human societies.

Blood will tell; the way a society collects and distributes blood inevitably reflects some of its basic assumptions and values. Not surprisingly, for instance, we find that in Japan, where economic growth *à outrance* is even more of a religion than in the U.S., virtually all blood is obtained commercially—and the recipient's chance of contracting at least mild hepatitis is better (or worse) than two to one. In South Africa, white blood donors are paid four times as much as blacks. In the United States, blood and blood products

are "redistributed" from the poor to the rich, meaning that the former give more and the latter get more. And a growing tendency to purchase blood in underdeveloped countries (such as the Philippines) for American use threatens to give an unpleasantly literal twist to the old Communist epithet, "imperialist bloodsucker."

Blood economics points up some of the insanities of modern economics generally. Titmuss notes, for example, that the millions of units of blood contributed by British volunteers are reckoned as adding nothing to that country's Gross National Product, while blood purchased from donors in the U.S. *and then wasted* still "adds" to our supposed economic output. And the baneful effects of commercial blood-banking—notably, serum hepatitis—find no place whatever in conventional economic indicators, thus taking their place with such equally real but economically irrelevant phenomena as planned obsolescence and environmental pollution. The accountant constructs his balance sheets out of dollar outlays and profits; human needs and human altruism alike elude his ordered columns.

Though Titmuss does not say so, altruism—the gift relationship—is rooted deep in human nature. We have heard much nonsense in the past two decades concerning the genetically evil character of man, who is allegedly to "instinctively" hate strangers and butcher his fellows. A far stronger case can be made for the evolutionary inevitability of altruism. Functionally, it derived from the food-sharing that must exist in any species (e.g., man or wolf) where some adults hunt as a group while others look after the young; significantly, no primate species but our own systematically shares food among adults. Motivationally, altruism is doubtless linked to the growth of a capacity to derive pleasure or satisfaction from observing the satisfaction of others—a human trait which, though it is rejected by many psychologists, is a matter of common experience.

But just as man is demonstrably not murderous at all times and places, so human altruism may or may not manifest itself, depending on circumstances. Titmuss makes clear that the altruism of British blood donors is not due to any inherent superiority of his countrymen, but to the fact that in blood-banking, and in health care generally, the British have institutionalized generosity. Set up a social framework in which men are encouraged to be generous and most of them will rise to the occasion; set up one which encourages them to be selfish and most of them will sink to it. Set up, finally, a situation in which men are encouraged to kill indiscriminately, and some of them—as we are bitterly discovering—will turn out to be indiscriminate killers.

Thus the assumption that man is motivated only by immediate self-interest, with which Thomas Hobbes and his Utilitarian successors heralded the rise of modern, capitalist industrialism, turns out to be merely another of the self-fulfilling hypotheses of social and political "science." The orthodox Freudian, assuming that human nature is pervaded by sexuality, sees a phallic symbol in anything longer than it is wide. The behaviorist, dogmatizing that psychology can properly concern itself only with the simplified, atomized behavioral processes most easily studied in the laboratory, proves by his studies that animal (and even human) behavior is indeed but an aggregation of these simple atoms. And the utilitarian, having helped create a world in which human relationships have increasingly been brought—forced—into the marketplace, finds in it superb confirmation of his initial dogma: that man is governed by marketplace motives.

Titmuss would have deserved our gratitude if he had merely shown—as he has—that commercial blood-banking is grossly inferior even by the "purest" conventional economic criteria. But he has also demonstrated that in fact the very existence of such criteria is largely an illusion. There are few, if any, "pure" economic decisions. The economist, the accountant, the engineer, may delude himself that his criteria are exclusively technical, that his concern is only with output, efficiency, and the like. In fact, the decision to produce a particular product, to manufacture or distribute it within a particular institutional framework, inevitably involves human, ethical assumptions—and consequences. To make a car that wears out in ten years rather than twenty is to automatically double the ultimate output of automotive corpses that disfigure the landscape; to flood the marketplace with "disposable" goods is to load on somebody else's shoulders the burden of disposing of them. And to cast the giving of blood—which is, in a sense, the gift of life—into a commercial framework automatically downgrades generosity and, by its own version of Gresham's Law, elbows aside altruism to make way for greed. "We crave to be more kindly than we are," wrote Brecht. Amid all the competition and corruption of the marketplace, there still emerges the spirit of the gift relationship:

Not as a ladder from earth to heaven,
Not as a witness to any creed,
But simple service simply given
To their own kind in their common need.

Anyone who doubts this should read Titmuss's chapter 13, with its often moving statements by British donors concerning why they give. For example:

You can't get blood from supermarkets and chain stores. People them selves must come forward, sick people can't get out of bed to ask you for a pint to save their life . . .

A society which refuses to recognize the reality of these generous impulses, which in pursuit of an often illusory efficiency and individualism fails to give scope to the altruism and social concern of its citizens, is on the road to spiritual destruction.

UNRWA AND THE PALESTINIAN REFUGEES

Mr. HATFIELD. Mr. President, Dr. John Davis, former Commissioner-General of the United Nations Relief and Works Agency—UNRWA—is one of the most well informed and articulate American spokesmen on the plight of the Palestinian Arabs and most particularly the refugees. Today Dr. Davis delivered testimony before the Senate Foreign Relations Committee which is holding hearings on the foreign aid bill. In his testimony, Dr. Davis points to the need for additional funding for UNRWA if it is to meet its current deficit and continue to provide sanitation, food, shelter, and education for the 1.5 million refugees in the Middle East.

Dr. Davis spoke most eloquently to this matter before the Foreign Relations Committee, and I ask unanimous consent that his testimony be printed in the RECORD.

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

THE PALESTINE ARAB REFUGEES

(By John H. Davis)

Mr. Chairman, I thank the Committee for this opportunity to discuss the subject of the Palestine Arab refugees.

It is my considered judgment that the Palestine refugee problem is and always has been capable of gradual solution, if by solution one means that refugee individuals become productive and self-supporting. It also is my judgment that a solution of the refugee problem in these terms would not, of itself, bring enduring peace to the Middle East. The record of the past 23 years demonstrates that there will be no enduring peace in the Middle East until appropriate measures are taken to redress refugee rights that have been violated.

The basic ingredient for making refugees productive and self-supporting is appropriate training directed towards making refugees employable within the labor markets that exist. Such training is imperative, particularly for maturing refugee youth, no matter where they may live in the future and regardless of the degree of repatriation and compensation they may receive.

For more than twenty years the world has been told that Palestinian Arabs have remained unemployed because Arab Governments have inhibited their employment and their settlement in Arab countries—it frequently having been said that the Arab host Government "hold the refugees as hostages, in their cold war struggle with Israel." May I say categorically that this is not so; the evidence is decidely to the contrary. Following the upheaval of 1948, virtually all able-bodied male refugees who possessed skills needed in Arab countries or, for that matter, elsewhere, promptly found jobs and became self-supporting and have never been dependent on international charity. This group comprised more than twenty per cent of the total working force among the Palestinians who became refugees in 1948–1949. For the most part these persons were from the urban sector of Palestine, their good fortune being that the world needed the skills which they already possessed.

In contrast, the farming sector of the refugee population, which comprised about 70 per cent of the total refugee numbers in 1948, did not fare so well. The problem of the rural people has been, and is, that as refugees they became surplus farm workers in an era when the world at large, and Arab countries in particular, already had a surplus of people in their rural sectors. In fact, in the Arab countries into which the refugees moved, native rural youth are growing up at a rate per generation more than three times that required to replace the farm parents; a situation that is further aggravated by the fact that the typical rural holding is already too small to support adequately a family of eight to ten persons, or make efficient use of modern equipment. Hence, for the most part it was the rural refugees from Palestine who became dependent on international charity. The reason they became dependent was not that they were held as hostages, but that they were unemployable under the competitive employment conditions that then prevailed, and for that matter prevail to this day. These people definitely do not prefer charity. They are proud and industrious. They want to work and be self-supporting. I stress this point because the belief of the Western World is so much in error on it.

But the problem of the initial refugees—those made homeless in 1948—was only the beginning. Since 1948, an average of about 30,000 children from dependent refugee families have grown to maturity each year and presently the rate is 40,000 per year. This means that, during the past two decades, a total of over 600,000 young refugees have reached maturity. To understand their plight, one has merely to consider that in the Middle East, as in all developing areas of the world, the pattern is for youths to learn work habits and skills by working beside their fathers. But a high percentage of these fathers are not working because they do not fit into the existing labor market. Hence, refugee sons have had but limited opportunity, if any at all, to learn even the self-discipline of work or the skills of their fathers. Therefore, in competition with other young peo-

ple, particularly the indigenous rural boys, who are migrating from farms to urban centers in vast numbers, the maturing refugee boy has been and is at a serious disadvantage. This is so, however, not because he is being held as a hostage, or because he does not want to work. Rather it is because he, too, is unemployable in the existing labor market. The even greater tragedy is that these young people, as well as their fathers, are not just unemployable in the countries where they reside, but in the world at large, and it is for this reason, above others, that they continue to be forced to live the dreadful life of dependent refugees.

It is in the field of education that the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) has played a dramatic and vital role towards making maturing youth productive and self-supporting. UNRWA, which was established by the United Nations General Assembly in 1949, has through the years provided food, shelter, health and welfare services for a refugee community which now numbers more than a million persons. Its services have been basic to the maintenance of life for these people. However, UNRWA, in cooperation with the United Nations Educational, Scientific, and Cultural Organization (UNESCO), also has provided education for a school population of more than a quarter of a million young people. This includes elementary and secondary education, vocational training, teacher training, and university education. Virtually all of the almost 20,000 young men and women who have passed through UNRWA's specialized training centers have found employment. In addition, some 7,500 refugee teachers employed in UNRWA schools have now received in-service training for the purpose of upgrading teaching standards, improving student performance, and enabling UNRWA teachers to become accredited in the respective host countries. All of this contributes further towards making the refugees employable and self-supporting. In addition UNRWA, in cooperation with the YMCA International Alliance, has given youth leadership training to more than 25,000 refugee youth. This, too, contributes to their ability to compete in the existing labor market.

The refugee host countries of Jordan, the United Arab Republic, Syria and Lebanon have themselves been generous, hospitable and helpful to the refugees. In terms of direct assistance, they have spent in excess of $150,000,000 in helping refugees. About two-thirds of this sum has gone for education, and the balance for health services, camp sites, housing and road improvement, and the maintenance of security in the refugee camps. In addition, the people of these countries have borne with courage the economic, social and other sacrifices and hardships resulting from the presence of large numbers of refugees within their borders. Contrary to much Western thinking, the Arab host Governments have also helped qualified young refugees to obtain employment, both within the host countries and elsewhere. The result is that today tens of thousands of young Palestinians—mostly men, but an ever-growing number of women—are employed outside the host countries, thousands even in Western countries, particularly in Europe. It is tragic that during the past year this record of service by host governments to refugees has been mired by civil strife in Jordan between the refugees and the forces of the Jordan Government. But this is the exception to the rule.

Considering that the number of young refugees who have reached maturity since 1948 is now in excess of 600,000, whereas the number of persons who have received United Nations assistance towards vocational, teacher or university training is about 20,000, it is not difficult to see why the number of refugees eligible for assistance from UNRWA has grown steadily, year by year. Had the world community or, for that matter, the major powers, from 1950 onward launched a vital program in support of education and general economic development, with appropriate emphasis on specialized training in the host countries, the refugee problem would by now be well on its way to solution.

But the somber truth is that the refugee problem is not on its way to solution. It is not on the way to solution because adequate funds for specialized refugee training have never been available. More tragic still is the fact that today UNRWA faces the necessity of drastically cutting back its vital training program as an economy measure. This UNRWA is compelled to do because it is now confronted with a critical operating deficit, about $3.0 million for the year 1971. This is true even after a heroic effort by United Nations teams to raise more funds.

The Congress, recognizing the critical need of UNRWA for educational funds, increased the American contribution to UNRWA by $1.0 million for the U.S.A. fiscal years of 1970 and 1971, respectively. This, of course, is commendable, so far as it goes. But it is not enough, if we want refugee youth to be made employable.

At present the basic U.S. annual contribution to UNRWA is $22.2 million. When one increases this by the $1.0 million for expanded technical education, the total this year becomes $23.2 million. At one time America's annual contribution was at the level of $24.7 million, which is $1.5 million more than the current aggregate amount.

One way for Congress to make sure that more youths will become self-supporting is to restore the annual level of contribution to $24.7 million and earmark the additional $1.5 million for education, with a goal of keeping all educational facilities operated by UNRWA functioning to capacity. If this were done, it is to be hoped that other governments would follow America's example, thus making it possible that UNRWA's total educational program not only operate at capacity, but even be increased.

Looking beyond the years 1971 and 1972, the desperate need is for vastly expanded training facilities for the refugees, technical training being the one best assurance that maturing refugee youth will become employed and self-supporting and remain so during the whole of their lives.

A pertinent question is whether jobs will be available for refugee youth with training. In general, the answer is yes. At least for the present and the forseeable future there will be far more opportunities for employment available than there are well qualified persons to fill them. There are, of course, exceptions to this general rule, such as boys trained in the Gaza Strip. However, even these youths gradually are finding jobs. Anyway, when one considers that technical training equips a young person for a lifetime of service that extends over a period of 40 years, a short period of unemployment after graduation is not nearly as serious as growing to adulthood without having skills that make one employable.

In my opening comments I stated that it was my judgment that even a full solution to the refugee problem measured in terms of employment for refugees, would not, of itself, bring enduring peace to the Middle East. This is so because the Arab people cannot forget that the basic rights of the Palestinian Arabs were grossly violated when the State of Israel was created. The Palestinian Arabs were frightened from their homes in 1948 and 1949, their return home was then blocked by force, their property was then seized and given to new Jewish immigrants, and their homeland of Palestine was turned into a new state in which the new immigrants became citizens while most of the native-born Arabs were made foreigners, doomed to live in exile. In consequence, the Palestinian Arabs have been made a people without a country. This is the fundamental cause of conflict in the Middle East. This is the issue that, in my opinion, has to be resolved if there is to be enduring peace in the Middle East. This, of course, will take time. Meanwhile let us do our utmost of make maturing youth employable. Let us give them skills by restoring America's contribution to its previous level of $24.7 per year.

BIRTHDAY TRIBUTE TO RALPH YARBOROUGH

Mr. KENNEDY, Mr. President, on June 8, one of our most distinguished former colleagues, Ralph W. Yarborough, former chairman of the Senate Labor and Public Welfare Committee, celebrated his birthday. In honor of that occasion I think it is fitting that we take this opportunity to pay tribute to this distinguished public servant who has contributed so much to the quality of life in America.

During his 13 years of services in this body, Ralph Yarborough devoted his extraordinary talents and vast energy to finding cures for many of this country's social ills. In so doing, he compiled a record of legislative accomplishments that insure him of a prominent place in the history of the Senate and the Nation. Since his return to private life, Ralph Yarborough has continued to be a forceful advocate of all the causes and programs that he championed so eloquently in the Senate and that have served our people so well. Indeed, his tireless efforts and great contributions were recognized recently by St. Edwards University of Austin, Tex., which has just bestowed upon him an honorary doctorate degree.

In these turbulent times, America needs as never before men like Ralph Yarborough, men who are mature in wisdom and judgment but still young in ideals and spirit. Therefore, Mr. President, on behalf of his many friends in the Senate, I wish Ralph Yarborough a happy birthday and many more successful years.

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971

Mr. PEARSON. Mr. President, after careful consideration of the various health insurance proposals before the Congress, I have concluded that the Health Care Insurance Assistance Act of 1971 is a responsible solution to the difficult problems which most Americans face in financing health care. Therefore, I am pleased to join with the distinguished Senator from Wyoming (Mr. HANSEN) as cosponsor of this legislation, which is generally known as Medicredit.

Medicredit deals effectively with three fundamental problems. These include, first, the inability of poor people to acquire adequate health insurance for their families; second, the inability of most Americans to protect themselves against the staggering costs of catastrophic illness; and third, the need to establish at reasonable cost a basic health insurance policy for middle income Americans.

THE POOR

The house of delegates of the American Medical Association in December

1969, adopted the following policy statement:

It is a basic right of every citizen to have available to him adequate health care; it is a basic right of every citizen to have a free choice of physician and institution . . . ; the medical profession, using all means at its disposal, should endeavor to make good medical care available to each person. . . . Health care for the poor should not be dissociated from, but rather should be a vital part of, the over-all health care system.

I subscribe absolutely to the principle that every citizen, regardless of previous medical history or financial condition, has a right to have available to him adequate health care. Today lower income citizens cannot afford comprehensive health insurance. And lower income citizens too often neglect the fundamental health needs of children because prohibitive costs cannot be met by the family. America purports to be a just and humane society, but no society can be humane or just until each and every citizen enjoys the opportunity to receive adequate health care without depending upon the charity of the physician.

Most communities have available hospital beds for the indigent, but most communities are unable to provide hospital facilities and outpatient clinics of sufficient capacity to meet the legitimate needs of the poor. The stories which one hears about seriously overcrowded hospitals, and the discouragingly long waiting lines of people in need of medical care at outpatient clinics, are not exaggerated.

New money must be infused into our national health care system to insure that poor people receive health care which is comparable to that received by their affluent neighbors. And that new money must be Federal money, for municipalities and State government cannot meet escalating costs in this field. Everyone recognizes the pressures on the States and localities for better services. The tax base in most localities cannot sustain the burdens which adequate facilities for health care obviously impose.

The medicredit proposal which I have the honor to cosponsor today provides that the Federal Government would pay 100 percent of health insurance premiums for low-income families. This system of federally funded health insurance for the poor would replace entirely the present medicaid program, thus relieving the States of about $1.1 billion per year in medicaid obligations.

CATASTROPHIC ILLNESS

All American families, except for the very wealthy, recognize that catastrophic illness could reduce them to indigency. Last year, the Senate Finance Committee reported legislation which would protect all Americans from financial destruction as a result of catastrophic illness, but that proposal was not adopted.

The time has come to establish a Federal program which would protect every American from the impossible financial burdens of catastrophic illness, and I am pleased that medicredit contains such protection.

Under the proposal, every American family would receive insurance against the cost of catastrophic illness at Federal expense. This insurance has a sliding scale deductible, which provides that higher income families would pay a large proportion of the cost of each catastrophic illness than would a middle- or lower income family.

An example would be appropriate to illustrate the benefits of catastrophic illness protection.

Suppose a member in a family earning $10,000 per year is struck by catastrophic illness. The family would first enjoy the benefits provided by the basic health insurance plan, which includes inpatient hospital care for 60 days, and other benefits. After the basic protection is exhausted, the family would pay from its own resources the first $500 on each catastrophic illness. Federally financed catastrophic illness insurance would pay the rest. A family making $20,000 per year would pay the first $2,500 after basic coverage, and the insurance would pay thereafter. A family making $30,000 per year would pay the first $4,500 for each catastrophic illness, and the catastrophic illness insurance would cover all expenses incurred in excess of that amount.

Thus, no American family would be required to assume the financial burdens of catastrophic illness beyond its ability to pay. The cost to the Government for catastrophic illness protection for all Americans would be $800 million in the first year of program operation. I am confident the great majority of our citizens will support this program. All Americans under its protection would be relieved of potential financial destruction as a result of catastrophic illness.

MIDDLE-INCOME AMERICANS

Medicredit requires the establishment of a basic health insurance policy, to be sold by carriers meeting standards established by the various State insurance statutes. I have decided to support medicredit primarily because of the method of financing health insurance premiums for middle-income families.

Medicredit would permit families who are self-sufficient, and who pay Federal income taxes, to share the cost of health insurance coverage with the Federal Government. Under the medicredit plan, if a family owes less than $10 in Federal income taxes during the base year, the Federal Government will pay 99 percent of health insurance premiums for that family. At the other end of the scale, the family which owes more than $860 in Federal income taxes during the base year will pay 90 percent of its health insurance premiums, and the Federal Government will pay only 10 percent. Thus, the family which has the wherewithal to pay for its policy will assume most of that burden. But lower income families, and families in the lower middle income class with large numbers of children, would pay very little of their premium obligations. The Federal Government will assist all families in providing coverage to guarantee adequate health care.

It has been estimated that medicredit would cost the Federal Government about $14.5 billion in new money. Thus the Federal Government—which already purchases about 36 percent of the Nation's health care—would be assuming an obligation to pay approximately half of our commitment to health care for our citizens.

I do not suggest that this proposal is inexpensive, nor do I suggest that it is a minor step for the Federal Government. Because I am deeply committed to adequate health care for every American, regardless of previous medical history or ability to pay, I have decided that medicredit reflects a deep moral obligation which this Government ought to undertake at this time.

If medicredit is adopted, it will not require the dismantling of the health insurance industry. Health insurance companies will write basic coverage plans which are actuarially sound, and extend coverage to every American who seeks it.

Medicredit does not destroy the doctor-patient relationship, long honored in this Nation. Every individual under a basic health insurance plan would have the opportunity to seek care from the physician of his choice.

I would observe that medicredit addresses itself to the problems of financing health care. Other legislation and programs involve medical manpower supply and distribution, the method of developing care, and other problems such as environment, health education, and peer review. I have introduced legislation to bring better health delivery systems into rural America, and intend to introduce or cosponsor other legislation which would guarantee the availability of care. Such legislation is necessary to complement medicredit, which contains the guarantee that every American be able to afford the health care services needed by him and his family.

This Congress has the opportunity to enact legislation in the areas of health care financing and delivery which will improve substantially the quality of life for most Americans. I believe medicredit should be an important part of this legislative package, and am convinced that this Nation will be a better Nation, more responsive to the needs of its citizens, upon enactment.

SENATOR YOUNG, DISTINGUISHED CITIZEN OF AGRICULTURE

Mr. HRUSKA. Mr. President, the National Milk Producers Federation recently took a very commendable action when it presented its first Distinguished Citizen of Agriculture Award to our friend and colleague from North Dakota (Mr. YOUNG).

It would have been impossible for the federation to have chosen a better recipient for the first presentation of its new award. MILTON YOUNG has proved on countless occasions during his 26 years in this Body to be a stanch and unwavering advocate and supporter of the Nation's agricultural community.

He likewise has been in the forefront of those of us who have labored diligently and unceasingly to resolve agriculture's problems, in order to bring a true and lasting prosperity to the industry which is so critical to the national welfare.

A farmer himself in his early years, MILTON YOUNG has throughout more than 40 years of public service to his State and

Nation, been a leader in the efforts to make and sustain American agriculture as the most efficient and most productive system in the world.

He has also persistently portrayed agriculture as an important facet of American life and a way of life which has helped make this country a bulwark of freedom in a troubled world. A great deal of the philosophy which has molded and propelled this country to its unmatched achievements as emanated from our agricultural background.

Senator YOUNG has certainly been a leader in all of our efforts to preserve and enhance our agricultural system. No one could be more deserving of the industry's award than the Senator from North Dakota.

Mr. President, I ask unanimous consent that the text of the citation and a press release from the National Milk Producers Federation be printed in the RECORD.

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

CITATION

Distinguished Citizen of Agriculture, Milton R. Young, United States Senator from North Dakota.

National Milk Producers Federation takes pride in presenting its annual award in recognition of distinguished service and dedication to American agriculture and to the farmers of our great nation, May 19, 1971.

SENATOR YOUNG HONORED AS DISTINGUISHED CITIZEN OF AGRICULTURE

WASHINGTON, D.C., May 19, 1971.—Senator Milton R. Young (R–N.D.) today received a Distinguished Citizen of Agriculture award from the National Milk Producers Federation.

"The nation and his home State of North Dakota can be extremely proud of the outstanding and distinguished career of Senator Young," stated Patrick B. Healy, Secretary of the National Milk Producers Federation. "Throughout his dedicated public life, he has been a highly effective friend of agriculture, as well as a devoted statesman serving the interests of all citizens."

The National Milk Producers Federation selected Young for its first presentation of a new Distinguished Citizen of Agriculture award. The award was presented at a dinner of the Board of Directors of the Federation in Washington, D.C. A handsomely bound book containing letters from President Nixon, members of Congress, and other officials and dignitaries was also presented to the Senator.

For Senator Young, congratulations came from top leadership in both Democratic and Republican parties:

"The National Milk Producers Federation has made an excellent selection for its first Distinguished Citizen of Agriculture award," wrote President Nixon. "You have chosen to recognize a man whose dedication to the well-being of the American farmer and the role of agriculture in our economy is celebrated not only in his native State of North Dakota but throughout the Nation. . . ."

"Please accept my heartiest congratulations on your being selected for the Distinguished Citizen of Agriculture award," stated Senator Mike Mansfield (D-Mont.), Majority Leader of the Senate. "There is no man in the United States Senate who is more deserving or who has done more for agriculture."

"Your drive, dedication and intricate knowledge in the field of agriculture . . . makes you a uniquely valuable member of the United States Senate," said Senator Hugh Scott (R-Pa.), Minority Leader of the Senate.

"Virtually every piece of major farm legislation during the past quarter of a century of your Senate service carries your imprint . . .," said Senator Hubert Humphrey (D-Minn.).

Excerpts of other letters of congratulations (including a full text of the President's message) are reprinted below.

The National Milk Producers Federation has made an excellent selection for its first Distinguished Citizen of Agriculture award. You have chosen to recognize a man whose dedication to the well-being of the American farmer and to the role of agriculture in our economy is celebrated not only in his native State of North Dakota, but throughout the Nation.

During more than forty years of public service, Senator Milton Young has fought many impressive battles on behalf of farmers' rights, bargaining powers, the control of dairy imports, the protection of dairy products against imitations, the promotion of milk programs and a host of other important agriculture causes.

The unflagging service for which he is honored on this occasion rests on his strong conviction that agriculture is something more than just a source of income or a source of food supplies for millions of Americans. He believes, as I do, that agriculture is also a way of life which reflects the idealism, perseverance and courage that are characteristic of our Nation's history.—President Richard Nixon.

Your contribution to our country in the field of agriculture has been tremendous.—Representative Gerald Ford

In the Senate you are "Mr. Agriculture."—Senator Bob Griffin

I know of no one who has served the Nation's agriculture more effectively or more devotedly.—Senator Herman E. Talmadge

I can readily attest to your efforts in behalf of the American farmer and the farming industry.—Senator Allen J. Ellender

We have worked together for what we each thought was for the good of agriculture.—Representative Bob Poage

I have seen you go to bat time and again on behalf of fair treatment for American agriculture.—Senator George D. Aiken

It has been my privilege to have the benefit of your vast experience and advice in the field of Agriculture.—Senator Bob Dole

Your contribution toward the continued production and supply of that perfect food, milk, through your imaginative and sustained legislative leadership has done much to build the minds and bodies of our young people and provide basic nutrition for all people.—Senator Margaret Chase Smith

Your friendship for the farmer and our rural community is unquestioned.—Senator Roman L. Hruska

I have felt that you were the foremost spokesman of agriculture in the entire United States Congress.—Senator Carl T. Curtis

It is no light honor that this respected group has singled you out for such recognition.—Senator Gordon Allott

You have played a key role in the formulation and implementation of major farm policies.—Senator Gale W. McGee

No one has contributed more.—Representative Les Arends

Distinguished is none too strong an adjective for the service you have rendered to agriculture.—Representative Al Quie

I know of no one who has contributed more.—Representative Jamie Whitten

We all join in extending you our best wishes and appreciation.—Representative Ancher Nelsen

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BRINGING THE CITIES BACK TO LIFE

Mr. HRUSKA. Mr. President, there is much confusion about the proper roles of government and the private sector in restoring our cities and creating new communities. There are those among us who would place the burden for such activities solely on the already overburdened Federal Government, even though history has proven that Government alone has a rather poor record for solving such problems.

Our national successes to date can be attributed primarily to our capacity to leave to the private sector those responsibilities which it can best handle and to relegate to Government only those which the private sector cannot accomplish. It is my firm conviction that when we stray far from this philosophy we not only diminish the return for our efforts but we endanger the foundation of our entire system.

This is why it was pleasing to me to note in the June 7, 1971, issue of U.S. News & World Report a comprehensive interview with David Rockefeller, chairman of the board of the Chase Manhattan Bank, a man who is eminently qualified to enlighten us in the field of urban affairs and community development.

Mr. Rockefeller proposes an imaginative plan to harness Government's capacity to acquire large areas of land together with the private sector's ability to arrange the capital formation necessary to underwrite major renewal or development projects. Such a combination of talents, it must be conceded, is a most welcome alternative to proposals such as we are constantly besieged with, that is, proposals that the Federal Government attempt to underwrite the major portion of the projects. Those who believe that our Federal Treasury has no bottom to it will no doubt disagree, but reason must indicate that the job we are talking about in our cities is beyond the scope of even our bountiful although overworked largess.

Mr. President, it is my opinion that Mr. Rockefeller clearly addresses the subject in the terms and on the scale that we must reckon with. I strongly recommend his remarks to my colleagues and I ask unanimous consent that the text of his interview in the U.S. News & World Report be printed in the RECORD.

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

WHAT IT WILL TAKE TO BRING CITIES BACK TO LIFE

(Interview with David Rockefeller, chairman, Chase Manhattan Bank)

Q. Mr. Rockefeller, are the big cities close to collapse, as some of the mayors say they are?

A. While that particular statement may be a little overdramatic, it certainly is true that the big cities are in real trouble.

Q. Why do you say that?

A. The school system, law enforcement, the welfare system, housing and other aspects of city administration have deteriorated markedly in the last several years, and perhaps at an accelerating pace.

Q. Is that because city governments need more money?

A. Revenue is certainly a part of it. But, more importantly, the problem stems from the changing composition of the cities. In the period since World War II, two basic trends have developed:

On the one hand, our nation—though it has become increasingly productive from an

agricultural point of view—has become much more mechanized, so that the number of agricultural laborers has declined sharply, with the result that in the agricultural areas, particularly in the South, there is less employment than formerly. This has induced many agricultural workers to move to the large cities, where they felt there would be greater opportunities for them.

At the same time, the home-loan programs of the Federal Housing Administration and the Veterans Administration made it possible for a great many more people in the middle classes to build and own their own houses. By and large, they chose to build them in the suburbs rather than in the central cities. So we've seen an exodus of the middle-income groups from the cities at the same time that we've had an influx of lower-income groups to the cities.

This has had an important bearing on the economy of the city, for the city was required to provide more services for these low-income families that were moving in than it had for the middle-income families that were moving out. But the newcomers, with generally lower incomes, were producing less in taxes, so that there were decreased means to meet the larger requirements. And of course, at the same time, the trouble was compounded by inflation, which added still another burden on city finances.

Q. Do you think that the welfare system attracts Southern migrants to the big cities?

A. There is difference of opinion on that. Although I'm not sure that one could say it is the predominant inducement, it is at least a collateral inducement. It is surely true that the welfare benefits provided by the State have differed considerably—and, by and large, the Northern States have provided more generously than some of the Southern States. That probably does have some influence on migration.

Q. Haven't the States and the Federal Government been pouring billions into cities to help them meet their problems?

A. Yes. But in retrospect, the money hasn't been spent as wisely as it could have been. I think as we look back now at the federal program, which gained momentum in the '40s and '50s, there are two criticisms that perhaps could be made of it:

It concentrated almost exclusively on housing and not other related community activities, and I think this has proven to be a mistake. The funds were not used to build a rounded community; they merely built houses. So while people were placed in new and better housing, they were not placed into a new and better form of community life. Often, in fact, the vital element of community life was less than it was before.

I think that if we were starting this program over again today, we would do it on a different basis.

The other difficulty is that most of the public housing was built in the core areas, and since it was subsidized, it was only for the lowest-income groups. This exacerbated the trend of concentrating the poor families in the central cities, while the middle-income families were pouring into the suburbs. We're learning now that it's necessary for communities to be more mixed, in terms of income levels, if they're to be viable and acceptable communities.

Q. Do the cities have too many people who are unemployable?

A. It is surely true that there are more poorly educated people among the families in the "ghettos" and core areas, and this is partly the product of the fact that the cities haven't had the funds to provide good schooling. The quality of schooling in the inner cities seems to be declining significantly. But it's also the product of all the other social ills that go with "ghetto" life, such as broken families—which are encouraged by the present welfare system—dope addiction and crime.

All of these things have gone together, and the result is that a great many of the young people in the core areas are poorly educated, badly motivated and, hence—without special additional training—unemployable.

Q. Why do you say the welfare setup has encouraged drug use?

A. Because I think that people living in slum conditions, with very little opportunity for recreation or employment, are more subject to pushers who encourage young children to feel that taking drugs is the thing to do. They start them with marijuana, and all too frequently add a little heroin or opium with the marijuana so as to hook the youngsters, and then they're off. And this is what one sees to an increasing degree.

Q. Are you saying the drug users are people looking for an escape?

A. I suppose that's a factor. In any case, slum families are certainly exposed much more than others, although the use of drugs among the young is by no means confined to poor families.

Q. Do zoning regulations contribute to the concentration of poor families in the central cities?

A. Zoning has been an important factor in many areas. And in some cities, notably New York, rent-control laws, which have been maintained since World War II, have contributed importantly and are partly responsible for the abandonment of housing which is going on at a shocking rate in New York City today.

Q. Is that a growing problem?

A. Yes. The present rate of abandonment in New York is about 25,000 units per year, which is an enormous number. And, of course, when these homes are abandoned, they not only cease to be a source of tax revenue, but they are a charge on the city. They are broken into, often become havens for criminals, and are fire hazards.

Q. Isn't that process extending to stores and other commercial establishments in the blighted areas?

A. It's happening to them, too.

Now, the reason that rent control affects housing this way is that the landlords can't afford to make improvements, because they can't get rents that are sufficient to justify them.

Q. Rent control is a special New York problem, isn't it?

A. Yes. But there is widespread abandonment of buildings in other cities as well.

Q. You've been talking about families moving out of the big cities. How about businesses? Why are so many of them leaving the cities?

A. Businesses are leaving the cities for a variety of reasons. Crime, rising tax and insurance rates, and congestion are among the reasons. Also, many feel there is a more plentiful supply of better-quality labor in the suburbs. Others feel they are following their customers. Additional factors sometimes include room for expansion, aesthetics and convenience of commuting. However, the road isn't all one way, for many businesses are still flocking to the city—and others, having tried the suburbs, have come back, for they missed the dynamism, the excitement, the culture and the marketplace for the exchange of ideas that only the large cities provide.

Q. Is there any possibility of rebuilding the cities and making them attractive to people of all income levels?

A. I think there is. I have been studying with a number of my colleagues in the bank and outside what the causes are of insufficient construction and lack of a good development program within the cities, and it's our conclusion that there are two prime missing links:

On the one hand, fragmented land ownership, zoning laws and building codes make it difficult for developers to assemble and develop large tracts of land either within core areas of cities or outside. The private sector is willing to do its part, but our Government must foster private initiative by both identifying development opportunities and removing obstacles to appropriate projects.

We need a national urban-growth and development policy. I think that such a national policy should include the rejuvenation of existing cities, suburban areas, small towns and new communities.

Q. What's wrong with the present federal urban-renewal program?

A. It isn't broad enough. It only deals with segments of the problem. What needs to be done is to develop whole new communities rather than units of housing, or commercial establishments, or industrial areas separately.

Q. Do you mean whole new communities within cities.

A. And outside. It's estimated that there will be 75 million more people in the United States by the end of this century. To accommodate all these people in new cities would require 650 new cities of 100,000 people and 10 cities of a million.

Now, of course, it won't be done just that way. But this gives you some idea of the magnitude of the problem that we have to deal with. There's going to be a need for quite a number of new cities, and this is going to require the attention of the Federal Government, working with State and local governments, to develop the kind of sound, national, urban-growth policy which was called for in the Housing Act of 1970.

We are proposing that an agency of the Federal Government identify areas which are consistent with this national growth policy, help acquire the land, and make sure that the building codes and zoning for the land are consistent with an intelligent development program.

Q. Should the agency take over a big part of a city and decide what was going to be done with it, or would the city government have a veto?

A. Local communities and States have to have some degree of veto power. Just how this would be worked out is one of the things that need to be studied further. I think there must be effective power of eminent domain in the federal agency, but qualified so that the States and localities don't feel they're just being ridden over roughshod.

Q. Why can't the job of buying and developing land be done with private capital by private investors?

A. That brings me to the second part of our plan:

I said the first need is for an agency which has to be governmental, which can identify and acquire land for development that would be in accord with an over-all policy. We're also proposing a quasi-public or private bank, which we have suggested be called the National Urban Development Bank. This would be set up on a nationwide basis, perhaps along the lines of the Federal Reserve System, with a chairman who would be appointed by the President of the United States, and members of the board from each of the States and key cities.

This bank would get its funds partly from commercial banks, who would put in the equity, and partly from insurance companies and pension funds and other institutions of that kind who would make loans to the bank at favorable interest rates.

Q. Would investments in the development bank be guaranteed by the Federal Government?

A. No. The bank would go to the designated federal agency and say: "We will underwrite repurchase of the land which you have now acquired and assembled, find a developer, and make available to him the funds he needs to put in the necessary utilities, roads and so on. He won't have to start repaying immediately, because it is going to be some time be-

fore he puts in all the facilities and can realize a return."

It's this predevelopment money that is presently lacking. We see no reason why it could not be provided from private sources through this nonprofit corporation. The banks and insurance companies who put up the money would be doing so because they felt it was part of their social obligation to do so, and they would hope—we believe realistically—to receive a reasonable rate of interest and ultimately get back their capital.

Q. Would the developers get the land for less than cost?

A. For land for new cities outside the present cities, the developers would pay 101 per cent of what the Growth Administration had paid for the land. In other words, the federal agency would get back a small increment to help pay its administrative expenses.

Q. How about land for redevelopment in present cities?

A. The cost of assembling that land is already very high—uneconomically high. That is the reason the private builders haven't gone in and done something with it. So, in these areas, there would have to be a write-down on the value of the land—a one-time subsidy by the Federal Government.

RENEWAL: 50 BILLIONS IN 10 YEARS

Q. Just how much do you figure all this will cost?

A. We estimate that to provide the predevelopment and land-acquisition money for new cities will take about 10 billion dollars over a period of 10 to 20 years. Redevelopment in the older cities might require four times that much—40 billion. So we are talking about a total of something like 50 billion in all. Spread over a period of about 10 years, that is not an unmanageable sum, because, during this time, some of the funds would be rolled over—that is, they would be used, repaid and then used again.

Q. How much federal money would be needed by the designated Government agency in order for it to make the initial purchases of land?

A. There, again, you are talking about a revolving fund. I would think maybe 1 or 2 billion dollars would do it.

Q. Is it likely that the new communities you're talking about may aggravate the problem of the cities by encouraging more businesses and people to move out?

A. Part of the job of the Federal Government's agency responsible for an urban-growth policy would be to determine where these communities should go, how they fit into an over-all national growth policy. That's why I say that the Government entity is the first essential, without which this program couldn't work.

Q. As a practical matter, will most of the development you're talking about take place outside of the existing cities?

A. The population is so great that it has to take place both inside and outside.

I've already discussed this plan with a number of city officials in New York, and they're quite excited about the idea. They feel that there may well be areas in New York City where it could work. I'm sure the same would be true in other very large cities.

Q. What's the federal reaction to your proposal?

A. I am happy to say that there has been real interest. We've really run up against no one who has thought that we are way off base.

One of our major goals now is to continue to explain this proposal throughout the various branches of the Federal Government, for we have sensed that many persons of all political persuasions in the Congress, for example, have sensed the gravity of the problems and are, themselves, seeking solutions.

Q. After the land is acquired and the developer provides the basic facilities, then what happens?

A. Most of the development from then on would be done by private builders. The developer selected by the National Urban Development Bank would be the over-all supervisor of the new community, as, for example, the Rouse Company is in the new city of Columbia, Md. They undertook that development entirely on their own—with the assistance of banks and insurance companies.

Q. Under your proposal, will the developer have to submit a plan to the national agency showing just what is going to be built?

A. Yes. And, with the help of the bank, it would be up to the developer to go out and find industries, merchants, builders and others to come in and put up the money to construct individual segments of the community—stores, homes, offices, factories. This is in addition to the 50 billion dollars for land and basic facilities.

Now, there will be some public money required, if it's a brand-new city. A local government would have to be created which could issue bonds and levy taxes for schools and public buildings of that kind. But the bulk of the funds would come from private developers and industries.

Q. Developers of some of the new towns being built today seem to feel they have to have federal loan guarantees in order to make development feasible. Why is that? Do you think your plan will work without guarantees?

A. Up to now, developments by and large have been too small. They haven't had the assistance of Government in acquiring land or suitable zoning and building codes.

Depending on circumstances, the developer may or may not have less money tied up under our proposal, but the land would be freer of restrictions, and development would take place according to an over-all plan which would envisage balanced, small communities and neighborhoods within the larger complex.

I think that is one of the interesting features of Columbia, that they are creating small integrated neighborhoods—integrated both as to income level and racial background—which promise to work extremely well. They are developing along lines that are acceptable to the people who move in.

Q. How could you apply that concept to a decayed area such as Harlem? Would you wipe out everything and rebuild the area?

A. I suspect that for portions of Harlem that might be necessary. But there are areas in New York City—in Brooklyn and Queens and the Bronx and perhaps also in Harlem—which have gone so far downhill, have so many abandoned buildings, that it would not be impossible to acquire a very large area.

Q. Wouldn't you uproot a lot of people in the process?

A. Not if you started with one section involving a very small removal of families, and built on that first, giving people the opportunity to move from another section into it, and so on.

There are some areas where there are virtually no people living.

Q. Can the old buildings be renovated, or do you have to redevelop these slum areas with modern apartment houses?

A. A great deal depends upon the character of the buildings, but experience up till now with rehabilitating obsolete and deteriorated buildings has not been good. It has been terribly expensive, and by and large it hasn't worked. But when you say, "Put up modern apartments," that might or might not be the type of building a developer would choose.

I think the important thing is to try to create viable communities rather than groups of isolated apartment buildings. That is exactly where we made the mistake in the past.

One would hope to have many sizes and types of housing within each community, hopefully suitable for different income levels. For people with the lowest incomes, there would be a need for housing subsidies.

Q. Would a family of four that could afford to pay, say, $450 a month rent on an apartment feel comfortable living next to a family that could pay only $135?

A. I believe that if communities are developed the right way, giving adequate freedom of choice to the people who come in, income levels will not necessarily represent built-in incompatibility.

But what the proportions should be, and so on, I think these are things that have to be worked out. I don't pretend that I have a blueprint that would work everywhere. I'm sure it would vary from city to city.

NEW SOURCES OF TAX REVENUE

Q. How would redevelopment help the cities to overcome their financial and racial troubles?

A. It would bring new life and new sources of tax revenue into areas which have progressively been producing less and less in the way of taxes.

Q. Do you think it might attract people in the suburbs back to the cities?

A. This could well be. I don't think this is at all out of the question, if the development is done on a large-enough scale and with a good over-all pattern that makes it attractive.

If people can walk to work or can go to work easily in 10 or 15 minutes, they would much prefer it to the present setup, where many people in New York are commuting one and two and even three hours each way daily under very uncomfortable and unpleasant conditions.

There is under way now the development of housing along the fringes of lower Manhattan which is going to enable a good many thousands of families to live there and walk to work. This isn't a blighted area, fortunately, but 15 years ago there was a risk that it might become so. It has come back as a result of the concerted action of the local landowners and businesses working in the closest harmony with the city, the State and the Federal Government.

Q. Can you see maufacturers moving back into New York and other cities they have left?

A. I don't consider this to be out of the question at all, provided they can be assured of a labor force.

Q. Is it your feeling that there is something good about cities—that people like to live in them?

A. Yes. After all, they did in the past. I still like to. And I think most people would like to much more if they saw the prospect of an improving community rather than a deteriorating community. But here, I think, is where you have to deal with large areas rather than just a few houses in a block.

Q. Mr. Rockefeller, you have just returned from a trip abread. Are the Europeans ahead of the Americans in coping with the problems of the older cities?

A. I think many European cities have done a better job with housing than we have. They have created housing developments which have become much more attractive neighborhood centers.

Q. Are you speaking of public or private housing?

A. Both.

Q. Big apartment buildings or small townhouses?

A. That varies from city to city. By and large, they tend to build walk-up apartments, not the high-rises we have. But somehow they have created a more pleasing atmosphere than I think we have in many of our cities.

Q. Have racial animosities made the problem more difficult in the U.S.?

A. I'm sure that is part of the problem. And another part is the cost of construction,

which reflects many factors, among them building codes, zoning requirements and trade-union restrictions.

It all adds up to the fact that we have not yet been able to apply to housing—one of our most important industries—the mass-production techniques that we apply to automobiles or, for that matter, to house trailers. And one reason that we see a tremendous growth of mobile homes is that they are not subject to the same restrictions that non-mobile homes are.

Q. Is that good or bad?

A. Well, I think it's bad in the sense that some of the mobile-home parks are a blight on the countryside in appearance. I see no reason why it wouldn't be possible—if one could clear away these problems that I mentioned—to build attractive, permanent homes using the same techniques that have been used in the manufacture of mobile homes. Some day this will come.

Q. Do you expect the new cities to be made up mostly of apartment houses or single-family homes?

A. I would hope for a considerable mixture—some townhouses, some condominium-type, multiple-family units, and some apartment houses.

Q. What kinds of commitments have you been able to get from the companies that would have to put up the money for the development bank you are proposing?

A. We haven't asked for any commitments yet. We've talked with a number of banks and insurance companies, and on the whole we've gotten a favorable response.

I think that American business recognizes that it is in its own interest and the interest of our country to find a way to solve the extraordinarily great urban problems that we face, and that it has a responsibility to play its part. Business will put up the money, if it sees a way in which it can play a part without losing money but perhaps accepting somewhat less attractive terms than it would normally expect.

You're probably familiar with the fact that the insurance industry has already committed a billion dollars for urban housing. And the banking community recently pledged a like amount and is well on the way to investing that for specific projects in the cities.

So our plan is not completely new. It simply is an idea that would enable a great many more institutions to invest. Favorable response to this proposal has encouraged us to further refine and test it. To this end we have retained the Real Estate Research Corporation, a management-consulting firm specializing in all aspects of real estate planning and development.

Q. Are the banks investing in large housing projects in New York City?

A. Yes. For example, we and a number of other banks are involved in one on the East Side of New York—in landfill on the river. Waterside is the name of it. This required a 75-million-dollar loan to put up mixed housing, a good deal of it low-income.

SHAPING "FUTURE OF OUR SOCIETY"

Q. Do you consider your plan the big thing that's going to save the cities?

A. I can't believe that any one project is going to be their salvation. What we have done is to identify the roadblocks which have prevented large-scale redevelopment and new community building on a viable basis.

The future of our cities—indeed, the future of our American society—depends on the continuing renewal of older communities and the building of new communities. Major commitments by both the public and private sectors are essential. Government must do what it can do best through its powers of planning, co-ordination, regulation, land acquisition and subsidy. Given this, business will provide the management, manpower, material and financing needed to rebuild our existing cities and create new ones.

We, then, are proposing mechanisms for both the Government and the private sector to perform in their respective roles. One mechanism is a purely public agency for urban growth-and-development policy. The other is a private National Urban Development Bank. If these could provide what has been lacking, then I think this proposal could make a significant contribution.

Q. Do you think the President will look favorably on this proposal?

A. I am hopeful that he will. Thus far, the response from people at the White House has been encouraging.

GEORGE W. NORRIS HOME NATIONAL HISTORIC SITE

Mr. HRUSKA. Mr. President, my colleague (Mr. CURTIS) and I have introduced a bill, S. 1130, to have the home of the late Senator George W. Norris made into a national historic site under the care and direction of the National Park Service. The Legislature of Nebraska has now passed a resolution strongly endorsing that bill, and I ask unanimous consent that the legislative resolution may be printed in the RECORD.

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

LEGISLATURE OF NEBRASKA LEGISLATIVE RESOLUTION 81

Whereas, the Honorable George W. Norris, late a resident of McCook, Nebraska, served his state and nation with statesmanship and distinction as District Judge of the 14th Judicial District for seven years, as United States Congressman from Nebraska's Fifth Congressional District for ten years and as United States Senator from Nebraska for thirty years; and

Whereas, his outstanding career provided for his recognition as a national historical figure; and

Whereas, his home at 706 Norris Avenue, McCook, Nebraska with its furnishings has been given to the public by his family and can be an inspiration to present and future generations of the nation.

Now, therefore, be it resolved by the members of the eighty-second legislature of Nebraska, first session:

1. That this Legislature urges the Nebraska members in Congress to encourage congressional support of Senate file 1130, which bill is to make the Norris Home in McCook, Nebraska, a National Historical Site under the National Park Service.

2. That copies of this resolution be sent to the Nebraska congressional delegates.

FRANK MARSH,
President of the Legislature.

I, Vincent D. Brown, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 81, which was passed by the Legislature of Nebraska in Eighty-second Legislature, First Session, on the twenty-sixth day of May, 1971.

VINCENT D. BROWN,
Clerk of the Legislature.

ORDER FOR RECOGNITION OF SENATOR PERCY AND SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Alaska (Mr. GRAVEL), for not to exceed 15 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, following the remarks on tomorrow of the distinguished Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 12 o'clock noon.

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

CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the expiration of the period for the transaction of routine morning business on tomorrow, the unfinished business be laid before the Senate.

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

ORDER FOR LIMITATION OF TIME ON SPEECHES DURING THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, during the period for the transaction of routine morning business, statements therein be limited to 3 minutes.

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

WAIVER OF THE GERMANENESS RULE THROUGHOUT THE DAY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that, in view of the fact that a time agreement has been reached on amendment No. 143 by Senator MCGOVERN and others, the Pastor rule of germaneness be waived throughout the day tomorrow.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I now suggest what I hope will be the final quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. Following the recognition of the two leaders under the standing order, the Chair will recognize the distinguished Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes; following which the Chair will recognize the distinguished Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

At the close of the two orders mentioned, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock noon.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531. The pending business will be amendment No. 143 by Senator MCGOVERN and others. Time thereon is controlled.

When the Senate completes its business tomorrow, it will stand in adjournment until 11 a.m. on Monday next.

I foresee no rollcall votes tomorrow. However, as Senators are aware, of course, amendments to the amendment may be called up at any time and votes may occur thereon.

ADJOURNMENT TO 11 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 11 a.m. tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 11, 1971, at 11 a.m.

NOMINATION

Executive nominations received by the Senate June 10, 1971:

U.S. TARIFF COMMISSION

Joseph O. Parker, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1977, vice Bruce E. Clubb, term expiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 10, 1971:

DISTRICT OF COLUMBIA COUNCIL

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1974:

Margaret A. Haywood, of the District of Columbia.

Joseph P. Yeldell, of the District of Columbia.

Henry K. Willard, of the District of Columbia.

EXTENSIONS OF REMARKS

BICENTENNIAL CELEBRATION OF PERU

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1971

Mr. CONTE. Mr. Speaker, it is indeed an honor for me to call to the attention of the House the bicentennial celebration of Peru, a small village in Berkshire County of Massachusetts. Peru, with its tiny population of about 150 people, has a colorful history of a mountain town settled by the hardy pioneer types that reflect the finest traditions of New England perseverance and independence.

The tract of land that Peru now occupies was originally sold at auction in Boston to one Elisha Jones in 1762. After the sale, a man from Hatfield, Mass., named Oliver Partridge became the joint proprietor, and the town was incorporated in 1771 as Partridgefield, a name bestowed in his honor. Peru received its present name in 1806 when the townspeople decided their town's name should be shortened. The present name was suggested by the Reverend John Leland, "because," he said, "it is like the Peru of South America, a mountain town, and if no gold or silver mines are under her rocks, she favors hard money and begins with a P."

The remarks of Reverend Leland reflect the rugged geography of the village on which only the toughest and most dedicated settlers could endure the long cold winters and till the rocky soil to make a living. Peru is considered to be the highest village in the Commonwealth, situated at the summit of the Berkshires at an altitude of nearly 2,300 feet. As late as the early part of this century the roads were so rugged and the winter snows so heavy that church services were held only from May until November, and the schools were closed from Christmas until March.

Many families, not so long ago, still kept the old New England custom of "storing up for the winter." These families, many of whom lived miles from the main roads, would supply themselves with enough canned food, barrels of potatoes and apples, logs for the parlor and kitchen stoves, and kerosene for the wick lamps to last them through the long, cold, hard months. And if you went into any woodshed, you probably would have seen a huge carcass of pork or beef hanging from the rafters.

All these scenes of rugged individualism and determination are really quite recent, and some still remain today. The spirit and conviction of the hard pioneer life certainly exists in Peru to this day, and her citizens are proud of their heritage. Two virtues that the inhabitants of Peru still value from the early days are self-sufficiency and the ability to solve their own problems, no matter how tough the circumstances.

I am told that there is a story that Peru townspeople still tell that illustrates this tradition of personal drive and ingenuity. As the story goes, back in 1799 a man named Charles Ford moved to Peru to seek his fortune in the new town. He traveled with all his worldly possessions, which consisted of a horse and cart, a yoke of oxen, and one hog. The long trip by foot took its toll on the poor hog, and it eventually became footsore and caused much delay. Mr. Ford, who was a shoemaker, sat down on the roadside and made small leather boots for his hog's road-weary feet. After fitting his traveling companion with his custom-made footwear, Mr. Ford and his entourage were able to proceed to Peru without further difficulty.

Today, Peru has, because of the austere beauty and solitude of the mountain range, many summer residents who escape the pressures of city living to enjoy the beautiful scenery and foliage and the bounding trout streams that are indigenous to the area.

Peru, in its long history as a true New England democratic community, has kept one of the finest examples of meaningful self-government ever devised. I am referring, of course, to the institution of the town meeting. Since the original warrant for the first town meeting was issued by William Williams in 1771, the people of Peru have met every year. The town meeting day is now on the 2d of March, and it is an exciting day for the entire town. All the citizens, including those voters living in other towns and cities during the winter, turn out for this great event. Occasionally, the intensity of debate reaches a high pitch, as important matters such as schools, money appropriations, cemeteries and roads are discussed. In the true spirit of fair play, however, there have never been any serious disturbances as the contest continues—not along partisan lines of Republicans and Democrats, but between those on one side in local affairs, and those on the other. All local issues are discussed in this form of honest debate, with each citizen having an equal say. But whatever the issue, respect for points of law and for one another is observed by all.

I must say that, in these days of social tension and complex government bureaucracy with which we are only too familiar here in Washington, it is certainly refreshing to know of this fine tradition that the town of Peru has maintained throughout the years. This dedication to the ideal of personal involvement in self-government is a fine and meaningful example for us city folk, and a goal to which we should all be dedicated.

What is reflected in these annual town meetings is the spirit that these people show, not on one day, but on every day of the year. They are a fine people and carry on their lives in the best traditions of democracy and selfrespect. Therefore, Mr. Speaker, I am proud to honor the town of Peru, Mass., on the occasion of its 200th anniversary.